

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 358
94TH GENERAL ASSEMBLY

Reported from the Committee on Transportation May 2, 2007 with recommendation that House Committee Substitute for Senate Substitute for Senate Bill No. 358 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1534L.05C

AN ACT

To repeal sections 301.010, 301.020, 301.130, 301.143, 301.144, 301.147, 301.221, 301.225, 301.229, 301.301, 301.444, 301.550, 301.560, 301.640, and 307.179, RSMo, and to enact in lieu thereof nineteen new sections relating to motor vehicles, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 301.010, 301.020, 301.130, 301.143, 301.144, 301.147, 301.221, 301.225, 301.229, 301.301, 301.444, 301.550, 301.560, 301.640, and 307.179, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 301.007, 301.010, 301.020, 301.029, 301.130, 301.143, 301.144, 301.147, 301.221, 301.225, 301.229, 301.301, 301.444, 301.550, 301.560, 301.569, 301.640, 307.179, and 307.357, to read as follows:

301.007. 1. Any declaration, statement, or other document required to be made or filed pursuant to this chapter or chapter 306, RSMo, shall be signed in accordance with regulations or instructions prescribed by the director of revenue and the director of revenue shall have the power to administer oaths to individuals filing such declaration, statement, or other document. The fact that an individual's name is signed to a declaration, statement, or other document shall be prima facie evidence that the individuals signed the declaration, statement, or other document.

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.

8 **2. The making or filing of any declaration, statement, or other document required**
9 **to be made pursuant to this chapter or chapter 306, RSMo, shall constitute a certification**
10 **by the person making or filing such declaration, statement, or other document, or copy**
11 **thereof, that the statements contained therein are true and that any copy filed is a true**
12 **copy.**

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260,
2 RSMo, and sections 307.010 to 307.175, RSMo, 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 pounds or less, traveling on three, four or more low pressure tires, with a seat designed
6 to be straddled by the operator, or with a seat designed to carry more than one person, and
7 handlebars for steering control;

8 (2) "Automobile transporter", any vehicle combination designed and used specifically
9 for the transport of assembled motor vehicles;

10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
11 included between two parallel transverse vertical planes forty inches apart, extending across the
12 full width of the vehicle;

13 (4) "Boat transporter", any vehicle combination designed and used specifically to
14 transport assembled boats and boat hulls;

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

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

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

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

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

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

28 (11) "Driveaway operation":

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

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

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

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

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

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

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

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

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

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

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

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

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

60 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways
61 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

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

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

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

71 (b) An area that extends not more than a radius of fifty miles from its home base of
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
73 projects not involving soil and water conservation.

74 Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered
75 as a commercial motor vehicle or local commercial motor vehicle;

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

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

97 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
98 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
99 state, used to transport harvested forest products, operated solely at a forested site and in an area
100 extending not more than a [fifty-mile] **one hundred-mile** radius from such site, operates with
101 a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight
102 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated

103 on the national system of interstate and defense highways described in Title 23, Section 103(e)
104 of the United States Code, such vehicle does not exceed the weight limits contained in section
105 304.180, RSMo, and does not have more than three axles and does not pull a trailer which has
106 more than two axles. Violations of axle weight limitations shall be subject to the load limit
107 penalty as described for in sections 304.180 to 304.220, RSMo;

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

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

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

119 (31) "Manufacturer", any person, firm, corporation or association engaged in the
120 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

121 (32) "Mobile scrap processor", a business located in Missouri or any other state that
122 comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder
123 or scrap metal operator for recycling;

124 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
125 receives a new, rebuilt or used engine, and which used the number stamped on the original
126 engine as the vehicle identification number;

127 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
128 except farm tractors;

129 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational
130 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
131 twelve thousand pounds:

132 (a) Offered for hire or lease; or

133 (b) The owner of which also owns ten or more such motor vehicles;

134 (36) "Motorcycle", a motor vehicle operated on two wheels;

135 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
136 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
137 produces less than three gross brake horsepower, and is capable of propelling the device at a
138 maximum speed of not more than thirty miles per hour on level ground;

139 (38) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
140 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
141 A motortricycle shall not be included in the definition of all-terrain vehicle;

142 (39) "Municipality", any city, town or village, whether incorporated or not;

143 (40) "Nonresident", a resident of a state or country other than the state of Missouri;

144 (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
145 compliance with United States emissions or safety standards;

146 (42) "Operator", any person who operates or drives a motor vehicle;

147 (43) "Owner", any person, firm, corporation or association, who holds the legal title to
148 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
149 thereof with the right of purchase upon performance of the conditions stated in the agreement
150 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
151 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
152 or mortgagor shall be deemed the owner for the purpose of this law;

153 (44) "Public garage", a place of business where motor vehicles are housed, stored,
154 repaired, reconstructed or repainted for persons other than the owners or operators of such place
155 of business;

156 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
157 rebuilder, but does not include certificated common or contract carriers of persons or property;

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

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

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

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

175 called a "double saddlemount combination". When three vehicles are towed in this manner, the
176 combination is called a "triple saddlemount combination";

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

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

180 (a) Has been damaged to the extent that the total cost of repairs to rebuild or reconstruct
181 the vehicle to its condition immediately before it was damaged for legal operation on the roads
182 or highways exceeds seventy-five percent of the fair market value of the vehicle immediately
183 preceding the time it was damaged;

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

187 (c) Has been declared salvage by an insurance company as a result of settlement of a
188 claim for loss due to damage or theft;

189 (d) Ownership of which is evidenced by a salvage title; or

190 (e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section
191 304.157, RSMo, and designated with the words "salvage/abandoned property".

192

193 The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of
194 repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or any sales
195 tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition,
196 "fair market value" means the retail value of a motor vehicle as:

197 a. Set forth in a current edition of any nationally recognized compilation of retail values,
198 including automated databases, or from publications commonly used by the automotive and
199 insurance industries to establish the values of motor vehicles;

200 b. Determined pursuant to a market survey of comparable vehicles with regard to
201 condition and equipment; and

202 c. Determined by an insurance company using any other procedure recognized by the
203 insurance industry, including market surveys, that is applied by the company in a uniform
204 manner;

205 (52) "School bus", any motor vehicle used solely to transport students to or from school
206 or to transport students to or from any place for educational purposes;

207 (53) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
208 corporation as an incidental service to transport patrons or customers of the regular business of
209 such person, firm, or corporation to and from the place of business of the person, firm, or

210 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
211 buses or as commercial motor vehicles;

212 (54) "Special mobile equipment", every self-propelled vehicle not designed or used
213 primarily for the transportation of persons or property and incidentally operated or moved over
214 the highways, including farm equipment, implements of husbandry, road construction or
215 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
216 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
217 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
218 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
219 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
220 shall not operate to exclude other such vehicles which are within the general terms of this
221 section;

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

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

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

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

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

240 (60) "Truck", a motor vehicle designed, used, or maintained for the transportation of
241 property;

242 (61) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
243 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
244 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second

245 semitrailer and has one less articulation point than the conventional "A dolly" connected
246 truck-tractor semitrailer-trailer combination;

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

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

254 (64) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
255 firm, corporation, association, city, county or state agency, or any member thereof, for the
256 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
257 and from their place of employment; however, a vanpool shall not be included in the definition
258 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this
259 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section
260 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
261 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
262 monetary profit other than for use in a ride-sharing arrangement;

263 (65) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
264 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
265 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
266 operated by handicapped persons;

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

271 (67) "Wrecker or towing service", the act of transporting, towing or recovering with a
272 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
273 tow truck, rollback or car carrier for which the operator directly or indirectly receives
274 compensation or other personal gain.

