

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2111
95TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, April 15, 2010, with recommendation that the Senate Committee Substitute do pass.

4498S.06C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 226.095 and 230.220, section 301.064 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 301.064 as enacted by house bill no. 769, eighty-ninth general assembly, first regular session, and sections 301.010, 301.032, 301.069, 301.120, 301.130, 301.142, 301.144, 301.196, 301.200, 301.218, 301.280, 301.290, 301.560, 301.561, 301.562, 301.567, 301.570, 302.220, 302.230, 302.341, 303.025, 303.080, 304.705, and 304.820, RSMo, and to enact in lieu thereof thirty-three new sections relating to transportation, with penalty provisions for certain sections and an effective date for certain sections.

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

Section A. Sections 226.095 and 230.220, section 301.064 as enacted by
2 house committee substitute for senate substitute for senate bill no. 3,
3 eighty-eighth general assembly, first regular session, and section 301.064 as
4 enacted by house bill no. 769, eighty-ninth general assembly, first regular session,
5 and sections 301.010, 301.032, 301.069, 301.120, 301.130, 301.142, 301.144,
6 301.196, 301.200, 301.218, 301.280, 301.290, 301.560, 301.561, 301.562, 301.567,
7 301.570, 302.220, 302.230, 302.341, 303.025, 303.080, 304.705, and 304.820,
8 RSMo, are repealed and thirty-three new sections enacted in lieu thereof, to be
9 known as sections 226.195, 227.725, 230.220, 301.010, 301.032, 301.064, 301.069,
10 301.120, 301.130, 301.142, 301.144, 301.196, 301.200, 301.218, 301.280, 301.290,
11 301.423, 301.560, 301.561, 301.562, 301.567, 301.570, 301.572, 301.580, 301.4020,
12 302.220, 302.230, 302.341, 303.025, 303.080, 304.161, 304.705, and 304.820, to

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

13 read as follows:

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

2 (1) "Commission", the Missouri highways and transportation
3 commission;

4 (2) "Department", the Missouri department of transportation;

5 (3) "Public mass transportation service provider", a city, a city
6 transit authority, a city utilities board, or an interstate transportation
7 authority as such terms are defined in section 94.600, an intrastate
8 transportation authority, or an agency receiving funding from either
9 the federal transit administration urban or nonurban formula transit
10 program.

11 2. There is hereby created the Missouri state transit assistance
12 program. The purpose of this program is to provide state financial
13 assistance to defray the operating and capital costs incurred by public
14 mass transportation service providers.

15 3. Funds appropriated to the Missouri state transit assistance
16 program shall be appropriated to the department and administered by
17 the department on behalf of the commission. The distribution of funds
18 to public mass transportation service providers shall be determined by
19 evaluating factors including but not limited to the following:

20 (1) Population;

21 (2) Ridership;

22 (3) Cost and efficiency of the program;

23 (4) Availability of alternative transportation in the area;

24 (5) Local effort or tax support.

25 4. The commission shall promulgate rules to implement the
26 provisions of this section. Any rule or portion of a rule, as that term is
27 defined in section 536.010, that is created under the authority delegated
28 in this section shall become effective only if it complies with and is
29 subject to all of the provisions of chapter 536 and, if applicable, section
30 536.028. This section and chapter 536 are nonseverable and if any of
31 the powers vested with the general assembly pursuant to chapter 536
32 to review, to delay the effective date, or to disapprove and annul a rule
33 are subsequently held unconstitutional, then the grant of rulemaking
34 authority and any rule proposed or adopted after August 28, 2010, shall
35 be invalid and void.

227.725. 1. For purposes of this section, the following terms shall

2 mean:

3 (1) "High occupancy vehicle lane", a lane designated by the
4 commission on a state highway where vehicle usage is limited to
5 vehicles occupied by a minimum number of persons, with exceptions as
6 determined by the commission;

7 (2) "High occupancy toll lane", a high occupancy vehicle lane
8 designated by the commission on a state highway that authorizes
9 vehicles that do not meet the commission's minimum occupancy
10 requirements on such lane to use such lane if the operators of such
11 vehicles pay a toll.

12 2. The commission may either designate an existing general-use
13 lane on the state highway system, or construct new lanes on the state
14 highway system, as a high occupancy vehicle lane or lanes pursuant to
15 23 U.S.C. Section 166, as amended. The occupancy levels of vehicles
16 that may use a high occupancy vehicle lane and the time of day when
17 such lane may be restricted to high occupancy vehicle usage shall be
18 determined by the commission and indicated on commission traffic
19 control devices.

20 3. Any person who uses a high occupancy vehicle lane in
21 violation of the requirements for such lane established by the
22 commission is guilty of an infraction, with a fine in an amount not to
23 exceed two hundred dollars and court costs.

24 4. Should a high occupancy vehicle lane designated or
25 constructed by the commission have excess vehicle capacity, the
26 commission may, after approval from the federal highway
27 administration, convert the high occupancy vehicle lane to a high
28 occupancy toll lane, pursuant to 23 U.S.C. Section 166, as amended.

29 5. The commission may authorize vehicles other than high
30 occupancy vehicles to operate in the high occupancy toll lanes and may
31 impose and collect tolls upon such vehicles.

32 6. All tolls imposed on vehicles other than high occupancy
33 vehicles using a high occupancy toll lane shall be established and
34 imposed in amounts determined by the commission.

35 7. Toll administration and collection by the commission shall be
36 consistent with 23 U.S.C. Section 166, as amended, and this section.

37 (1) The commission shall develop, manage, and maintain a toll
38 collection system that will automatically collect tolls, which may

39 include, but is not limited to, toll tickets, billing accounts, commuter
40 passes, license plate recognition technology, and electronic recording
41 or identification devices. The display of a recording or identification
42 device issued by the commission for such purposes on or near the
43 windshield of a motor vehicle shall not be a violation of any law or rule
44 in the state of Missouri unless the device is attached in a manner that
45 obstructs the operator's clear view of the lane.

46 (2) The commission shall post notice on or around the high
47 occupancy vehicle toll lane in the plain view of operators of motor
48 vehicles using such lane, which shall notify the public that failure to
49 pay the toll is a traffic violation. This notice shall also describe the
50 minimum occupancy requirements for high occupancy vehicles that will
51 not be required to pay a toll to use the high occupancy toll lane.

52 (3) The owner of a motor vehicle issued a summons for a
53 violation for failure to pay the required toll to use a high occupancy
54 toll lane is guilty of an infraction and upon conviction shall be required
55 to pay the amount of the toll that was the subject of the violation,
56 which shall be remitted to the commission, and a fine in an amount not
57 to exceed two hundred dollars and court costs.

58 (a) If a summons is issued for failure to pay the required toll and
59 the motor vehicle that is the subject of the summons has multiple
60 owners, the summons shall be issued against only one of the owners
61 and, upon conviction, the toll payment, fine, and court costs may be
62 assessed against that one owner.

63 (b) An owner may furnish evidence that the motor vehicle was
64 in the care, custody, or control of another person at the time of the
65 violation. In such instance, the owner shall submit such evidence in an
66 affidavit authorized by the court setting forth the name, address, and
67 other pertinent information of the person who leased, rented, or
68 otherwise had care, custody, or control of the motor vehicle at the time
69 of the alleged violation, subject to the penalties for perjury. The
70 affidavit submitted pursuant to this subdivision shall be admissible in
71 a court proceeding to adjudicate the alleged violation. In such case,
72 the court shall have the authority to terminate the prosecution of the
73 summons issued to the owner and issue a summons to the person
74 identified in the owner's affidavit as the operator of the motor vehicle
75 at the time of the violation.

76 (c) If the motor vehicle is alleged to have been stolen at the time
77 of the alleged violation, the owner of the vehicle shall submit proof to
78 the court that the owner filed a police report.

79 (d) If the motor vehicle involved in the violation is registered in
80 the name of a rental or leasing company and the vehicle is rented or
81 leased to another person at the time of the violation, the rental or
82 leasing company may rebut the presumption by providing law
83 enforcement or the prosecuting authority with a copy of the rental or
84 lease agreement in effect at the time of the violation. No prosecuting
85 authority shall bring any legal proceeding against a rental or leasing
86 company under this section unless prior written notice of the violation
87 has been given to such rental or leasing company by registered mail at
88 the address appearing on the motor vehicle's registration and the
89 rental or leasing company has failed to provide the rental or leasing
90 agreement copy within fifteen days of receipt of such notice.

91 (4) A written report, telephone call, or any other record from a
92 law enforcement officer, or photographic evidence arising from the use
93 of a photo monitoring system, that indicates a required toll was not
94 paid is admissible in any proceeding to enforce this section, subject to
95 foundation evidence to establish the authenticity of the report, call,
96 record, or photographs. Photo monitoring system evidence that shows
97 the motor vehicle, whether operated by the owner or another operator,
98 has failed to pay a toll shall raise a rebuttable presumption that the
99 motor vehicle shown in the photographic evidence was used to commit
100 a violation of this section. A summons issued through use of a photo
101 monitoring system shall be sent by first class mail to the most recent
102 address of the owner of the motor vehicle within twenty-one days of the
103 violation and shall include, at a minimum, the date, time, and location
104 of the violation. The summons must also include instructions on how
105 to dispose of the violation through court appearance or payment of the
106 fine and costs.

107 (5) The following procedures shall be taken for the enforcement
108 of toll collections and issuance of traffic citations under this section
109 through the use of a photo monitoring system:

110 (a) A certificate or a written report sworn to or affirmed by a
111 Missouri law enforcement agency, including a Missouri state highway
112 patrol officer, city police officer, or a sheriff's department deputy

113 which alleges that a violation of this section occurred, or a facsimile
114 thereof, based upon inspection of photographs, microphotographs,
115 videotape, or other recorded images produced by a photo monitoring
116 system shall be prima facie evidence of the facts contained therein,
117 subject to foundation evidence to establish the authenticity of such
118 photographs, microphotographs, videotape, or other recorded images
119 produced by a photo monitoring system, and shall be admissible in any
120 proceeding charging a violation of the toll collection provisions in this
121 section, provided that any photographs, microphotographs, videotape,
122 or other recorded images evidencing such a violation shall be available
123 for inspection and admission into evidence in any proceeding to
124 adjudicate the liability for such violation;

125 (b) After a Missouri law enforcement agency has been notified
126 that a violation of this section has occurred, such agency is authorized
127 to issue a summons for failure to pay the required toll; and

128 (c) The law enforcement agency responsible for the issuance of
129 a summons for failure to pay a toll is responsible to refer the summons
130 to the appropriate local prosecuting attorney for prosecution of such
131 summons.

132 (6) The provisions of this section shall not prohibit a law
133 enforcement officer from issuing a citation for a violation of any other
134 traffic laws and regulations that occurs on the high occupancy vehicle
135 lane or high occupancy toll lane, except that a photo monitoring system
136 shall not be used to enforce such other traffic laws and regulations.

137 8. The commission shall promulgate rules to implement and
138 administer the provisions of this section. Any rule or portion of a rule,
139 as that term is defined in section 536.010, that is created under the
140 authority delegated in this section shall become effective only if it
141 complies with and is subject to all of the provisions of chapter 536 and,
142 if applicable, section 536.028. This section and chapter 536 are
143 nonseverable and if any of the powers vested with the general assembly
144 pursuant to chapter 536 to review, to delay the effective date, or to
145 disapprove and annul a rule are subsequently held unconstitutional,
146 then the grant of rulemaking authority and any rule proposed or
147 adopted after August 28, 2010, shall be invalid and void.

230.220. 1. In each county adopting it, the county highway commission
2 established by sections 230.200 to 230.260 shall be composed of the three

3 commissioners of the county commission and one person elected from the
4 unincorporated area of each of the two county commission districts. Except that
5 the presiding commissioner and one of the associate commissioners by process of
6 election may reside in the same township, not more than one member of the
7 county highway commission shall be a resident of the same township of the
8 county. The county commission shall designate one county commission district
9 as district A and the other as district B. The member of the county highway
10 commission first elected from district A shall serve a term of two years. The
11 member first elected from district B shall serve a term of four years. Upon the
12 expiration of the term of each such member, his successors shall be elected for a
13 term of four years. The commissioners of the county commission shall serve as
14 members of the county highway commission during their term as county
15 commissioners.

16 2. The elected members of the county highway commission shall be
17 nominated at the primary election and elected at the general election next
18 following the adoption of the proposition for the alternative county highway
19 commission by the voters of the county. Candidates shall file and the election
20 shall be conducted in the same manner as for the nomination and election of
21 candidates for county office. Within thirty days after the adoption of an
22 alternative county highway commission by the voters of any county as provided
23 in sections 230.200 to 230.260, the governor shall appoint a county highway
24 commissioner from each district from which a member will be elected at the next
25 following general election. The commissioners so appointed shall hold their office
26 until their successors are elected at the following general election. Appointments
27 shall be made by naming one member from each of the two political parties
28 casting the highest number of votes in the preceding general election.

29 3. Members of the county highway commission [shall receive as
30 compensation for their services fifteen dollars per day for the first meeting each
31 month and five dollars for each meeting thereafter during the month. The
32 members shall also receive a mileage allowance of eight cents per mile actually
33 and necessarily traveled in the performance of their duties. The compensation
34 and mileage allowance of the members of the commission shall be paid out of the
35 road and bridge fund of the county] **who are not also members of the**
36 **county's governing body shall receive an attendance fee in an amount**
37 **per meeting as set by the county's governing body and a mileage**
38 **allowance for miles actually and necessarily traveled in the**

39 **performance of their duties in the same amount per mile received by**
40 **the members of the county's governing body to be paid out of the road**
41 **and bridge fund of the county.**

42 4. If a vacancy occurs among the elected members of the county highway
43 commission, the members of the county highway commission shall select a
44 successor who shall serve until the next regular election.

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

4 (1) "All-terrain vehicle", any motorized vehicle manufactured and used
5 exclusively for off-highway use which is fifty inches or less in width, with an
6 unladen dry weight of one thousand five hundred pounds or less, traveling on
7 three, four or more nonhighway tires, with a seat designed to be straddled by the
8 operator, or with a seat designed to carry more than one person, and handlebars
9 for steering control;

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

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

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

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

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

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

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

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

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

33 (11) "Driveaway operation":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

100 (26) "Local log truck", a commercial motor vehicle which is registered
101 pursuant to this chapter to operate as a motor vehicle on the public highways of
102 this state, used exclusively in this state, used to transport harvested forest

103 products, operated solely at a forested site and in an area extending not more
104 than a one hundred-mile radius from such site, carries a load with dimensions not
105 in excess of twenty-five cubic yards per two axles with dual wheels, and when
106 operated on the national system of interstate and defense highways described in
107 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed
108 the weight limits of section 304.180, RSMo, does not have more than four axles,
109 and does not pull a trailer which has more than two axles. Harvesting equipment
110 which is used specifically for cutting, felling, trimming, delimiting, debarking,
111 chipping, skidding, loading, unloading, and stacking may be transported on a
112 local log truck. A local log truck may not exceed the limits required by law,
113 however, if the truck does exceed such limits as determined by the inspecting
114 officer, then notwithstanding any other provisions of law to the contrary, such
115 truck shall be subject to the weight limits required by such sections as licensed
116 for eighty thousand pounds;

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

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

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

139 forest products;

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

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

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

149 (33)] "Motor change vehicle", a vehicle manufactured prior to August,
150 1957, which receives a new, rebuilt or used engine, and which used the number
151 stamped on the original engine as the vehicle identification number;

152 [(34)] **(33)** "Motor vehicle", any self-propelled vehicle not operated
153 exclusively upon tracks, except farm tractors;

154 [(35)] **(34)** "Motor vehicle primarily for business use", any vehicle other
155 than a recreational motor vehicle, motorcycle, motortricycle, or any commercial
156 motor vehicle licensed for over twelve thousand pounds:

157 (a) Offered for hire or lease; or

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

159 [(36)] **(35)** "Motorcycle", a motor vehicle operated on two wheels;

160 [(37)] **(36)** "Motorized bicycle", any two-wheeled or three-wheeled device
161 having an automatic transmission and a motor with a cylinder capacity of not
162 more than fifty cubic centimeters, which produces less than three gross brake
163 horsepower, and is capable of propelling the device at a maximum speed of not
164 more than thirty miles per hour on level ground;

165 [(38)] **(37)** "Motortricycle", a motor vehicle operated on three wheels,
166 including a motorcycle while operated with any conveyance, temporary or
167 otherwise, requiring the use of a third wheel. A motortricycle shall not be
168 included in the definition of all-terrain vehicle;

169 [(39)] **(38)** "Municipality", any city, town or village, whether incorporated
170 or not;

171 [(40)] **(39)** "Nonresident", a resident of a state or country other than the
172 state of Missouri;

173 [(41)] **(40)** "Non-USA-std motor vehicle", a motor vehicle not originally
174 manufactured in compliance with United States emissions or safety standards;

175 [(42)] (41) "Operator", any person who operates or drives a motor vehicle;
176 [(43)] (42) "Owner", any person, firm, corporation or association, who
177 holds the legal title to a vehicle or in the event a vehicle is the subject of an
178 agreement for the conditional sale or lease thereof with the right of purchase
179 upon performance of the conditions stated in the agreement and with an
180 immediate right of possession vested in the conditional vendee or lessee, or in the
181 event a mortgagor of a vehicle is entitled to possession, then such conditional
182 vendee or lessee or mortgagor shall be deemed the owner for the purpose of this
183 law;

184 [(44)] (43) "Public garage", a place of business where motor vehicles are
185 housed, stored, repaired, reconstructed or repainted for persons other than the
186 owners or operators of such place of business;

187 [(45)] (44) "Rebuilder", a business that repairs or rebuilds motor vehicles
188 owned by the rebuilder, but does not include certificated common or contract
189 carriers of persons or property;

190 [(46)] (45) "Reconstructed motor vehicle", a vehicle that is altered from
191 its original construction by the addition or substitution of two or more new or
192 used major component parts, excluding motor vehicles made from all new parts,
193 and new multistage manufactured vehicles;

194 [(47)] (46) "Recreational motor vehicle", any motor vehicle designed,
195 constructed or substantially modified so that it may be used and is used for the
196 purposes of temporary housing quarters, including therein sleeping and eating
197 facilities which are either permanently attached to the motor vehicle or attached
198 to a unit which is securely attached to the motor vehicle. Nothing herein shall
199 prevent any motor vehicle from being registered as a commercial motor vehicle
200 if the motor vehicle could otherwise be so registered;

201 [(48)] (47) "Recreational off-highway vehicle", any motorized vehicle
202 manufactured and used exclusively for off-highway use which is [sixty] **sixty-**
203 **four** inches or less in width, with an unladen dry weight of one thousand eight
204 hundred fifty pounds or less, traveling on four or more nonhighway tires, with a
205 nonstraddle seat, and steering wheel, which may have access to ATV trails;

206 [(49)] (48) "Rollback or car carrier", any vehicle specifically designed to
207 transport wrecked, disabled or otherwise inoperable vehicles, when the
208 transportation is directly connected to a wrecker or towing service;

209 [(50)] (49) "Saddlemount combination", a combination of vehicles in
210 which a truck or truck tractor tows one or more trucks or truck tractors, each

211 connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The
212 "saddle" is a mechanism that connects the front axle of the towed vehicle to the
213 frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
214 connection. When two vehicles are towed in this manner the combination is
215 called a "double saddlemount combination". When three vehicles are towed in
216 this manner, the combination is called a "triple saddlemount combination";