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven
2 upon the highways of this state, except as herein otherwise expressly provided, shall annually
3 file, by mail or otherwise, in the office of the director of revenue, an application for registration
4 on a blank to be furnished by the director of revenue for that purpose containing:

5 (1) A brief description of the motor vehicle or trailer to be registered, including the name
6 of the manufacturer, the vehicle identification number, the amount of motive power of the motor

7 vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a
8 motor vehicle primarily for business use as defined in section 301.010;

9 (2) The name, the applicant's identification number and address of the owner of such
10 motor vehicle or trailer;

11 (3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a
12 commercial motor vehicle or trailer.

13 2. If the vehicle is a motor vehicle primarily for business use as defined in section
14 301.010 and if such vehicle is five years of age or less, the director of revenue shall [retain]
15 **obtain** the odometer information [provided in the vehicle inspection report] **in a manner**
16 **prescribed by rule**, and provide for prompt access to such information, together with the vehicle
17 identification number for the motor vehicle to which such information pertains, for a period of
18 five years after the receipt of such information. This section shall not apply unless:

19 (1) The application for the vehicle's certificate of ownership was submitted after July 1,
20 1989; and

21 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

22 3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business
23 use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor
24 vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age
25 or less, the director of revenue shall [retain] **obtain** the odometer information [provided in the
26 vehicle inspection report] **in a manner prescribed by rule**, and provide for prompt access to
27 such information, together with the vehicle identification number for the motor vehicle to which
28 such information pertains, for a period of five years after the receipt of such information. This
29 subsection shall not apply unless:

30 (1) The application for the vehicle's certificate of ownership was submitted after July 1,
31 1990; and

32 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

33 4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle,
34 specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010,
35 or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the
36 certificate of ownership. The owner shall make an application for a new certificate of ownership,
37 pay the required title fee, and obtain the vehicle examination certificate required pursuant to
38 subsection 9 of section 301.190. If an insurance company which pays a claim on a salvage
39 vehicle as defined in section 301.010 and the insured is retaining ownership of the vehicle, as
40 prior salvage, the vehicle shall only be required to meet the examination requirements under and
41 pursuant to subsection 10 of section 301.190. Notarized bills of sale along with a copy of the
42 front and back of the certificate of ownership for all major component parts installed on the

43 vehicle and invoices for all essential parts which are not defined as major component parts shall
44 accompany the application for a new certificate of ownership. If the vehicle is a specially
45 constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be
46 submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the
47 invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance
48 of a special number by the director of revenue or a replacement vehicle identification number,
49 the applicant shall submit the required application and application fee. All applications required
50 under this subsection shall be submitted with any applicable taxes which may be due on the
51 purchase of the vehicle or parts. The director of revenue shall appropriately designate
52 "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or
53 "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate
54 of ownership of such vehicle.

55 5. Every insurance company which pays a claim for repair of a motor vehicle which as
56 the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010
57 or which pays a claim on a salvage vehicle as defined in section 301.010 and the insured is
58 retaining ownership of the vehicle, shall in writing notify the claimant, if he is the owner of the
59 vehicle, and the lienholder if a lien is in effect, that he is required to surrender the certificate of
60 ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain
61 a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise
62 required by law to obtain a salvage certificate of ownership, from the director of revenue. The
63 insurance company shall within thirty days of the payment of such claims report to the director
64 of revenue the name and address of such claimant, the year, make, model, vehicle identification
65 number, and license plate number of the vehicle, and the date of loss and payment.

66 6. Anyone who fails to comply with the requirements of this section shall be guilty of
67 a class B misdemeanor.

68 7. An applicant for registration may make a donation of one dollar to promote a
69 blindness education, screening and treatment program. The director of revenue shall collect the
70 donations and deposit all such donations in the state treasury to the credit of the blindness
71 education, screening and treatment program fund established in section 192.935, RSMo. Moneys
72 in the blindness education, screening and treatment program fund shall be used solely for the
73 purposes established in section 192.935, RSMo, except that the department of revenue shall
74 retain no more than one percent for its administrative costs. The donation prescribed in this
75 subsection is voluntary and may be refused by the applicant for registration at the time of
76 issuance or renewal. The director shall inquire of each applicant at the time the applicant
77 presents the completed application to the director whether the applicant is interested in making
78 the one dollar donation prescribed in this subsection.

79 8. An applicant for registration may make a donation of one dollar to promote an organ
80 donor program. The director of revenue shall collect the donations and deposit all such
81 donations in the state treasury to the credit of the organ donor program fund as established in
82 sections 194.297 to 194.304, RSMo. Moneys in the organ donor fund shall be used solely for
83 the purposes established in sections 194.297 to 194.304, RSMo, except that the department of
84 revenue shall retain no more than one percent for its administrative costs. The donation
85 prescribed in this subsection is voluntary and may be refused by the applicant for registration at
86 the time of issuance or renewal. The director shall inquire of each applicant at the time the
87 applicant presents the completed application to the director whether the applicant is interested
88 in making the one dollar donation prescribed in this subsection.

**301.029. 1. Any self-propelled sprayer, floater, or other form of implement of
2 husbandry that is used for spraying chemicals or spreading fertilizer for agricultural
3 purposes may be moved or operated on the highways of this state without complying with
4 the provisions of this chapter relating to titling, registration and the display of license
5 plates.**

**6 2. The exemption from titling, registration, and the display of license plates
7 provided for in subsection 1 of this section shall apply whether the described vehicles are
8 laden or unladen.**

**9 3. All other requirements of the law relating to motor vehicles, unless the context
10 clearly provides otherwise, shall apply to the vehicles described in subsection one of this
11 section when operated on the highways of this state.**

**12 4. As used in this section, the term "implements of husbandry" means all
13 self-propelled machinery manufactured to be operated at low speeds, specifically designed
14 for, or especially adapted to be capable of, incidental over-the-road and primary offroad
15 usage and used exclusively for the application of commercial plant food materials or
16 agricultural chemicals.**

**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 motor vehicle may request and be issued two license plates for such vehicle, and if
25 such plates are issued the director of revenue may assess and collect an additional charge from
26 the applicant in an amount not to exceed the fee prescribed for personalized license plates in
27 subsection 1 of section 301.144.

28 4. The plates issued to manufacturers and dealers shall bear the [letter "D" preceding the
29 number] **letters and numbers as prescribed by section 301.560**, and the director may place
30 upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and
31 other types of motor vehicles.

32 5. No motor vehicle or trailer shall be operated on any highway of this state unless it
33 shall have displayed thereon the license plate or set of license plates issued by the director of
34 revenue or the state highways and transportation commission and authorized by section 301.140.
35 Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts
36 thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not
37 impaired. **Each such plate may be encased in a transparent cover so long as the plate is**
38 **plainly visible and its reflective qualities are not impaired.** License plates shall be fastened
39 to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of
40 twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than
41 forty-eight inches above the ground, with the letters and numbers thereon right side up. The
42 license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on
43 the rear of such vehicles, with the letters and numbers thereon right side up. The license plate
44 on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed
45 in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than
46 eight nor more than forty-eight inches above the ground, with the letters and numbers thereon

47 right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section,
48 displayed in the same manner on the front and rear of such vehicles. The license plate or plates
49 authorized by section 301.140, when properly attached, shall be prima facie evidence that the
50 required fees have been paid.

51 6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as
52 provided by law as evidence of the annual payment of registration fees and the current
53 registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may
54 prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs
55 positively correlate with the license plate or plates issued by the department of revenue for such
56 vehicle. Such tabs shall be produced in each license bureau office.

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

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

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

64 (5) For those commercial motor vehicles and trailers registered pursuant to section
65 301.041, the plate issued by the highways and transportation commission shall be a permanent
66 nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve
67 the owner of any vehicle permanently registered pursuant to this section from the obligation to
68 pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall
69 be returned to the highways and transportation commission upon the sale or disposal of the
70 vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may
71 be transferred to a replacement commercial motor vehicle when the owner files a supplemental
72 application with the Missouri highways and transportation commission for the registration of
73 such replacement commercial motor vehicle. Upon payment of the annual registration fee, the
74 highways and transportation commission shall issue a certificate of registration or other suitable
75 evidence of payment of the annual fee, and such evidence of payment shall be carried at all times
76 in the vehicle for which it is issued.

77 (6) Upon the sale or disposal of any vehicle permanently registered under this section,
78 or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued
79 for such vehicle shall be returned to the highways and transportation commission and shall not
80 be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle
81 when the owner files a supplemental application with the Missouri highways and transportation
82 commission for the registration of such replacement vehicle. If a vehicle which is permanently

83 registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated,
84 the registrant shall be given credit for any unused portion of the annual registration fee when the
85 vehicle is replaced by the purchase or lease of another vehicle during the registration year.

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

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

95 9. [Commencing] **No later than** January 1, 2009, the director of revenue shall [cause
96 to be reissued] **commence the reissuance of** new license plates of such design as directed by the
97 director consistent with the terms, conditions, and provisions of this section and this chapter.
98 Except as otherwise provided in this section, in addition to all other fees required by law,
99 applicants for registration of vehicles with license plates that expire [between January 1, 2009,
100 and December 31, 2011] **during the period of reissuance**, applicants for registration of trailers
101 or semitrailers with license plates that expire between January 1, 2009, and December 31, 2011,
102 and applicants for registration of vehicles that are to be issued new license plates shall pay an
103 additional fee, based on the actual cost of the reissuance, to cover the cost of the newly reissued
104 plates required by this subsection. The additional fee prescribed in this subsection shall not be
105 charged to persons receiving special license plates issued under section 301.073 or 301.443.
106 Historic motor vehicle license plates registered pursuant to section 301.131 and specialized
107 license plates are exempt from the provisions of this subsection.

301.143. 1. As used in this section, the term "vehicle" shall have the same meaning
2 given it in section 301.010, and the term "physically disabled" shall have the same meaning
3 given it in section 301.142.

4 2. Political subdivisions of the state may by ordinance or resolution designate parking
5 spaces for the exclusive use of vehicles which display a distinguishing license plate or card
6 issued pursuant to section 301.071 or 301.142. Owners of private property used for public
7 parking shall also designate parking spaces for the exclusive use of vehicles which display a
8 distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Whenever
9 a political subdivision or owner of private property so designates a parking space, the space shall
10 be indicated by a sign upon which shall be inscribed the international symbol of accessibility and
11 shall also include any appropriate wording to indicate that the space is reserved for the exclusive

12 use of vehicles which display a distinguishing license plate or card. The sign described in this
13 subsection shall also state, or an additional sign shall be posted below or adjacent to the sign
14 stating, the following: "\$50 to \$300 fine."

15 3. Any political subdivision, by ordinance or resolution, and any person or corporation
16 in lawful possession of a public off-street parking facility or any other owner of private property
17 may designate reserved parking spaces for the exclusive use of vehicles which display a
18 distinguishing license plate or card issued pursuant to section 301.071 or 301.142 as close as
19 possible to the nearest accessible entrance. Such designation shall be made by posting
20 immediately adjacent to, and visible from, each space, a sign upon which is inscribed the
21 international symbol of accessibility, and may also include any appropriate wording to indicate
22 that the space is reserved for the exclusive use of vehicles which display a distinguishing license
23 plate or card.

24 4. The local police or sheriff's department may cause the removal of any vehicle not
25 displaying a distinguishing license plate or card on which is inscribed the international symbol
26 of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled
27 veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or card
28 issued by any other state from a space designated for physically disabled persons if there is
29 posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed
30 the international symbol of accessibility and may include any appropriate wording to indicate that
31 the space is reserved for the exclusive use of vehicles which display a distinguishing license plate
32 or card. Any person who parks in a space reserved for physically disabled persons and is not
33 displaying distinguishing license plates or a card is guilty of an infraction and upon conviction
34 thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred
35 dollars. Any vehicle which has been removed and which is not properly claimed within thirty
36 days thereafter shall be considered to be an abandoned vehicle.

37 5. Spaces designated for use by vehicles displaying the distinguishing "disabled" license
38 plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the federal
39 Americans with Disabilities Act, as amended, and any rules or regulations established pursuant
40 thereto. Notwithstanding the other provisions of this section, on-street parking spaces designated
41 by political subdivisions in residential areas for the exclusive use of vehicles displaying a
42 distinguishing license plate or card issued pursuant to section 301.071 or 301.142 shall meet the
43 requirements of the federal Americans with Disabilities Act pursuant to this subsection and any
44 such space shall have clearly and visibly painted upon it the international symbol of accessibility
45 and any curb adjacent to the space shall be clearly and visibly painted blue.

46 6. Any person who, without authorization, uses a distinguishing license plate or card
47 issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under authority
48 of this section shall be guilty of a class B misdemeanor.

49 7. Law enforcement officials may enter upon private property open to public use to
50 enforce the provisions of this section and section 301.142, including private property designated
51 by the owner of such property for the exclusive use of vehicles which display a distinguishing
52 license plate or card issued pursuant to section 301.071 or 301.142.

53 8. Nonconforming signs or spaces otherwise required pursuant to this section which are
54 in use prior to August 28, 1997, shall not be in violation of this section during the useful life of
55 such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs
56 or spaces be extended by means other than those means used to maintain any sign or space on
57 the owner's property which is not used for vehicles displaying a disabled license plate.

58 **9. Beginning August 28, 2007, all new signs erected under this section shall contain**
59 **the words "Accessible Parking" in lieu of the words "Handicap Parking".**

 301.144. 1. The director of revenue shall establish and issue special personalized license
2 plates containing letters or numbers or combinations of letters and numbers. Such license plates
3 shall be made with fully reflective material with a common color scheme and design, shall be
4 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.
5 Any person desiring to obtain a special personalized license plate for any motor vehicle the
6 person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial
7 motor vehicle licensed in excess of eighteen thousand pounds gross weight shall apply to the
8 director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in
9 addition to the regular registration fees. The director of revenue shall issue rules and regulations
10 setting the standards and establishing the procedure for application for and issuance of the special
11 personalized license plates and shall provide a deadline each year for the applications. Any rule
12 or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the
13 authority delegated in this section shall become effective only if it complies with and is subject
14 to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
15 section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the
16 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to
17 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. No
19 two owners shall be issued identical plates. An owner shall make a new application and pay a
20 new fee each year such owner desires to obtain or retain special personalized license plates;
21 however, notwithstanding the provisions of subsection 8 of section 301.130 to the contrary, the
22 director shall allow the special personalized license plates to be replaced with new plates every

23 three years without any additional charge, above the fee established in this section, to the renewal
24 applicant. Any person currently in possession of an approved personalized license plate shall
25 have first priority on that particular plate for each of the following years that timely and
26 appropriate application is made.

27 2. Upon application for a personalized plate by the owner of a motor vehicle for which
28 the owner has no registration plate available for transfer as prescribed by section 301.140, the
29 director shall issue a temporary permit authorizing the operation of the motor vehicle until the
30 personalized plate is issued.