217 ~~[(51)]~~ **(50)** "Salvage dealer and dismantler", a business that dismantles
218 used motor vehicles for the sale of the parts thereof, and buys and sells used
219 motor vehicle parts and accessories;

220 ~~[(52)]~~ **(51)** "Salvage vehicle", a motor vehicle, semitrailer, or house trailer
221 which:

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

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

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

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

234 (e) Is abandoned property which is titled pursuant to section 304.155,
235 RSMo, or section 304.157, RSMo, and designated with the words
236 "salvage/abandoned property". The total cost of repairs to rebuild or reconstruct
237 the vehicle shall not include the cost of repairing, replacing, or reinstalling
238 inflatable safety restraints, tires, sound systems, or damage as a result of hail,
239 or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For
240 purposes of this definition, "fair market value" means the retail value of a motor
241 vehicle as:

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

246 b. Determined pursuant to a market survey of comparable vehicles with

247 regard to condition and equipment; and

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

251 [(53)] **(52)** "School bus", any motor vehicle used solely to transport
252 students to or from school or to transport students to or from any place for
253 educational purposes;

254 **(53) "Scrap processor", a business that, through the use of fixed
255 or mobile equipment, flattens, crushes, or otherwise accepts motor
256 vehicles and vehicle parts for processing or transportation to a
257 shredder or scrap metal operator for recycling;**

258 (54) "Shuttle bus", a motor vehicle used or maintained by any person,
259 firm, or corporation as an incidental service to transport patrons or customers of
260 the regular business of such person, firm, or corporation to and from the place of
261 business of the person, firm, or corporation providing the service at no fee or
262 charge. Shuttle buses shall not be registered as buses or as commercial motor
263 vehicles;

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

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

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

282 (58) "Tandem axle", a group of two or more axles, arranged one behind

283 another, the distance between the extremes of which is more than forty inches
284 and not more than ninety-six inches apart;

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

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

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

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

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

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

314 (65) "Utility vehicle", any motorized vehicle manufactured and used
315 exclusively for off-highway use which is sixty-three inches or less in width, with
316 an unladen dry weight of one thousand eight hundred fifty pounds or less,
317 traveling on four or six wheels, to be used primarily for landscaping, lawn care,
318 or maintenance purposes;

319 (66) "Vanpool", any van or other motor vehicle used or maintained by any
320 person, group, firm, corporation, association, city, county or state agency, or any
321 member thereof, for the transportation of not less than eight nor more than
322 forty-eight employees, per motor vehicle, to and from their place of employment;
323 however, a vanpool shall not be included in the definition of the term bus or
324 commercial motor vehicle as defined by subdivisions (6) and (7) of this section,
325 nor shall a vanpool driver be deemed a chauffeur as that term is defined by
326 section [302.010, RSMo] **303.020**; nor shall use of a vanpool vehicle for
327 ride-sharing arrangements, recreational, personal, or maintenance uses constitute
328 an unlicensed use of the motor vehicle, unless used for monetary profit other than
329 for use in a ride-sharing arrangement;

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

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

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

301.032. 1. Notwithstanding the provisions of sections 301.030 and
2 301.035 to the contrary, the director of revenue shall establish a system of
3 registration of all fleet vehicles owned or purchased by a fleet owner registered
4 pursuant to this section. The director of revenue shall prescribe the forms for
5 such fleet registration and the forms and procedures for the registration updates
6 prescribed in this section. Any owner of ten or more motor vehicles which must
7 be registered in accordance with this chapter may register as a fleet owner. All
8 registered fleet owners may, at their option, register all motor vehicles included
9 in the fleet on a calendar year or biennial basis pursuant to this section in lieu
10 of the registration periods provided in sections 301.030, 301.035, and
11 301.147. The director shall issue an identification number to each registered
12 owner of fleet vehicles.

13 2. All fleet vehicles included in the fleet of a registered fleet owner shall
14 be registered during April [each year] **of the corresponding year** or on a
15 prorated basis as provided in subsection 3 of this section. Fees of all vehicles in
16 the fleet to be registered on a calendar year basis or on a biennial basis shall be
17 payable not later than the last day of April of [each year] **of the corresponding**
18 **year**, with two years' fees due for biennially-registered vehicles. Notwithstanding
19 the provisions of section 307.355, RSMo, an application for registration of a fleet
20 vehicle must be accompanied by a certificate of inspection and approval issued no
21 more than one hundred twenty days prior to the date of application. The fees for
22 vehicles added to the fleet which must be licensed at the time of registration shall
23 be payable at the time of registration, except that when such vehicle is licensed
24 between July first and September thirtieth the fee shall be three-fourths the
25 annual fee, when licensed between October first and December thirty-first the fee
26 shall be one-half the annual fee and when licensed on or after January first the
27 fee shall be one-fourth the annual fee. When biennial registration is sought for
28 vehicles added to a fleet, an additional year's annual fee will be added to the
29 partial year's prorated fee.

30 3. At any time during the calendar year in which an owner of a fleet
31 purchases or otherwise acquires a vehicle which is to be added to the fleet or
32 transfers plates to a fleet vehicle, the owner shall present to the director of
33 revenue the identification number as a fleet number and may register the vehicle
34 for the partial year as provided in subsection 2 of this section. The fleet owner
35 shall also be charged a transfer fee of two dollars for each vehicle so transferred
36 pursuant to this subsection.

37 4. Except as specifically provided in this subsection, all fleet vehicles
38 registered pursuant to this section shall be issued a special license plate which
39 shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the
40 manner prescribed by the advisory committee established in section
41 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee
42 beyond the regular registration fee, [owners of] **a fleet owner of at least fifty**
43 **fleet vehicles may apply for fleet license plates bearing a company name or logo,**
44 **the size and design thereof subject to approval by the director.** All fleet
45 license plates shall be made with fully reflective material with a common color
46 scheme and design, shall be clearly visible at night, and shall be aesthetically
47 attractive, as prescribed by section 301.130. Fleet vehicles shall be issued
48 multiyear license plates as provided in this section which shall not require

49 issuance of a renewal tab. Upon payment of appropriate registration fees, the
50 director of revenue shall issue a registration certificate or other suitable evidence
51 of payment of the annual or biennial fee, and such evidence of payment shall be
52 carried at all times in the vehicle for which it is issued. The director of revenue
53 shall promulgate rules and regulations establishing the procedure for application
54 and issuance of fleet vehicle license plates.

55 5. Notwithstanding the provisions of sections 307.350 to 307.390, RSMo,
56 to the contrary, a fleet vehicle registered in Missouri is exempt from the
57 requirements of sections 307.350 to 307.390, RSMo, if at the time of the annual
58 fleet registration, such fleet vehicle is situated outside the state of Missouri.

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

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

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

5 2. Upon application to the director of revenue accompanied by an affidavit
6 signed by the owner or owners stating that the motor vehicle to be licensed as a
7 land improvement contractors' commercial motor vehicle shall not be operated in
8 any manner other than as prescribed in section 301.010, and by the amount of the

9 registration fee prescribed [above] **in subsection 1 of this section**, and
10 otherwise complying with the laws relating to the registration and licensing of
11 motor vehicles, the owner or owners shall be issued a [set of] **distinctive** land
12 improvement contractors' license [plates. The advisory committee established in
13 section 301.129 shall determine the characteristic features of land improvement
14 contractors' license plates so that they may be readily identified as such] **plate**
15 **so that it may be readily identified as such**, except that such license plates
16 shall be made with fully reflective material with a common color scheme and
17 design, shall be clearly visible at night, and shall be aesthetically attractive, as
18 prescribed by section 301.130. [Any rule or portion of a rule promulgated
19 pursuant to sections 301.010, 301.057, 301.058, and 301.064 may be suspended
20 by the committee on administrative rules until such time as the general assembly
21 may by concurrent resolution reinstate such rule.]

301.069. 1. A driveaway license plate may not be used on a vehicle used
2 or operated on a highway except for the purpose of transporting vehicles in
3 transit. Driveaway license plates may not be used by tow truck operators
4 transporting wrecked, disabled, abandoned, improperly parked, or burned
5 vehicles. **Driveaway license plates shall only be used by owners,**
6 **corporate officers, or employees of the business to which the plate was**
7 **issued.** For each driveaway license there shall be paid an annual license fee of
8 forty-four dollars and fifty cents for one set of plates or such insignia as the
9 director may issue which shall be attached to the motor vehicle as prescribed in
10 this chapter. Applicants may choose to obtain biennial driveaway licenses. The
11 fee for biennial driveaway licenses shall be eighty-nine dollars. For single trips
12 the fee shall be four dollars, and descriptive insignia shall be prepared and issued
13 at the discretion of the director who shall also prescribe the type of equipment
14 used to attach such vehicles in combinations.