31 3. No personalized license plates shall be issued containing any letters, numbers or
32 combination of letters and numbers which are obscene, profane, patently offensive or
33 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
34 an unreasonable danger to the health or safety of the applicant, of other users of streets and
35 highways, or of the public in any location where the vehicle with such a plate may be found. The
36 director may recall any personalized license plates, including those issued prior to August 28,
37 1992, if the director determines that the plates are obscene, profane, patently offensive or
38 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
39 an unreasonable danger to the health or safety of the applicant, of other users of streets and
40 highways, or of the public in any location where the vehicle with such a plate may be found.
41 Where the director recalls such plates pursuant to the provisions of this subsection, the director
42 shall reissue personalized license plates to the owner of the motor vehicle for which they were
43 issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the
44 standards established pursuant to this section. The director shall not apply the provisions of this
45 statute in a way that violates the Missouri or United States Constitutions as interpreted by the
46 courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle
47 licence plates is to identify motor vehicles. Nothing in the issuance of a personalized license
48 plate creates a designated or limited public forum. Nothing contained in this subsection shall be
49 interpreted to prohibit the use of license plates, which are no longer valid for registration
50 purposes, as collector's items or for decorative purposes.

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

57 5. The director of revenue shall issue to residents of the state of Missouri who hold an
58 unrevoked and unexpired official amateur radio license issued by the Federal Communications

Commission, upon application and upon payment of the additional fee specified in subsection 1 of this section, except for a person exempted from the additional fee pursuant to subsection 7 of this section, personalized special license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission to the applicant with the words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The application shall be accompanied by a statement stating that the applicant has an unrevoked and unexpired amateur radio license issued by the Federal Communications Commission and the official radio call letters assigned by the Federal Communications Commission to the applicant. An owner making a new application and paying a new fee to retain an amateur radio plate may request a replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". If application is made to retain a plate that is three years old or older, the replacement plate shall be issued upon the payment of required fees.

6. Notwithstanding any other provision to the contrary, any business that repossesses motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard displaying the word "Repossessed", provided such business pays the fees presently required of a manufacturer, distributor, or dealer in subsection 1 of section [301.253] **301.560**. Such placard shall bear a number and shall be in such form as the director of revenue shall determine, and shall be only used for demonstrations when displayed substantially as provided for number plates on the rear of the motor vehicle or trailer.

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

301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue [may] **shall** provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

11 (2) Presentation of all documentation otherwise required by law for vehicle registration
12 including, but not limited to, a personal property tax receipt or certified statement for the
13 preceding year that no such taxes were due as set forth in section 301.025, **and** proof of [a] **any**
14 **applicable** motor vehicle safety inspection and any applicable emission inspection conducted
15 within sixty days prior to the date of application and proof of insurance as required by section
16 303.026, RSMo. **If a motor vehicle owner is exempt from submitting proof of a motor**
17 **vehicle safety inspection under the provisions of section 307.357, RSMo, then the motor**
18 **vehicle owner shall submit an affidavit stating that the motor vehicle has fewer than fifty**
19 **thousand miles and newer than five years old.**

20 2. The director of revenue may prescribe rules and regulations for the effective
21 administration of this section. The director is authorized to adopt those rules that are reasonable
22 and necessary to accomplish the limited duties specifically delegated within this section. Any
23 rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated
24 pursuant to the authority delegated in this section shall become effective only if it has been
25 promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536,
26 RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to
27 chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are
28 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
29 or adopted after July 1, 2000, shall be invalid and void.

30 3. The director of revenue shall have the authority to stagger the registration period of
31 motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand
32 pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial
33 registration, such registration must be maintained for the full twenty-four month period.

301.221. 1. The department shall file each application received by it with the required
2 fee, and when satisfied that the applicant, if an individual, or each of the partners or principal
3 officers of the applicant, if a partnership or a corporation, is of good moral character and that the
4 applicant, so far as can be ascertained, has complied and will comply with the provisions of
5 sections 301.217 to 301.229 and the laws of this state relating to registration of and certificates
6 of title of vehicles, shall issue to the applicant a license to carry on and conduct the kind of
7 businesses, enumerated in section 301.218, specified in the application at the address therein
8 specified, until the next license renewal date.

9 2. When the application is being made for licensure as a salvage dealer, a certification
10 by a uniformed member **or an authorized or designated employee** of the Missouri state
11 highway patrol stationed in the troop area in which the applicant's place of business is located;
12 except, that in counties of the first classification, certification may be performed by an officer
13 of a metropolitan police department when the applicant's established place of business of salvage

14 is in the metropolitan area where the certifying metropolitan police officer is employed. An
15 applicant shall have a bona fide established place of business which shall include a permanent
16 enclosed building or structure, either owned in fee or leased and actually occupied as a place of
17 business by the applicant for:

- 18 (1) Selling used parts of or used accessories for vehicles; or
- 19 (2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof; or
- 20 (3) Rebuilding and repairing wrecked or dismantled vehicles; or
- 21 (4) Processing scrapped vehicles or vehicle parts.

22 3. The applicant's place of business shall be a place wherein the public may contact the
23 owner or operator, in person or by telephone, at any reasonable time, and wherein shall be kept
24 and maintained the books, records, files, tools, equipment and other matters required and
25 necessary to conduct the business.

26 4. The application shall include a photograph, not to exceed eight inches by ten inches,
27 showing the building and business premises and shall accompany the initial application but will
28 not be required for subsequent renewals unless substantial changes have been made to the
29 building or business premises.

301.225. Every person licensed or required to be licensed shall maintain for three years
2 on vehicles not more than seven years old a record of:

3 (1) Every vehicle or used transmission, rear end, cowl, frame, body, front end assembly
4 or engine of or for a vehicle received or acquired by him, its description and identifying number,
5 if any, the date of its receipt or acquisition, and the name and address of the person from whom
6 received or acquired;

7 (2) Every vehicle wrecked, dismantled or disposed of by him, and the date of its
8 wrecking or dismantling and, if sold to a scrap metal operator, the operator's name and address.
9 Every such record shall be retained by the person licensed or required to be licensed at his
10 principal place of business and shall be open to inspection by any representative of the
11 department, member **or authorized or designated employee** of the Missouri highway patrol,
12 or any police officer during reasonable business hours. Members of the patrol or any police
13 officer may inspect the premises of every person licensed or required to be licensed at any time
14 that business is being conducted or work is being performed, whether or not open to the public
15 to enforce the provisions of sections 301.217 to 301.229.

301.229. 1. Anyone who violates any provision of sections 301.217 to 301.229 is guilty
2 of a class A misdemeanor and, upon conviction, shall be punished as provided by law.

3 2. The director of revenue or his **or her** designated representative, **including members**
4 **or authorized or designated employees of the Missouri state highway patrol** shall administer
5 and enforce the provisions of sections 301.217 to 301.229 and may develop, prescribe and issue

6 any forms, notices or other written documents in order to enforce such authority and to ensure
7 that every person licensed or required to be licensed pursuant to sections 301.217 to 301.229 is
8 in compliance with sections 301.217 to 301.229.

301.301. **1. Any person replacing a stolen license plate tab issued on or after January**
2 **1, 2009,** may receive at no cost up to two sets of two license plate tabs per year when the
3 application for the replacement tab is accompanied with a police report that is corresponding
4 with the stolen license plate tab.

5 **2. Any person replacing a stolen license plate tab issued prior to January 1, 2009,**
6 **may receive at no cost up to two sets of two license plate tabs per year when the application**
7 **for the replacement tab is accompanied with a notarized affidavit verifying that such**
8 **license plate tab or tabs were stolen.**

301.444. 1. [Any person, as defined in subsection 3 of this section, may apply for special
2 license plates for any motor vehicle such person owns, either solely or jointly, other than an
3 apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen
4 thousand pounds gross weight. The firefighter memorial foundation of Missouri hereby
5 authorizes the use of its official emblem to be affixed on multiyear personalized license plates
6 as provided in this section.

7 2. Upon application and payment of a one-time twenty-five dollar emblem-use
8 contribution to the firefighter memorial foundation of Missouri, the foundation shall issue to the
9 vehicle owner, without further charge, an emblem-use authorization statement, which shall be
10 presented to the department of revenue at the time of registration of a motor vehicle.