15 **2. No driveaway license plates shall be issued by the director of**
16 **revenue unless the applicant therefor shall make application for such**
17 **plate and shall therein include:**

18 (1) **The business name, business street address, and business**
19 **telephone number of the applicant;**

20 (2) **The business owner's full name, date of birth, driver license**
21 **number or non-driver license number, residence street address, and**
22 **residence telephone number;**

23 (3) **The signature and printed name of the business owner or**

24 **authorized representative of the business presenting such application;**
25 **and**

26 **(4) A statement explaining what the driveaway license plates or**
27 **plates will be used for.**

28 **The applicant shall provide certification of proof of financial**
29 **responsibility, as defined in section 303.020 sufficient to cover each**
30 **motor vehicle the applicant shall operate or otherwise move on the**
31 **streets or highways, through use of the driveaway license plate, during**
32 **the period of registration. The applicant shall provide such**
33 **certification by affixing a copy of said certification to the**
34 **application. The application shall include a photograph, not to exceed**
35 **eight inches by ten inches but no less than five inches by seven inches,**
36 **showing the business building and sign of the applicant's business. The**
37 **applicant shall maintain a working, landline telephone at the**
38 **applicant's place of business throughout the registration period. The**
39 **applicant shall maintain certification of proof of financial**
40 **responsibility as described herein throughout the registration period.**

41 **3. If any of the information required by this section to be**
42 **reported by the applicant changes during the registration period, the**
43 **applicant shall report said changes to the department of revenue**
44 **within ten days of the date of the change.**

45 **4. Any violation of this section shall result in the revocation of**
46 **the applicant's driveaway license.**

47 **5. Any person who knowingly uses a revoked driveaway license**
48 **plate shall be deemed guilty of a misdemeanor.**

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

7 **2. For motor vehicles that require the issuance of only one**
8 **license plate under section 301.130 after August 28, 2010, an owner**
9 **whose motor vehicle has a front license plate on the effective date of**
10 **this section shall surrender the front license plate to the department**
11 **of revenue at the next renewal of registration for the motor vehicle.**

301.130. 1. **Beginning August 28, 2010,** the director of revenue, upon

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

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

22 3. All property-carrying commercial motor vehicles to be registered at a
23 gross weight in excess of twelve thousand pounds, all passenger-carrying
24 commercial motor vehicles, local transit buses, school buses, trailers, semitrailers,
25 motorcycles, motortricycles, motorscooters and driveaway vehicles shall be
26 registered with the director of revenue as provided for in subsection 3 of section
27 301.030, or with the state highways and transportation commission as otherwise
28 provided in this chapter, but only one license plate shall be issued for each such
29 vehicle, **except as provided in this subsection. The applicant for**
30 **registration of any property-carrying commercial motor vehicle may**
31 **request and be issued two license plates for such vehicle, and if such**
32 **plates are issued the director of revenue may assess and collect an**
33 **additional charge from the applicant in an amount not to exceed the fee**
34 **prescribed for personalized license plates in subsection 1 of section**
35 **301.144.**

36 4. The plates issued to manufacturers and dealers shall bear the letters
37 and numbers as prescribed by section 301.560, and the director may place upon

38 the plates other letters or marks to distinguish commercial motor vehicles and
39 trailers and other types of motor vehicles.

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

63 6. (1) The director of revenue shall issue annually or biennially a tab [or
64 set of tabs] as provided by law as evidence of the annual payment of registration
65 fees and the current registration of a vehicle in lieu of the set of
66 plates. Beginning January 1, 2010, the director may prescribe any additional
67 information recorded on the tab or tabs to ensure that the tab or tabs positively
68 correlate with the license plate or plates issued by the department of revenue for
69 such vehicle. Such tabs shall be produced in each license bureau office.

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

73 (3) A tab [or set of tabs] issued by the director of revenue when attached

74 to a vehicle in the prescribed manner shall be prima facie evidence that the
75 registration fee for such vehicle has been paid.

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

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

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

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

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

116 9. No later than January 1, 2009, the director of revenue shall commence
117 the reissuance of new license plates of such design as directed by the director
118 consistent with the terms, conditions, and provisions of this section and this
119 chapter. Except as otherwise provided in this section, in addition to all other fees
120 required by law, applicants for registration of vehicles with license plates that
121 expire during the period of reissuance, applicants for registration of trailers or
122 semitrailers with license plates that expire during the period of reissuance and
123 applicants for registration of vehicles that are to be issued new license plates
124 during the period of reissuance shall pay the cost of the plates required by this
125 subsection. The additional cost prescribed in this subsection shall not be charged
126 to persons receiving special license plates issued under section 301.073 or
127 301.443. Historic motor vehicle license plates registered pursuant to section
128 301.131 and specialized license plates are exempt from the provisions of this
129 subsection. Except for new, replacement, and transfer applications, permanent
130 nonexpiring license plates issued to commercial motor vehicles and trailers
131 registered under section 301.041 are exempt from the provisions of this
132 subsection.

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

301.142. 1. As used in sections 301.141 to 301.143, the following terms
2 mean:

3 (1) "Department", the department of revenue;

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

5 (3) "Other authorized health care practitioner" includes advanced practice
6 registered nurses licensed pursuant to chapter 335, RSMo, chiropractors licensed
7 pursuant to chapter 331, RSMo, podiatrists licensed pursuant to chapter 330,
8 RSMo, **physician assistants licensed pursuant to chapter 334**, and
9 optometrists licensed pursuant to chapter 336, RSMo;

10 (4) "Physically disabled", a natural person who is blind, as defined in

11 section 8.700, RSMo, or a natural person with medical disabilities which
12 prohibits, limits, or severely impairs one's ability to ambulate or walk, as
13 determined by a licensed physician or other authorized health care practitioner
14 as follows:

15 (a) The person cannot ambulate or walk fifty or less feet without stopping
16 to rest due to a severe and disabling arthritic, neurological, orthopedic condition,
17 or other severe and disabling condition; or

18 (b) The person cannot ambulate or walk without the use of, or assistance
19 from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other
20 assistive device; or

21 (c) Is restricted by a respiratory or other disease to such an extent that
22 the person's forced respiratory expiratory volume for one second, when measured
23 by spirometry, is less than one liter, or the arterial oxygen tension is less than
24 sixty mm/hg on room air at rest; or

25 (d) Uses portable oxygen; or

26 (e) Has a cardiac condition to the extent that the person's functional
27 limitations are classified in severity as class III or class IV according to standards
28 set by the American Heart Association; or

29 (f) A person's age, in and of itself, shall not be a factor in determining
30 whether such person is physically disabled or is otherwise entitled to disabled
31 license plates and/or disabled windshield hanging placards within the meaning
32 of sections 301.141 to 301.143;

33 (5) "Physician", a person licensed to practice medicine pursuant to chapter
34 334, RSMo;

35 (6) "Physician's statement", a statement personally signed by a duly
36 authorized person which certifies that a person is disabled as defined in this
37 section;

38 (7) "Temporarily disabled person", a disabled person as defined in this
39 section whose disability or incapacity is expected to last no more than one
40 hundred eighty days;

41 (8) "Temporary windshield placard", a placard to be issued to persons who
42 are temporarily disabled persons as defined in this section, certification of which
43 shall be indicated on the physician's statement;

44 (9) "Windshield placard", a placard to be issued to persons who are
45 physically disabled as defined in this section, certification of which shall be
46 indicated on the physician's statement.

47 2. Other authorized health care practitioners may furnish to a disabled
48 or temporarily disabled person a physician's statement for only those physical
49 health care conditions for which such health care practitioner is legally
50 authorized to diagnose and treat.

51 3. A physician's statement shall:

52 (1) Be on a form prescribed by the director of revenue;

53 (2) Set forth the specific diagnosis and medical condition which renders
54 the person physically disabled or temporarily disabled as defined in this section;

55 (3) Include the physician's or other authorized health care practitioner's
56 license number; and

57 (4) Be personally signed by the issuing physician or other authorized
58 health care practitioner.

59 4. If it is the professional opinion of the physician or other authorized
60 health care practitioner issuing the statement that the physical disability of the
61 applicant, user, or member of the applicant's household is permanent, it shall be
62 noted on the statement. Otherwise, the physician or other authorized health care
63 practitioner shall note on the statement the anticipated length of the disability
64 which period may not exceed one hundred eighty days. If the physician or health
65 care practitioner fails to record an expiration date on the physician's statement,
66 the director shall issue a temporary windshield placard for a period of thirty
67 days.

68 5. A physician or other authorized health care practitioner who issues or
69 signs a physician's statement so that disabled plates or a disabled windshield
70 placard may be obtained shall maintain in such disabled person's medical chart
71 documentation that such a certificate has been issued, the date the statement was
72 signed, the diagnosis or condition which existed that qualified the person as
73 disabled pursuant to this section and shall contain sufficient documentation so
74 as to objectively confirm that such condition exists.

75 6. The medical or other records of the physician or other authorized
76 health care practitioner who issued a physician's statement shall be open to
77 inspection and review by such practitioner's licensing board, in order to verify
78 compliance with this section. Information contained within such records shall be
79 confidential unless required for prosecution, disciplinary purposes, or otherwise
80 required to be disclosed by law.

81 7. Owners of motor vehicles who are residents of the state of Missouri,
82 and who are physically disabled, owners of motor vehicles operated at least fifty

83 percent of the time by a physically disabled person, or owners of motor vehicles
84 used to primarily transport physically disabled members of the owner's household
85 may obtain disabled person license plates. Such owners, upon application,
86 accompanied by the documents and fees provided for in this section, a current
87 physician's statement which has been issued within ninety days preceding the
88 date the application is made and proof of compliance with the state motor vehicle
89 laws relating to registration and licensing of motor vehicles, shall be issued motor
90 vehicle license plates for vehicles, other than commercial vehicles with a gross
91 weight in excess of twenty-four thousand pounds, upon which shall be inscribed
92 the international wheelchair accessibility symbol and the word "DISABLED" in
93 addition to a combination of letters and numbers. Such license plates shall be
94 made with fully reflective material with a common color scheme and design, shall
95 be clearly visible at night, and shall be aesthetically attractive, as prescribed by
96 section 301.130.

97 8. The director shall further issue, upon request, to such applicant one,
98 and for good cause shown, as the director may define by rule and regulations, not
99 more than two, removable disabled windshield hanging placards for use when the
100 disabled person is occupying a vehicle or when a vehicle not bearing the
101 permanent handicap plate is being used to pick up, deliver, or collect the
102 physically disabled person issued the disabled motor vehicle license plate or
103 disabled windshield hanging placard.

104 9. No additional fee shall be paid to the director for the issuance of the
105 special license plates provided in this section, except for special personalized
106 license plates and other license plates described in this subsection. Priority for
107 any specific set of special license plates shall be given to the applicant who
108 received the number in the immediately preceding license period subject to the
109 applicant's compliance with the provisions of this section and any applicable rules
110 or regulations issued by the director. If determined feasible by the advisory
111 committee established in section 301.129, any special license plate issued
112 pursuant to this section may be adapted to also include the international
113 wheelchair accessibility symbol and the word "DISABLED" as prescribed in this
114 section and such plate may be issued to any applicant who meets the
115 requirements of this section and the other appropriate provision of this chapter,
116 subject to the requirements and fees of the appropriate provision of this chapter.

117 10. Any physically disabled person, or the parent or guardian of any such
118 person, or any not-for-profit group, organization, or other entity which transports

119 more than one physically disabled person, may apply to the director of revenue
120 for a removable windshield placard. The placard may be used in motor vehicles
121 which do not bear the permanent handicap symbol on the license plate. Such
122 placards must be hung from the front, middle rearview mirror of a parked motor
123 vehicle and may not be hung from the mirror during operation. These placards
124 may only be used during the period of time when the vehicle is being used by a
125 disabled person, or when the vehicle is being used to pick up, deliver, or collect
126 a disabled person. When there is no rearview mirror, the placard shall be
127 displayed on the dashboard on the driver's side.

128 11. The removable windshield placard shall conform to the specifications,
129 in respect to size, color, and content, as set forth in federal regulations published
130 by the Department of Transportation. The removable windshield placard shall
131 be renewed every four years. The director may stagger the expiration dates to
132 equalize workload. Only one removable placard may be issued to an applicant
133 who has been issued disabled person license plates. Upon request, one additional
134 windshield placard may be issued to an applicant who has not been issued
135 disabled person license plates.

136 12. A temporary windshield placard shall be issued to any physically
137 disabled person, or the parent or guardian of any such person who otherwise
138 qualifies except that the physical disability, in the opinion of the physician, is not
139 expected to exceed a period of one hundred eighty days. The temporary
140 windshield placard shall conform to the specifications, in respect to size, color,
141 and content, as set forth in federal regulations published by the Department of
142 Transportation. The fee for the temporary windshield placard shall be two
143 dollars. Upon request, and for good cause shown, one additional temporary
144 windshield placard may be issued to an applicant. Temporary windshield
145 placards shall be issued upon presentation of the physician's statement provided
146 by this section and shall be displayed in the same manner as removable
147 windshield placards. A person or entity shall be qualified to possess and display
148 a temporary removable windshield placard for six months and the placard may
149 be renewed once for an additional six months if a physician's statement pursuant
150 to this section is supplied to the director of revenue at the time of renewal.

151 13. Application for license plates or windshield placards issued pursuant
152 to this section shall be made to the director of revenue and shall be accompanied
153 by a statement signed by a licensed physician or other authorized health care
154 practitioner which certifies that the applicant, user, or member of the applicant's

155 household is a physically disabled person as defined by this section.

156 14. The placard shall be renewable only by the person or entity to which
157 the placard was originally issued. Any placard issued pursuant to this section
158 shall only be used when the physically disabled occupant for whom the disabled
159 plate or placard was issued is in the motor vehicle at the time of parking or when
160 a physically disabled person is being delivered or collected. A disabled license
161 plate and/or a removable windshield hanging placard are not transferable and
162 may not be used by any other person whether disabled or not.

163 15. At the time the disabled plates or windshield hanging placards are
164 issued, the director shall issue a registration certificate which shall include the
165 applicant's name, address, and other identifying information as prescribed by the
166 director, or if issued to an agency, such agency's name and address. This
167 certificate shall further contain the disabled license plate number or, for
168 windshield hanging placards, the registration or identifying number stamped on
169 the placard. The validated registration receipt given to the applicant shall serve
170 as the registration certificate.

171 16. The director shall, upon issuing any disabled registration certificate
172 for license plates and/or windshield hanging placards, provide information which
173 explains that such plates or windshield hanging placards are nontransferable,
174 and the restrictions explaining who and when a person or vehicle which bears or
175 has the disabled plates or windshield hanging placards may be used or be parked
176 in a disabled reserved parking space, and the penalties prescribed for violations
177 of the provisions of this act.

178 17. Every new applicant for a disabled license plate or placard shall be
179 required to present a new physician's statement dated no more than ninety days
180 prior to such application. Renewal applicants will be required to submit a
181 physician's statement dated no more than ninety days prior to such application
182 upon their first renewal occurring on or after August 1, 2005. Upon completing
183 subsequent renewal applications, a physician's statement dated no more than
184 ninety days prior to such application shall be required every fourth year. Such
185 physician's statement shall state the expiration date for the temporary windshield
186 placard. If the physician fails to record an expiration date on the physician's
187 statement, the director shall issue the temporary windshield placard for a period
188 of thirty days. The director may stagger the requirement of a physician's
189 statement on all renewals for the initial implementation of a four-year period.

190 18. The director of revenue upon receiving a physician's statement

191 pursuant to this subsection shall check with the state board of registration for the
192 healing arts created in section 334.120, RSMo, or the Missouri state board of
193 nursing established in section 335.021, RSMo, with respect to physician's
194 statements signed by advanced practice registered nurses, or the Missouri state
195 board of chiropractic examiners established in section 331.090, RSMo, with
196 respect to physician's statements signed by licensed chiropractors, or with the
197 board of optometry established in section 336.130, RSMo, with respect to
198 physician's statements signed by licensed optometrists, or the state board of
199 podiatric medicine created in section 330.100, RSMo, with respect to physician's
200 statements signed by physicians of the foot or podiatrists to determine whether
201 the physician is duly licensed and registered pursuant to law. If such applicant
202 obtaining a disabled license plate or placard presents proof of disability in the
203 form of a statement from the United States Veterans' Administration verifying
204 that the person is permanently disabled, the applicant shall be exempt from the
205 four-year certification requirement of this subsection for renewal of the plate or
206 placard. Initial applications shall be accompanied by the physician's statement
207 required by this section. Notwithstanding the provisions of paragraph (f) of
208 subdivision (4) of subsection 1 of this section, any person seventy-five years of age
209 or older who provided the physician's statement with the original application
210 shall not be required to provide a physician's statement for the purpose of
211 renewal of disabled persons license plates or windshield placards.

212 19. The boards shall cooperate with the director and shall supply
213 information requested pursuant to this subsection. The director shall, in
214 cooperation with the boards which shall assist the director, establish a list of all
215 Missouri physicians and other authorized health care practitioners and of any
216 other information necessary to administer this section.

217 20. Where the owner's application is based on the fact that the vehicle is
218 used at least fifty percent of the time by a physically disabled person, the
219 applicant shall submit a statement stating this fact, in addition to the physician's
220 statement. The statement shall be signed by both the owner of the vehicle and
221 the physically disabled person. The applicant shall be required to submit this
222 statement with each application for license plates. No person shall willingly or
223 knowingly submit a false statement and any such false statement shall be
224 considered perjury and may be punishable pursuant to section 301.420.

225 21. The director of revenue shall retain all physicians' statements and all
226 other documents received in connection with a person's application for disabled

227 license plates and/or disabled windshield placards.

228 22. The director of revenue shall enter into reciprocity agreements with
229 other states or the federal government for the purpose of recognizing disabled
230 person license plates or windshield placards issued to physically disabled persons.

231 23. When a person to whom disabled person license plates or a removable
232 or temporary windshield placard or both have been issued dies, the personal
233 representative of the decedent or such other person who may come into or
234 otherwise take possession of the disabled license plates or disabled windshield
235 placard shall return the same to the director of revenue under penalty of
236 law. Failure to return such plates or placards shall constitute a class B
237 misdemeanor.

238 24. The director of revenue may order any person issued disabled person
239 license plates or windshield placards to submit to an examination by a
240 chiropractor, osteopath, or physician, or to such other investigation as will
241 determine whether such person qualifies for the special plates or placards.

242 25. If such person refuses to submit or is found to no longer qualify for
243 special plates or placards provided for in this section, the director of revenue
244 shall collect the special plates or placards, and shall furnish license plates to
245 replace the ones collected as provided by this chapter.

246 26. In the event a removable or temporary windshield placard is lost,
247 stolen, or mutilated, the lawful holder thereof shall, within five days, file with the
248 director of revenue an application and an affidavit stating such fact, in order to
249 purchase a new placard. The fee for the replacement windshield placard shall be
250 four dollars.

251 27. Fraudulent application, renewal, issuance, procurement or use of
252 disabled person license plates or windshield placards shall be a class A
253 misdemeanor. It is a class B misdemeanor for a physician, chiropractor,
254 podiatrist or optometrist to certify that an individual or family member is
255 qualified for a license plate or windshield placard based on a disability, the
256 diagnosis of which is outside their scope of practice or if there is no basis for the
257 diagnosis.

301.144. 1. The director of revenue shall establish and issue special
2 personalized license plates containing letters or numbers or combinations of
3 letters and numbers. Such license plates shall be made with fully reflective
4 material with a common color scheme and design, shall be clearly visible at night,
5 and shall be aesthetically attractive, as prescribed by section 301.130. Any

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

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

37 3. No personalized license plates shall be issued containing any letters,
38 numbers or combination of letters and numbers which are obscene, profane,
39 patently offensive or contemptuous of a racial or ethnic group, or offensive to good
40 taste or decency, or would present an unreasonable danger to the health or safety
41 of the applicant, of other users of streets and highways, or of the public in any

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

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

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

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

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

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

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

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

- 7 (1) A description of the motor vehicle or trailer sufficient to identify it;
- 8 (2) The vehicle identification number of the motor vehicle or trailer;
- 9 (3) The name and address of the transferee;
- 10 (4) The date of birth of the transferee, unless the transferee is not a

11 natural person;

12 (5) The date of the transfer or sale;

13 (6) The purchase price of the motor vehicle or trailer, if applicable;

14 (7) The number of the transferee's drivers license, unless the transferee
15 does not have a drivers license;

16 (8) The printed name and signature of the transferee;

17 (9) Any other information required by the department by rule.