11 3. As used in this section, the term "person" shall mean:

12 (1) A director of a fire protection district;

13 (2) Persons compensated, partially compensated, or volunteer members of any fire
14 department, fire protection district, or voluntary fire protection association of this state;

15 (3) A person wounded in the line of duty as a firefighter; or

16 (4) A surviving spouse, parent, brother, sister, or adult child, including an adopted child
17 or stepchild, of a person killed in the line of duty as a firefighter.

18 4. Upon presentation of the emblem-use authorization statement and payment of a fifteen
19 dollar fee in addition to the regular registration fees and presentation of other documents which
20 may be required by law, the department of revenue shall issue a personalized license plate to the
21 vehicle owner, which shall bear the emblem of the firefighter memorial foundation of Missouri
22 and the word "FIREFIGHTER" in place of the words "SHOW-ME STATE". Such license plates
23 shall be made with fully reflective material with a common color scheme and design, shall be
24 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

25 Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the
26 personalization of license plates pursuant to this section.

27 5. The director of revenue may promulgate rules and regulations for the administration
28 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
29 that is created under the authority delegated in this section shall become effective only if it
30 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
31 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
32 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay
33 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
34 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall
35 be invalid and void.] **Owners or a joint owner of motor vehicles who are residents of the**
36 **state of Missouri, and who are directors of a fire protection district or who are**
37 **compensated, partially compensated, or volunteer members of any fire department, fire**
38 **protection district, or voluntary fire protection association in this state, upon application**
39 **accompanied by affidavit as prescribed in this section, complying with the state motor**
40 **vehicle laws relating to registration and licensing of motor vehicles, and upon payment of**
41 **a fee as prescribed in this section, shall be issued a set of license plates for any motor**
42 **vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle**
43 **or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.**
44 **The license plates shall be inscribed with a variation of the Maltese cross that signifies the**
45 **universally recognized symbol for firefighters. In addition, upon such set of license plates**
46 **shall be inscribed, in lieu of the words "Show-me State", the word "FIREFIGHTER".**
47 **Such license plates shall be made with fully reflective material, shall be clearly visible at**
48 **night, and shall be aesthetically attractive, as prescribed by section 301.130.**

49 2. Applications for license plates issued under this section shall be made to the
50 director of revenue and shall be accompanied by an affidavit stating that the applicant is
51 a person described in subsection 1 of this section. Any person who is lawfully in possession
52 of such plates who resigns, is removed, or otherwise terminates or is terminated from his
53 association with such fire department, fire protection district, or voluntary fire protection
54 association shall return such special plates to the director within fifteen days.

55 3. An additional annual fee equal to that charged for personalized license plates in
56 section 301.144 shall be paid to the director of revenue for the issuance of the license plates
57 provided for in this section.

301.550. 1. The definitions contained in section 301.010 shall apply to sections 301.550
2 to 301.573, and in addition as used in sections 301.550 to 301.573, the following terms mean:

3 (1) "Boat dealer", any natural person, partnership, or corporation who, for a commission
4 or with an intent to make a profit or gain of money or other thing of value, sells, barter,
5 exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the
6 sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such
7 person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be
8 required as evidence that such person is eligible for licensure as a boat dealer under sections
9 301.550 to 301.573. The boat dealer shall demonstrate eligibility for renewal of his license by
10 selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as
11 a boat dealer pursuant to sections 301.550 to 301.573;

12 (2) "Boat manufacturer", any person engaged in the manufacturing, assembling or
13 modification of new vessels or vessel trailers as a regular business, including a person,
14 partnership or corporation which acts for and is under the control of a manufacturer or assembly
15 in connection with the distribution of vessels or vessel trailers;

16 (3) "Department", the Missouri department of revenue;

17 (4) "Director", the director of the Missouri department of revenue;

18 (5) **"Emergency vehicles", motor vehicles used as ambulances, law enforcement
19 vehicles, and fire fighting and assistance vehicles;**

20 (6) "Manufacturer", any person engaged in the manufacturing, assembling or
21 modification of new motor vehicles or trailers as a regular business, including a person,
22 partnership or corporation which acts for and is under the control of a manufacturer or assembly
23 in connection with the distribution of motor vehicles or accessories for motor vehicles;

24 [(6)] (7) "Motor vehicle broker", a person who holds himself out through solicitation,
25 advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale
26 of a motor vehicle, and who is not:

27 (a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;

28 (b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf
29 of a manufacturer;

30 (c) The owner of the vehicle involved in the transaction; or

31 (d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are
32 licensed dealers in this or any other jurisdiction;

33 [(7)] (8) "Motor vehicle dealer" or "dealer", any person who, for commission or with
34 an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges,
35 leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale
36 of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such
37 person; provided, however, an individual auctioneer or auction conducted by an auctioneer
38 licensed pursuant to chapter 343, RSMo, shall not be included within the definition of a motor

39 vehicle dealer. The sale of six or more motor vehicles or trailers in any calendar year shall be
40 required as evidence that such person is engaged in the motor vehicle business and is eligible for
41 licensure as a motor vehicle dealer under sections 301.550 to 301.573;

42 [(8)] (9) "New motor vehicle", any motor vehicle being transferred for the first time
43 from a manufacturer, distributor or new vehicle dealer which has not been registered or titled in
44 this state or any other state and which is offered for sale, barter or exchange by a dealer who is
45 franchised to sell, barter or exchange that particular make of motor vehicle. The term "new
46 motor vehicle" shall not include manufactured homes, as defined in section 700.010, RSMo;

47 [(9)] (10) "New motor vehicle franchise dealer", any motor vehicle dealer who has been
48 franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that
49 make and motor vehicle and who may, in line with conducting his business as a franchise dealer,
50 sell, barter or exchange used motor vehicles;

51 [(10)] (11) "Person" includes an individual, a partnership, corporation, an
52 unincorporated society or association, joint venture or any other entity;

53 [(11)] (12) "Powersport dealer", any motor vehicle dealer who sells, either pursuant to
54 a franchise agreement or otherwise, primarily motor vehicles including but not limited to
55 motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this
56 chapter and chapter 306, RSMo;

57 [(12)] (13) "Public motor vehicle auction", any person, firm or corporation who takes
58 possession of a motor vehicle whether by consignment, bailment or any other arrangement,
59 except by title, for the purpose of selling motor vehicles at a public auction by a licensed
60 auctioneer;

61 [(13)] (14) "Storage lot", an area, within the same city or county where a dealer may
62 store excess vehicle inventory;

63 [(14)] (15) "Used motor vehicle", any motor vehicle which is not a new motor vehicle,
64 as defined in sections 301.550 to 301.573, and which has been sold, bartered, exchanged or given
65 away or which may have had a title issued in this state or any other state, or a motor vehicle so
66 used as to be what is commonly known as a secondhand motor vehicle. In the event of an
67 assignment of the statement of origin from an original franchise dealer to any individual or other
68 motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the
69 vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership
70 shall be obtained in the assignee's name. The term "used motor vehicle" shall not include
71 manufactured homes, as defined in section 700.010, RSMo;

72 [(15)] (16) "Used motor vehicle dealer", any motor vehicle dealer who is not a new
73 motor vehicle franchise dealer;

74 [(16)] (17) "Vessel", every boat and watercraft defined as a vessel in section 306.010,
75 RSMo;

76 [(17)] (18) "Vessel trailer", any trailer, as defined by section 301.010 which is designed
77 and manufactured for the purposes of transporting vessels;

78 [(18)] (19) "Wholesale motor vehicle auction", any person, firm or corporation in the
79 business of providing auction services solely in wholesale transactions at its established place
80 of business in which the purchasers are motor vehicle dealers licensed by this or any other
81 jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary
82 course of its business. Except as required by law with regard to the auction sale of a government
83 owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in
84 connection with the retail sale of a motor vehicle;

85 [(19)] (20) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor
86 vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via
87 auctions limited to other dealers of any class.

88 2. For purposes of sections 301.550 to 301.573, neither the term "motor vehicle" nor the
89 term "trailer" shall include manufactured homes, as defined in section 700.010, RSMo.

90 3. Dealers shall be divided into classes as follows:

- 91 (1) Boat dealers;
- 92 (2) Franchised new motor vehicle dealers;
- 93 (3) Used motor vehicle dealers;
- 94 (4) Wholesale motor vehicle dealers;
- 95 (5) Recreational motor vehicle dealers;
- 96 (6) Historic motor vehicle dealers;
- 97 (7) Classic motor vehicle dealers; and
- 98 (8) Powersport dealers.

301.560. 1. In addition to the application forms prescribed by the department, each
2 applicant shall submit the following to the department:

- 3 (1) Every application other than a renewal application for a motor vehicle franchise
4 dealer shall include a certification that the applicant has a bona fide established place of business.
5 When the application is being made for licensure as a manufacturer, motor vehicle dealer,
6 wholesale motor vehicle dealer, wholesale motor vehicle auction or a public motor vehicle
7 auction, certification shall be performed by a uniformed member of the Missouri state highway
8 patrol stationed in the troop area in which the applicant's place of business is located; except, that
9 in counties of the first classification, certification may be performed by an officer of a
10 metropolitan police department when the applicant's established place of business of distributing
11 or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan

12 police officer is employed. When the application is being made for licensure as a boat
13 manufacturer or boat dealer, certification shall be performed by a uniformed member **or**
14 **authorized or designated employee** of the Missouri state water patrol stationed in the district
15 area in which the applicant's place of business is located or by a uniformed member of the
16 Missouri state highway patrol stationed in the troop area in which the applicant's place of
17 business is located or, if the applicant's place of business is located within the jurisdiction of a
18 metropolitan police department in a first class county, by an officer of such metropolitan police
19 department. A bona fide established place of business for any new motor vehicle franchise
20 dealer or used motor vehicle dealer shall include a permanent enclosed building or structure,
21 either owned in fee or leased and actually occupied as a place of business by the applicant for
22 the selling, bartering, trading or exchanging of motor vehicles or trailers and wherein the public
23 may contact the owner or operator at any reasonable time, and wherein shall be kept and
24 maintained the books, records, files and other matters required and necessary to conduct the
25 business. The applicant's place of business shall contain a working telephone which shall be
26 maintained during the entire registration year. In order to qualify as a bona fide established place
27 of business for all applicants licensed pursuant to this section there shall be an exterior sign
28 displayed carrying the name of the business set forth in letters at least six inches in height and
29 clearly visible to the public and there shall be an area or lot which shall not be a public street on
30 which one or more vehicles may be displayed, except when licensure is for a wholesale motor
31 vehicle dealer, a lot and sign shall not be required. The sign shall contain the name of the
32 dealership by which it is known to the public through advertising or otherwise, which need not
33 be identical to the name appearing on the dealership's license so long as such name is registered
34 as a fictitious name with the secretary of state, has been approved by its line-make manufacturer
35 in writing in the case of a new motor vehicle franchise dealer and a copy of such fictitious name
36 registration has been provided to the department. When licensure is for a boat dealer, a lot shall
37 not be required. In the case of new motor vehicle franchise dealers, the bona fide established
38 place of business shall include adequate facilities, tools and personnel necessary to properly
39 service and repair motor vehicles and trailers under their franchisor's warranty. **Dealers who sell**
40 **only emergency vehicles as defined in section 301.550 are exempt from maintaining a bona**
41 **fide place of business, including the related law enforcement certification requirements,**
42 **and from meeting the minimum yearly sales;**

43 (2) If the application is for licensure as a manufacturer, boat manufacturer, new motor
44 vehicle franchise dealer, used motor vehicle dealer, wholesale motor vehicle auction, boat dealer
45 or a public motor vehicle auction, a photograph, not to exceed eight inches by ten inches,
46 showing the business building and sign shall accompany the initial application. In the case of
47 a manufacturer, new motor vehicle franchise dealer or used motor vehicle dealer, the photograph

48 shall include the lot of the business. A new motor vehicle franchise dealer applicant who has
49 purchased a currently licensed new motor vehicle franchised dealership shall be allowed to
50 submit a photograph of the existing dealership building, lot and sign but shall be required to
51 submit a new photograph upon the installation of the new dealership sign as required by sections
52 301.550 to 301.573. Applicants shall not be required to submit a photograph annually unless the
53 business has moved from its previously licensed location, or unless the name of the business or
54 address has changed, or unless the class of business has changed;

55 (3) If the application is for licensure as a wholesale motor vehicle dealer or as a boat
56 dealer, the application shall contain the business address, not a post office box, and telephone
57 number of the place where the books, records, files and other matters required and necessary to
58 conduct the business are located and where the same may be inspected during normal daytime
59 business hours. Wholesale motor vehicle dealers and boat dealers shall file reports as required
60 of new franchised motor vehicle dealers and used motor vehicle dealers;

61 (4) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer,
62 a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a corporate
63 surety bond or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by
64 any state or federal financial institution in the penal sum of twenty-five thousand dollars on a
65 form approved by the department. The bond or irrevocable letter of credit shall be conditioned
66 upon the dealer complying with the provisions of the statutes applicable to new motor vehicle
67 franchise dealers, used motor vehicle dealers, wholesale motor vehicle dealers and boat dealers,
68 and the bond shall be an indemnity for any loss sustained by reason of the acts of the person
69 bonded when such acts constitute grounds for the suspension or revocation of the dealer's license.
70 The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved
71 parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary;
72 except, that the aggregate liability of the surety or financial institution to the aggrieved parties
73 shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds
74 of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final
75 judgment from a Missouri court of competent jurisdiction against the principal and in favor of
76 an aggrieved party;

77 (5) Payment of all necessary license fees as established by the department. In
78 establishing the amount of the annual license fees, the department shall, as near as possible,
79 produce sufficient total income to offset operational expenses of the department relating to the
80 administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of
81 sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or
82 certificates of number collected pursuant to subsection 6 of this section, shall be collected by the
83 department for deposit in the state treasury to the credit of the "Motor Vehicle Commission

84 Fund", which is hereby created. The motor vehicle commission fund shall be administered by
85 the Missouri department of revenue. [The provisions of section 33.080, RSMo, to the contrary
86 notwithstanding, money in such fund shall not be transferred and placed to the credit of the
87 general revenue fund until the amount in the motor vehicle commission fund at the end of the
88 biennium exceeds two times the amount of the appropriation from such fund for the preceding
89 fiscal year or, if the department requires permit renewal less frequently than yearly, then three
90 times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the
91 fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation
92 from such fund for the preceding fiscal year.] **At the end of each biennium and after all**
93 **statutorily or constitutionally required transfer of funds have been made, the state**
94 **treasurer shall transfer the balance in the motor vehicle commission fund, except for gifts,**
95 **donations, bequests, or money received from a federal source, in excess of two hundred**
96 **percent of the previous fiscal year's expenditures into the state general revenue fund.**

97 2. In the event a new manufacturer, boat manufacturer, motor vehicle dealer, wholesale
98 motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle
99 auction submits an application for a license for a new business and the applicant has complied
100 with all the provisions of this section, the department shall make a decision to grant or deny the
101 license to the applicant within eight working hours after receipt of the dealer's application,
102 notwithstanding any rule of the department.