18 2. For purposes of giving notice under this section, if the transfer occurs
19 by operation of law, the personal representative, receiver, trustee, sheriff, or other
20 representative or successor in interest of the person whose interest is transferred
21 shall be considered the transferor. Repossession by a creditor shall not be
22 considered a transfer of ownership requiring such notice.

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

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

34 5. Retail sales made by licensed dealers including sales of new vehicles
35 shall be reported pursuant to the provisions of section 301.280.

301.200. 1. In the case of dealers, a certificate of ownership or proof that
2 a dealer has applied for a certificate of ownership or that a prior lien has been
3 satisfied by the dealer shall be required in the case of each motor vehicle in his
4 possession, and the director of revenue shall determine the form in which
5 application for such certificates of ownership and assignments shall be made, in
6 case forms differing from those used for individuals are, in his judgment,
7 reasonably required; provided, however, that no such certificates shall be required
8 in the case of new motor vehicles or trailers sold by manufacturers to dealers.

9 2. Dealers shall execute and deliver manufacturer's statements of origin
10 in accordance with forms prescribed by the director of revenue for all new cars
11 sold by them. On the presentation of a manufacturer's statement of origin,

12 executed in the form prescribed by the director of revenue, by a manufacturer or
13 a dealer for a new car sold in this state, a certificate of ownership shall be issued.

14 3. Each certificate of ownership issued by the department of revenue shall
15 contain space for four assignments. On all certificates of ownership containing
16 fewer than four assignment spaces, the director shall prescribe a secure document
17 for use in making a fourth assignment by a dealer. All secure documents for
18 assignments which are spoiled shall be marked "void" and shall be returned by
19 the dealer to the department of revenue at the end of each month.

20 4. **No entity that finances or establishes a line of credit that**
21 **enables a motor vehicle dealer to purchase a motor vehicle shall hold,**
22 **or preclude a motor vehicle dealer from holding, any certificate of**
23 **ownership to a motor vehicle as part of that financing or line of**
24 **credit. Any entity that finances or establishes a line of credit that**
25 **enables a motor vehicle dealer to purchase vehicles, and who holds or**
26 **prohibits a motor vehicle dealer from holding, any certificate or**
27 **ownership as part of that financing or line of credit shall upon**
28 **conviction be guilty of a class A misdemeanor, provided that a second**
29 **or subsequent offense shall be a class D felony.**

301.218. 1. No person shall, except as an incident to the sale, repair,
2 rebuilding or servicing of vehicles by a licensed franchised motor vehicle dealer,
3 carry on or conduct the following business unless licensed to do so by the
4 department of revenue under sections 301.217 to 301.229:

5 (1) Selling used parts of or used accessories for vehicles as a used parts
6 dealer, as defined in section 301.010;

7 (2) Salvaging, wrecking or dismantling vehicles for resale of the parts
8 thereof as a salvage dealer or dismantler, as defined in section 301.010;

9 (3) Rebuilding and repairing four or more wrecked or dismantled vehicles
10 in a calendar year as a rebuilder or body shop, as defined in section 301.010;

11 (4) Processing scrapped vehicles or vehicle parts as a [mobile] scrap
12 processor, as defined in section 301.010.

13 2. Sales at a salvage pool or a salvage disposal sale shall be open only to
14 and made to persons actually engaged in and holding a current license under
15 sections 301.217 to 301.221 and 301.550 to 301.573 or any person from another
16 state or jurisdiction who is legally allowed in his or her state of domicile to
17 purchase for resale, rebuild, dismantle, crush, or scrap either motor vehicles or
18 salvage vehicles, and to persons who reside in a foreign country that are

19 purchasing salvage vehicles for export outside of the United States. Operators
20 of salvage pools or salvage disposal sales shall keep a record, for three years, of
21 sales of salvage vehicles with the purchasers' name and address, and the year,
22 make, and vehicle identification number for each vehicle. These records shall be
23 open for inspection as provided in section 301.225. Such records shall be
24 submitted to the department on a quarterly basis.

25 3. The operator of a salvage pool or salvage disposal sale, or subsequent
26 purchaser, who sells a nonrepairable motor vehicle or a salvage motor vehicle to
27 a person who is not a resident of the United States at a salvage pool or a salvage
28 disposal sale shall:

29 (1) Stamp on the face of the title so as not to obscure any name, date, or
30 mileage statement on the title the words "FOR EXPORT ONLY" in capital letters
31 that are black; and

32 (2) Stamp in each unused reassignment space on the back of the title the
33 words "FOR EXPORT ONLY" and print the number of the dealer's salvage vehicle
34 license, name of the salvage pool, or the name of the governmental entity, as
35 applicable. The words "FOR EXPORT ONLY" required under subdivisions (1) and
36 (2) of this subsection shall be at least two inches wide and clearly legible. Copies
37 of the stamped titles shall be forwarded to the department.

38 4. The director of revenue shall issue a separate license for each kind of
39 business described in subsection 1 of this section, to be entitled and designated
40 as either "used parts dealer"; "salvage dealer or dismantler"; "rebuilder or body
41 shop"; or "[mobile] scrap processor" license.

301.280. 1. Every motor vehicle dealer and boat dealer shall make a
2 monthly report to the department of revenue, on blanks to be prescribed by the
3 department of revenue, giving the following information: date of the sale of each
4 motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of
5 the buyer; the name of the manufacturer; year of manufacture; model of vehicle;
6 vehicle identification number; style of vehicle; odometer setting; and it shall also
7 state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or
8 secondhand. Each monthly sales report filed by a motor vehicle dealer who
9 collects sales tax under subsection 8 of section 144.070, RSMo, shall also include
10 the amount of state and local sales tax collected for each motor vehicle sold if
11 sales tax was due. The odometer reading is not required when reporting the sale
12 of any motor vehicle that is ten years old or older, any motor vehicle having a
13 gross vehicle weight rating of more than sixteen thousand pounds, new vehicles

14 that are transferred on a manufacturer's statement of origin between one
15 franchised motor vehicle dealer and another, or boats, all-terrain vehicles or
16 trailers. The sale of all thirty-day temporary permits, without exception, shall
17 be recorded in the appropriate space on the dealer's monthly sales report by
18 recording the complete permit number issued on the motor vehicle or trailer sale
19 listed. The monthly sales report shall be completed in full and signed by an
20 officer, partner, or owner of the dealership, and actually received by the
21 department of revenue on or before the fifteenth day of the month succeeding the
22 month for which the sales are being reported. If no sales occur in any given
23 month, a report shall be submitted for that month indicating no sales. Any
24 vehicle dealer who fails to file a monthly report or who fails to file a timely report
25 shall be subject to disciplinary action as prescribed in section 301.562 or a
26 penalty assessed by the director not to exceed three hundred dollars per
27 violation. Every motor vehicle and boat dealer shall retain copies of the monthly
28 sales report as part of the records to be maintained at the dealership location and
29 shall hold them available for inspection by appropriate law enforcement officials
30 and officials of the department of revenue. Every vehicle dealer selling twenty
31 or more vehicles a month shall file the monthly sales report with the department
32 in an electronic format. Any dealer filing a monthly sales report in an electronic
33 format shall be exempt from filing the notice of transfer required by section
34 301.196. For any dealer not filing electronically, the notice of transfer required
35 by section 301.196 shall be submitted with the monthly sales report as prescribed
36 by the director.

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

47 3. Every dealer and every person operating a public garage in which a
48 motor vehicle remains unclaimed for a period of fifteen days shall, within five
49 days after the expiration of that period, report the motor vehicle as unclaimed to

50 the director of revenue. Such report shall be on a form prescribed by the director
51 of revenue. A motor vehicle left by its owner whose name and address are known
52 to the dealer or his employee or person operating a public garage or his employee
53 is not considered unclaimed. Any dealer or person operating a public garage who
54 fails to report a motor vehicle as unclaimed as herein required forfeits all claims
55 and liens for its garaging, parking or storing.

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

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

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

301.290. 1. Correctional enterprises of the department of corrections shall
2 purchase, erect and maintain all of the machinery and equipment necessary for
3 the manufacture of the license plates and tabs issued by the director of revenue,
4 and of signs used by the state transportation department. [Beginning on January
5 1, 2011,] Correctional enterprises shall [no longer] erect and maintain tabs for
6 the department of revenue.

7 2. The director of revenue shall procure all plates issued by him, and the
8 state transportation department shall procure all signs used by it from
9 correctional enterprises, unless an emergency arises and correctional enterprises
10 cannot furnish the plates, tabs or signs.

11 3. Correctional enterprises shall furnish the plates and signs at such a
12 price as will not exceed the price at which such plates and signs may be obtained
13 upon the open market, but in no event shall such price be less than the cost of
14 manufacture, including labor and materials.

15 4. All moneys derived from the sale of the plates, tabs and signs shall be
16 paid into the state treasury to the credit of the working capital revolving fund as

17 provided in section 217.595, RSMo.

**301.423. If the director of revenue or his or her designated
2 representative reasonably believes that a certificate of ownership, a
3 license plate, or a license plate tab was obtained fraudulently, any
4 person in possession of said item shall surrender same to the director
5 of revenue or his or her designated representative upon request. Any
6 person failing to do so shall be deemed guilty of a class A misdemeanor.**

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

3 (1) Every application other than a renewal application for a motor vehicle
4 franchise dealer shall include a certification that the applicant has a bona fide
5 established place of business. Such application shall include an annual
6 certification that the applicant has a bona fide established place of business [for
7 the first three years and only for every other year thereafter]. The certification
8 shall be performed by a uniformed member of the Missouri state highway patrol
9 or authorized or designated employee stationed in the troop area in which the
10 applicant's place of business is located; except that in counties of the first
11 classification, certification may be performed by an officer of a metropolitan police
12 department when the applicant's established place of business of distributing or
13 selling motor vehicles or trailers is in the metropolitan area where the certifying
14 metropolitan police officer is employed. When the application is being made for
15 licensure as a boat manufacturer or boat dealer, certification shall be performed
16 by a uniformed member of the Missouri state water patrol stationed in the
17 district area in which the applicant's place of business is located or by a
18 uniformed member of the Missouri state highway patrol stationed in the troop
19 area in which the applicant's place of business is located or, if the applicant's
20 place of business is located within the jurisdiction of a metropolitan police
21 department in a first class county, by an officer of such metropolitan police
22 department. A bona fide established place of business for any new motor vehicle
23 franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer,
24 wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall
25 be a permanent enclosed building or structure, either owned in fee or leased and
26 actually occupied as a place of business by the applicant for the selling, bartering,
27 trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or
28 trailers and wherein the public may contact the owner or operator at any
29 reasonable time, and wherein shall be kept and maintained the books, records,

30 files and other matters required and necessary to conduct the business. The
31 applicant's place of business shall contain a working telephone which shall be
32 maintained during the entire registration year. In order to qualify as a bona fide
33 established place of business for all applicants licensed pursuant to this section
34 there shall be an exterior sign displayed carrying the name of the business set
35 forth in letters at least six inches in height and clearly visible to the public and
36 there shall be an area or lot which shall not be a public street on which multiple
37 vehicles, boats, personal watercraft, or trailers may be displayed. The sign shall
38 contain the name of the dealership by which it is known to the public through
39 advertising or otherwise, which need not be identical to the name appearing on
40 the dealership's license so long as such name is registered as a fictitious name
41 with the secretary of state, has been approved by its line-make manufacturer in
42 writing in the case of a new motor vehicle franchise dealer and a copy of such
43 fictitious name registration has been provided to the department. Dealers who
44 sell only emergency vehicles as defined in section 301.550 are exempt from
45 maintaining a bona fide place of business, including the related law enforcement
46 certification requirements, and from meeting the minimum yearly sales;

47 (2) The initial application for licensure shall include a photograph, not to
48 exceed eight inches by ten inches but no less than five inches by seven inches,
49 showing the business building, lot, and sign. A new motor vehicle franchise
50 dealer applicant who has purchased a currently licensed new motor vehicle
51 franchised dealership shall be allowed to submit a photograph of the existing
52 dealership building, lot and sign but shall be required to submit a new
53 photograph upon the installation of the new dealership sign as required by
54 sections 301.550 to 301.573. Applicants shall not be required to submit a
55 photograph annually unless the business has moved from its previously licensed
56 location, or unless the name of the business or address has changed, or unless the
57 class of business has changed;

58 (3) Every applicant as a new motor vehicle franchise dealer, a used motor
59 vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer
60 dealer, or boat dealer shall furnish with the application a corporate surety bond
61 or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by
62 any state or federal financial institution in the penal sum of twenty-five thousand
63 dollars on a form approved by the department. The bond or irrevocable letter of
64 credit shall be conditioned upon the dealer complying with the provisions of the
65 statutes applicable to new motor vehicle franchise dealers, used motor vehicle

66 dealers, powersport dealers, wholesale motor vehicle dealers, trailer dealers, and
67 boat dealers, and the bond shall be an indemnity for any loss sustained by reason
68 of the acts of the person bonded when such acts constitute grounds for the
69 suspension or revocation of the dealer's license. The bond shall be executed in
70 the name of the state of Missouri for the benefit of all aggrieved parties or the
71 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
73 aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable
74 letter of credit. The proceeds of the bond or irrevocable letter of credit shall be
75 paid upon receipt by the department of a final judgment from a Missouri court of
76 competent jurisdiction against the principal and in favor of an aggrieved
77 party. Additionally, every applicant as a new motor vehicle franchise dealer, a
78 used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer,
79 [trailer dealer,] or boat dealer shall furnish with the application a copy of a
80 current dealer garage policy bearing the policy number and name of the insurer
81 and the insured;

82 (4) Payment of all necessary license fees as established by the
83 department. In establishing the amount of the annual license fees, the
84 department shall, as near as possible, produce sufficient total income to offset
85 operational expenses of the department relating to the administration of sections
86 301.550 to 301.573. All fees payable pursuant to the provisions of sections
87 301.550 to 301.573, other than those fees collected for the issuance of dealer
88 plates or certificates of number collected pursuant to subsection 6 of this section,
89 shall be collected by the department for deposit in the state treasury to the credit
90 of the "Motor Vehicle Commission Fund", which is hereby created. The motor
91 vehicle commission fund shall be administered by the Missouri department of
92 revenue. The provisions of section 33.080, RSMo, to the contrary
93 notwithstanding, money in such fund shall not be transferred and placed to the
94 credit of the general revenue fund until the amount in the motor vehicle
95 commission fund at the end of the biennium exceeds two times the amount of the
96 appropriation from such fund for the preceding fiscal year or, if the department
97 requires permit renewal less frequently than yearly, then three times the
98 appropriation from such fund for the preceding fiscal year. The amount, if any,
99 in the fund which shall lapse is that amount in the fund which exceeds the
100 multiple of the appropriation from such fund for the preceding fiscal year.

101 2. In the event a new vehicle manufacturer, boat manufacturer, motor

102 vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer,
 103 wholesale motor vehicle auction, trailer dealer, or a public motor vehicle auction
 104 submits an application for a license for a new business and the applicant has
 105 complied with all the provisions of this section, the department shall make a
 106 decision to grant or deny the license to the applicant within eight working hours
 107 after receipt of the dealer's application, notwithstanding any rule of the
 108 department.

109 3. Upon the initial issuance of a license by the department, the
 110 department shall assign a distinctive dealer license number or certificate of
 111 number to the applicant and the department shall issue one number plate or
 112 certificate bearing the distinctive dealer license number or certificate of number
 113 and two additional number plates or certificates of number within eight working
 114 hours after presentment of the application. Upon renewal, the department shall
 115 issue the distinctive dealer license number or certificate of number as quickly as
 116 possible. The issuance of such distinctive dealer license number or certificate of
 117 number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel
 118 trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public
 119 motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle
 120 auction or new or used motor vehicle dealer.

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

- 123 New motor vehicle franchise
- 124 dealers..... D-0 through D-999
- 125 New powersport dealers and
- 126 motorcycle franchise
- 127 dealers.....D-1000 through D-1999
- 128 Used motor vehicle, used
- 129 powersport, and used
- 130 motorcycle dealers.....D-2000 through D-9999
- 131 Wholesale motor vehicle
- 132 dealers.....W-0 through W-1999
- 133 Wholesale motor vehicle
- 134 auctions.....WA-0 through WA-999
- 135 New and used trailer dealers.....T-0 through T-9999
- 136 Motor vehicle, trailer, and
- 137 boat manufacturers.....DM-0 through DM-999

138 Public motor vehicle auctions.....A-0 through A-1999
139 Boat dealers.....M-0 through M-9999
140 New and used recreational
141 motor vehicle dealers.....RV-0 through RV-999

142 For purposes of this subsection, qualified transactions shall include the purchase
143 of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle
144 dealer who also holds a salvage dealer's license shall be allowed one additional
145 plate or certificate number per fifty-unit qualified transactions annually. In order
146 for salvage dealers to obtain number plates or certificates under this section,
147 dealers shall submit to the department of revenue on August first of each year a
148 statement certifying, under penalty of perjury, the dealer's number of purchases
149 during the reporting period of July first of the immediately preceding year to
150 June thirtieth of the present year. The provisions of this subsection shall become
151 effective on the date the director of the department of revenue begins to reissue
152 new license plates under section 301.130, or on December 1, 2008, whichever
153 occurs first. If the director of revenue begins reissuing new license plates under
154 the authority granted under section 301.130 prior to December 1, 2008, the
155 director of the department of revenue shall notify the revisor of statutes of such
156 fact.

157 5. Upon the sale of a currently licensed new motor vehicle franchise
158 dealership the department shall, upon request, authorize the new approved dealer
159 applicant to retain the selling dealer's license number and shall cause the new
160 dealer's records to indicate such transfer.

161 6. In the case of new motor vehicle manufacturers, motor vehicle dealers,
162 powersport dealers, recreational motor vehicle dealers, and trailer dealers, the
163 department shall issue one number plate bearing the distinctive dealer license
164 number and may issue two additional number plates to the applicant upon
165 payment by the manufacturer or dealer of a fifty dollar fee for the number plate
166 bearing the distinctive dealer license number and ten dollars and fifty cents for
167 each additional number plate. Such license plates shall be made with fully
168 reflective material with a common color scheme and design, shall be clearly
169 visible at night, and shall be aesthetically attractive, as prescribed by section
170 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate
171 of number bearing such number upon the payment of a fifty dollar fee. Additional
172 number plates and as many additional certificates of number may be obtained
173 upon payment of a fee of ten dollars and fifty cents for each additional plate or

174 certificate. New motor vehicle manufacturers shall not be issued or possess more
175 than three hundred forty-seven additional number plates or certificates of number
176 annually. New and used motor vehicle dealers, powersport dealers, wholesale
177 motor vehicle dealers, boat dealers, and trailer dealers are limited to one
178 additional plate or certificate of number per ten-unit qualified transactions
179 annually. New and used recreational motor vehicle dealers are limited to two
180 additional plates or certificate of number per ten-unit qualified transactions
181 annually for their first fifty transactions and one additional plate or certificate
182 of number per ten-unit qualified transactions thereafter. An applicant seeking
183 the issuance of an initial license shall indicate on his or her initial application
184 the applicant's proposed annual number of sales in order for the director to issue
185 the appropriate number of additional plates or certificates of number. A motor
186 vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor
187 vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale
188 motor vehicle dealer obtaining a distinctive dealer license plate or certificate of
189 number or additional license plate or additional certificate of number, throughout
190 the calendar year, shall be required to pay a fee for such license plates or
191 certificates of number computed on the basis of one-twelfth of the full fee
192 prescribed for the original and duplicate number plates or certificates of number
193 for such dealers' licenses, multiplied by the number of months remaining in the
194 licensing period for which the dealer or manufacturers shall be required to be
195 licensed. In the event of a renewing dealer, the fee due at the time of renewal
196 shall not be prorated. Wholesale and public auctions shall be issued a certificate
197 of dealer registration in lieu of a dealer number plate. In order for dealers to
198 obtain number plates or certificates under this section, dealers shall submit to
199 the department of revenue on August first of each year a statement certifying,
200 under penalty of perjury, the dealer's number of sales during the reporting period
201 of July first of the immediately preceding year to June thirtieth of the present
202 year.