103 3. Upon the initial issuance of a license by the department, the department shall assign
104 a distinctive dealer license number or certificate of number to the applicant and the department
105 shall issue one number plate or certificate bearing the distinctive dealer license number or
106 certificate of number within eight working hours after presentment of the application. Upon the
107 renewal of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer, public motor
108 vehicle auction, wholesale motor vehicle dealer or wholesale motor vehicle auction, the
109 department shall issue the distinctive dealer license number or certificate of number as quickly
110 as possible. The issuance of such distinctive dealer license number or certificate of number shall
111 be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat
112 dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle
113 dealer, wholesale motor vehicle auction or motor vehicle dealer.

114 4. Notwithstanding any other provision of the law to the contrary, the department shall
115 assign the following distinctive dealer license numbers to:

116 New motor vehicle franchise dealers D-0 through D-999

117 New [motor vehicle franchise and commercial motor vehicle]

118 **powersport dealers** D-1000 through D-1999

119 Used motor vehicle [dealers] **and used powersport**

120 **dealers** D2000 through [D-5399] **D-9999** [and D-6000 through D-9999]
 121 Wholesale motor vehicle dealers [W-1000] **W-0** through W-1999
 122 Wholesale motor vehicle auctions [W-2000] **WA-0** through [W-2999] **WA-999**
 123 **New and used** trailer dealers T-0 through T-9999
 124 Motor vehicle [and] , trailer, and boat
 125 manufacturers [M-0] **DM-0** through [M-9999] **DM-999**
 126 [Motorcycle dealers D-5400 through D-5999]
 127 Public motor vehicle auctions [A-1000] **A-0** through A-1999
 128 Boat dealers [and boat manufacturers] [B-0] **M-0** through [B-9999] **M-9999**
 129 **New and used recreational motor vehicle dealers** **RV-0** through **RV-9999**
 130 **The provisions of this subsection shall become effective on the date the director of the**
 131 **department of revenue begins to reissue new license plates under section 301.130, or on**
 132 **December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new**
 133 **license plates under the authority granted under section 301.130 prior to December 1, 2008,**
 134 **the director of the department of revenue shall notify the revisor of statutes of such fact.**
 135 5. Upon the sale of a currently licensed new motor vehicle franchise dealership the
 136 department shall, upon request, authorize the new approved dealer applicant to retain the selling
 137 dealer's license number and shall cause the new dealer's records to indicate such transfer.
 138 6. In the case of **new motor vehicle** manufacturers [and] , motor vehicle dealers,
 139 **powersport dealers, recreational motor vehicle dealers, and trailer dealers**, the department
 140 shall [also] issue one number plate bearing the distinctive dealer license number **and two**
 141 **additional number plates** to the applicant upon payment by the manufacturer or dealer of a fifty
 142 dollar fee **for the number plate bearing the distinctive dealer license number and twenty-**
 143 **one dollar fee for the additional number plates.** Such license plates shall be made with fully
 144 reflective material with a common color scheme and design, shall be clearly visible at night, and
 145 shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat
 146 manufacturers shall be entitled to one certificate of number bearing such number upon the
 147 payment of a fifty dollar fee. [As many] Additional number plates [as may be desired by
 148 manufacturers and motor vehicle dealers] and as many additional certificates of number [as may
 149 be desired by boat dealers and boat manufacturers] may be obtained upon payment of a fee of
 150 ten dollars and fifty cents for each additional plate or certificate. **New motor vehicle**
 151 **manufacturers shall not be issued or possess more than three hundred forty-seven**
 152 **additional number plates or certificates of number annually. New and used motor vehicle**
 153 **dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer**
 154 **dealers are limited to one additional plate or certificate of number per ten-unit qualified**
 155 **transactions annually. New and used recreational motor vehicle dealers are limited to two**

156 **additional plates or certificate of number per ten-unit qualified transactions annually for**
157 **their first fifty transactions and one additional plate or certificate of number per ten-unit**
158 **qualified transactions thereafter. An applicant seeking the issuance of an initial license**
159 **shall indicate on his or her initial application the applicant's proposed annual number of**
160 **sales in order for the director to issue the appropriate number of additional plates or**
161 **certificates of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer,**
162 **recreational motor vehicle dealer, motor vehicle manufacturer, boat manufacturer, [public**
163 **motor vehicle auction,] or wholesale motor vehicle dealer [or wholesale motor vehicle auction]**
164 **obtaining a distinctive dealer license plate or certificate of number or additional license plate or**
165 **additional certificate of number, throughout the calendar year, shall be required to pay a fee for**
166 **such license plates or certificates of number computed on the basis of one-twelfth of the full fee**
167 **prescribed for the original and duplicate number plates or certificates of number for such dealers'**
168 **licenses, multiplied by the number of months remaining in the licensing period for which the**
169 **dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the**
170 **fee due at the time of renewal shall not be prorated. Wholesale and public auctions shall be**
171 **issued a certificate of dealer registration in lieu of a dealer number plate. In order for**
172 **dealers to obtain number plates or certificates under this section, dealers shall submit to**
173 **the department of revenue on August first of each year a statement certifying, under**
174 **penalty of perjury, the dealer's number of sales during the reporting period of July first**
175 **of the immediately preceding year to July thirtieth of the present year.**

176 7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any
177 motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to
178 subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and
179 held for resale by [the] a motor vehicle dealer [or manufacturer, and used] for use by a customer
180 who is test driving the motor vehicle, [or is used] for use and display purposes during, but not
181 limited to, parades, private events, charitable events, or for use by an employee or officer,
182 but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any
183 regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates
184 on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers
185 may display their dealer license plates in like manner, except such plates may only be
186 displayed on trailers owned and held for resale by the trailer dealer.

187 8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be
188 displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a
189 boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by
190 an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any
191 motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or

192 vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer.
193 Boat dealers and **boat** manufacturers may display their certificate of number on a vessel or vessel
194 trailer [which is being transported] **when transporting a vessel or vessels** to an exhibit or show.

195 9. (1) [Beginning August 28, 2006,] Every application for the issuance of a used motor
196 vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve
197 months, has completed an educational seminar course approved by the department as prescribed
198 by subdivision (2) of this subsection. Wholesale and [retail] **public auto auctions and**
199 **applicants currently holding a new or used license for a separate dealership** shall be exempt
200 from the requirements of this subsection. The provisions of this subsection shall not apply to
201 **current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants**
202 **for a new motor vehicle franchise [dealers] or a motor vehicle leasing agency.** The provisions
203 of this subsection shall not apply to used motor vehicle dealers who were licensed prior to
204 August 28, 2006.

205 (2) The educational seminar shall include, but is not limited to, the dealer requirements
206 of sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer
207 sections 301.550 to 301.570, and any other rules and regulations promulgated by the department.

301.569. 1. An out-of-state show promoter of recreation vehicles, as that term is
2 **defined in section 700.010, RSMo, may hold recreation vehicle shows or exhibits with**
3 **recreation vehicles within this state if the following conditions exist:**

4 (1) **The show or exhibition has a minimum of ten recreation vehicle dealers licensed**
5 **as motor vehicle dealers in this state; and**

6 (2) **More than fifty percent of the participating recreation vehicle dealers are**
7 **licensed motor vehicle dealers in this state.**

8 **2. A violation of subsection 1 of this section shall result in a five thousand dollar**
9 **fine.**

301.640. 1. [Upon] **Within five business days after** the satisfaction of any lien or
2 encumbrance of a motor vehicle or trailer, the lienholder shall[, within ten business days] release
3 the lien or encumbrance on the certificate or a separate document, and mail or deliver the
4 certificate or a separate document to the owner or any person who delivers to the lienholder an
5 authorization from the owner to receive the certificate or such documentation. The release on
6 the certificate or separate document shall be notarized. Each perfected subordinate lienholder,
7 if any, shall release such lien or encumbrance as provided in this section for the first lienholder.
8 The owner may cause the certificate to be mailed or delivered to the director of revenue, who
9 shall issue a new certificate of ownership upon application and payment of the required fee. A
10 lien or encumbrance shall be satisfied for the purposes of this section when a lienholder receives
11 payment in full in the form of certified funds, as defined in section 381.410, RSMo, **or when the**

12 **lienholder receives payment in full electronically or by way of electronic funds transfer,**
13 **whichever first occurs.**

14 2. If the electronic certificate of ownership is in the possession of the director of revenue,
15 the lienholder shall notify the director within [ten] **five** business days [of] **after** any release of
16 a lien and provide the director with the most current address of the owner **or any person who**
17 **delivers to the lienholder an authorization from the owner to receive the certificate or such**
18 **documentation.** The director shall note such release on the electronic certificate and if no other
19 lien exists the director shall mail or deliver the certificate free of any lien to the owner **or any**
20 **person who has delivered to the lienholder an authorization from the owner to receive the**
21 **certificate or such documentation from the director.**

22 3. If the purchase price of a motor vehicle or trailer did not exceed six thousand dollars
23 at the time of purchase, a lien or encumbrance which was not perfected by a motor vehicle
24 financing corporation whose net worth exceeds one hundred million dollars, or a depository
25 institution, shall be considered satisfied within six years from the date the lien or encumbrance
26 was originally perfected unless a new lien or encumbrance has been perfected as provided in
27 section 301.600. This subsection does not apply to motor vehicles or trailers for which the
28 certificate of ownership has recorded in the second lienholder portion the words "subject to
29 future advances".

30 4. Any lienholder who fails to **timely** comply with subsection 1 or 2 of this section shall
31 pay to the person or persons satisfying the lien or encumbrance [twenty-five dollars for the first
32 ten business days after expiration of the time period prescribed in subsection 1 or 2 of this
33 section, and such payment shall double for each ten days thereafter in which there is continued
34 noncompliance, up to a maximum of five hundred dollars for each lien] **liquidated damages up**
35 **to a maximum of two thousand five hundred dollars for each lien. Liquidated damages**
36 **shall be five hundred dollars if the lienholder does not comply within five business days**
37 **after satisfaction of the lien or encumbrance. Liquidated damages shall be one thousand**
38 **dollars if the lienholder does not comply within ten business days after satisfaction of the**
39 **lien or encumbrance. Liquidated damages shall be two thousand dollars if the lienholder**
40 **does not comply within fifteen business days after satisfaction of the lien or encumbrance.**
41 **Liquidated damages shall be two thousand five hundred dollars if the lienholder does not**
42 **comply within twenty business days after satisfaction of the lien or encumbrance.** If
43 delivery of the certificate or other lien release is made by mail, the delivery date is the date of the
44 postmark for purposes of this subsection. **In computing any period of time prescribed or**
45 **allowed by this section, the day of the act or event after which the designated period of time**
46 **begins to run is not to be counted. However, the last day of the period so computed is to**

47 **be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period**
48 **runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.**

49 5. Any person who knowingly and intentionally sends in a separate document releasing
50 a lien of another without authority to do so shall be guilty of a class C felony.

307.179. 1. As used in this section, the following terms shall mean:

2 (1) "Child booster seat", a seating system which meets the Federal Motor Vehicle Safety
3 Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to
4 properly sit in a federally approved safety belt system;

5 (2) "Child passenger restraint system", a seating system which meets the Federal Motor
6 Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either
7 permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal
8 attachment system;

9 (3) "Driver", a person who is in actual physical control of a motor vehicle.

10 2. Every driver transporting a child under the age of sixteen years shall be responsible,
11 when transporting such child in a motor vehicle operated by that driver on the streets or
12 highways of this state, for providing for the protection of such child as follows:

13 (1) Children less than four years of age, regardless of weight, shall be secured in a child
14 passenger restraint system appropriate for that child;

15 (2) Children weighing less than forty pounds, regardless of age, shall be secured in a
16 child passenger restraint system appropriate for that child;

17 (3) Children at least four years of age but less than eight years of age, who also weigh
18 at least forty pounds but less than eighty pounds, and who are also less than four feet, nine inches
19 tall, shall be secured in a child passenger restraint system or booster seat appropriate for that
20 child;

21 (4) Children at least eighty pounds or children more than four feet, nine inches in height
22 shall be secured by a vehicle safety belt or booster seat appropriate for that child;

23 (5) A child who otherwise would be required to be secured in a booster seat may be
24 transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of
25 the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat
26 installation;

27 (6) When transporting children in the immediate family when there are more children
28 than there are seating positions in the enclosed area of a motor vehicle, the children who are not
29 able to be restrained by a child safety restraint device appropriate for the child shall sit in the area
30 behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front
31 seat area. The driver transporting children referred to in this subsection is not in violation of this
32 section.

33 This subsection shall only apply to the use of a child passenger restraint system or vehicle safety
34 belt for children less than sixteen years of age being transported in a motor vehicle.

35 3. Any driver who violates subdivision (1), (2), or (3) of subsection 2 of this section is
36 guilty of an infraction and, upon conviction, may be punished by a fine of not more than fifty
37 dollars and court costs. Any driver who violates subdivision (4) of subsection 2 of this section
38 shall be subject to the penalty in subsection 5 of section 307.178. If a driver receives a citation
39 for violating subdivision (1), (2), or (3) of subsection 2 of this section, the charges shall be
40 dismissed or withdrawn if the driver prior to or at his or her hearing provides evidence of
41 acquisition of a child passenger restraint system or child booster seat which is satisfactory to the
42 court or the party responsible for prosecuting the driver's citation.

43 4. The provisions of this section shall not apply to any public carrier for hire.

44 5. The provisions of this section shall not apply to [students] **children** four years of age
45 or older who are passengers on a school bus designed for carrying eleven passengers or more and
46 which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses
47 as [school buses are defined in section 301.010, RSMo] **required under section 304.060,**
48 **RSMo. The exemption set forth in this subsection shall apply whether or not such bus is**
49 **being operated by a school district or other entity and regardless whether such bus is being**
50 **used for educational, religious, or other purposes.**

51 [5.] 6. The highways and transportation commission shall initiate and develop a program
52 of public information to develop understanding of, and ensure compliance with, the provisions
53 of this section.

307.357. 1. Notwithstanding sections 307.350 to 307.390, a motor vehicle owner
2 **may renew or reregister the registration plates on a motor vehicle that is otherwise**
3 **required to be inspected if such vehicle has fewer than fifty thousand miles, as evidenced**
4 **by the odometer, without submitting such vehicle to a biennial motor vehicle safety**
5 **inspection.**

6 2. In order to qualify for the exemption set forth in subsection 1 of this section, the
7 owner of such a vehicle shall submit to the director an affidavit, stating the true mileage,
8 sworn to under the penalty of perjury, stating that the motor vehicle has fewer than fifty
9 thousand miles and is newer than five years old.

10 3. The provisions of this section shall not exempt a person from submitting such a
11 motor vehicle to a motor vehicle safety inspection for purposes of initially registering and
12 titling such a vehicle, transferring ownership, or when a motor vehicle safety inspection is
13 otherwise required by law.

Section B. Because of the need to ensure that private organizations are not financially
2 restrained from providing transportation services to children in buses that otherwise address the

3 safety concerns of the child passenger restraint law, and because of the need to provide Missouri
4 motorists with a method to replace stolen license plate tabs without administrative red tape and
5 because of the need to verify the payment of registration fees, the repeal and reenactment of
6 sections 301.301 and 307.179 of section A of this act is deemed necessary for the immediate
7 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
8 emergency within the meaning of the constitution, and the repeal and reenactment of sections
9 301.301 and 307.179 of section A of this act shall be in full force and effect upon its passage and
10 approval.

✓

Bill

Copy