203 7. The plates issued pursuant to subsection 3 or 6 of this section may be
204 displayed on any motor vehicle owned by a new motor vehicle manufacturer. The
205 plates issued pursuant to subsection 3 or 6 of this section may be displayed on
206 any motor vehicle or trailer owned and held for resale by a motor vehicle dealer
207 for use by a customer who is test driving the motor vehicle, for use and display
208 purposes during, but not limited to, parades, private events, charitable events,
209 or for use by an employee or officer, but shall not be displayed on any motor

210 vehicle or trailer hired or loaned to others or upon any regularly used service or
211 wrecker vehicle. Motor vehicle dealers may display their dealer plates on a
212 tractor, truck or trailer to demonstrate a vehicle under a loaded
213 condition. Trailer dealers may display their dealer license plates in like manner,
214 except such plates may only be displayed on trailers owned and held for resale
215 by the trailer dealer.

216 8. The certificates of number issued pursuant to subsection 3 or 6 of this
217 section may be displayed on any vessel or vessel trailer owned and held for resale
218 by a boat manufacturer or a boat dealer, and used by a customer who is test
219 driving the vessel or vessel trailer, or is used by an employee or officer on a vessel
220 or vessel trailer only, but shall not be displayed on any motor vehicle owned by
221 a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer
222 hired or loaned to others or upon any regularly used service vessel or vessel
223 trailer. Boat dealers and boat manufacturers may display their certificate of
224 number on a vessel or vessel trailer when transporting a vessel or vessels to an
225 exhibit or show.

226 9. (1) Every application for the issuance of a used motor vehicle dealer's
227 license shall be accompanied by proof that the applicant, within the last twelve
228 months, has completed an educational seminar course approved by the
229 department as prescribed by subdivision (2) of this subsection. Wholesale and
230 public auto auctions and applicants currently holding a new or used license for
231 a separate dealership shall be exempt from the requirements of this
232 subsection. The provisions of this subsection shall not apply to current new
233 motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for
234 a new motor vehicle franchise or a motor vehicle leasing agency. The provisions
235 of this subsection shall not apply to used motor vehicle dealers who were licensed
236 prior to August 28, 2006.

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

301.561. 1. Any person or corporation holding a public motor vehicle
2 auction shall display in a conspicuous manner two signs each of which shall bear
3 the following warning in letters at least six inches high: "Attention Buyers:
4 Vehicles sold at this auction may not have had a safety inspection." The
5 dimensions of each sign shall be at least two feet by two feet.

6 **2. Notwithstanding any provision of law to the contrary, a public**
7 **motor vehicle auction may sell motor vehicles through an internet**
8 **auction without the services of a licensed auctioneer. A public motor**
9 **vehicle auction may auction motor vehicles that are not located at its**
10 **licensed place of business through the internet.**

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

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

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

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

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

28 (4) Use of fraud, deception, misrepresentation, or bribery in securing any
29 license issued pursuant to sections 301.550 to 301.573;

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

32 (6) Violation of, or assisting or enabling any person to violate any
33 provisions of this chapter and chapters 144, 306, 307, 407, 578, and 643, RSMo,
34 or of any lawful rule or regulation adopted pursuant to this chapter and chapters
35 144, 306, 307, 407, 578, and 643, RSMo;

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

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

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

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

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

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

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

64 4. Upon the suspension or revocation of any person's license issued under
65 sections 301.550 to 301.573, the department shall recall any distinctive number
66 plates that were issued to that licensee.

301.567. 1. For purposes of this section, a violation of any of the following

2 advertising standards shall be deemed an attempt by the advertising dealer to
3 obtain a fee or other compensation by fraud, deception or misrepresentation in
4 violation of section 301.562:

5 (1) A motor vehicle shall not be advertised as new, either by express terms
6 or implication, unless it is a new motor vehicle as defined in section 301.550;

7 (2) When advertising any motor vehicle which is not a new motor vehicle,
8 such advertisement must expressly identify that the motor vehicle is a used motor
9 vehicle by express use of the term "used", or by such other term as is commonly
10 understood to mean that the vehicle is used;

11 (3) Any terms, conditions, and disclaimers relating to the advertised motor
12 vehicle's price or financing options shall be stated clearly and conspicuously. An
13 asterisk or other reference symbol may be used to point to a disclaimer or other
14 information, but not be used as a means of contradicting or changing the meaning
15 of an advertised statement;

16 (4) The expiration date, if any, of an advertised sale or vehicle price shall
17 be clearly and conspicuously disclosed. In the absence of such disclosure, the
18 advertised sale or vehicle price shall be deemed effective so long as such vehicles
19 remain in the advertising dealership's inventory;

20 (5) The terms "list price", "sticker price", or "suggested retail price" shall
21 be used only in reference to the manufacturer's suggested retail price for new
22 motor vehicles, and, if used, shall be accompanied by a clear and conspicuous
23 disclosure that such terms represent the manufacturer's suggested retail price of
24 the advertised vehicle;

25 (6) Terms such as "at cost", "\$..... above cost", "invoice price", and "\$
26 below/over invoice" shall not be used in advertisements because of the difficulty
27 in determining a dealer's actual net cost at the time of the sale;

28 (7) When the price or financing terms of a motor vehicle are advertised,
29 the vehicle shall be fully identified as to year, make, and model. In addition, in
30 advertisements placed by individual dealers and not line-make marketing groups,
31 the advertised price or credit terms shall include all charges which the buyer
32 must pay to the dealer, except buyer-selected options and state and local taxes.
33 If a processing fee or freight or destination charges are not included in the
34 advertised price, the amount of any such processing fee and freight or destination
35 charge must be clearly and conspicuously disclosed within the advertisement;

36 (8) Advertisements of dealer rebates shall not be used, however, this shall
37 not be deemed to prohibit the advertising of manufacturer rebates, so long as all

38 material terms of such rebates are clearly and conspicuously disclosed;

39 (9) "Free"[,] or "at no cost" shall not be used if any purchase is required
40 to qualify for the free item, merchandise, or service;

41 (10) Bait advertising, in which an advertiser may have no intention to sell
42 at the prices or terms advertised, shall not be used. Bait advertising shall
43 include, but not be limited to, the following examples:

44 (a) Not having available for sale the advertised motor vehicles at the
45 advertised prices. If a specific vehicle is advertised, the dealer shall be in
46 possession of a reasonable supply of such vehicles, and they shall be available at
47 the advertised price. If the advertised vehicle is available only in limited
48 numbers or only by order, such limitations shall be stated in the advertisement;

49 (b) Advertising a motor vehicle at a specified price, including such terms
50 as "as low as \$.....", but having available for sale only vehicles equipped with
51 dealer-added cost options which increase the selling price above the advertised
52 price;

53 (11) Any reference to monthly payments, down payments, or other
54 reference to financing or leasing information shall be accompanied by a clear and
55 conspicuous disclosure of the following:

56 (a) Whether the payment or other information relates to a financing or a
57 lease transaction;

58 (b) If the payment or other information relates to a financing transaction,
59 the minimum down payment, annual percentage interest rate, and number of
60 payments necessary to obtain the advertised payment amount must be disclosed,
61 in addition to any special qualifications required for obtaining the advertised
62 terms including, but not limited to, first-time buyer discounts, college graduate
63 discounts, and a statement concerning whether the advertised terms are subject
64 to credit approval;

65 (c) If the payment or other information relates to a lease transaction, the
66 total amount due from the purchaser at signing with such costs broken down and
67 identified by category, lease term expressed in number of months, whether the
68 lease is closed-end or open-end, and total cost to the lessee over the lease term
69 in dollars;

70 (12) Any advertisement which states or implies that the advertising dealer
71 has a special arrangement or relationship with the distributor or manufacturer,
72 as compared to similarly situated dealers, shall not be used;

73 (13) Any advertisement which, in the circumstances under which it is

74 made or applied, is false, deceptive, or misleading shall not be used;

75 (14) No abbreviations for industry words or phrases shall be used in any
76 advertisement unless such abbreviations are accompanied by the fully spelled or
77 spoken words or phrases.

78 2. The requirements of this section shall apply regardless of whether a
79 dealer advertises by means of print, broadcast, or electronic media, or direct mail.
80 If the advertisement is by means of a broadcast or print media, a dealer may
81 provide the disclaimers and disclosures required under subdivision (3) of
82 subsection 1 of this section by reference to an Internet web page or toll-free
83 telephone number containing the information required to be disclosed.

84 3. Dealers shall clearly and conspicuously identify themselves in each
85 advertisement by use of a dealership name which complies with subsection [6] 1
86 of section 301.560.

301.570. 1. It shall be unlawful for any person, partnership, corporation,
2 company or association, unless the seller is a financial institution, or is selling
3 repossessed motor vehicles or is disposing of vehicles used and titled solely in its
4 ordinary course of business or is a collector of antique motor vehicles, to sell or
5 display with an intent to sell six or more motor vehicles in a calendar year, except
6 when such motor vehicles are registered in the name of the seller, unless such
7 person, partnership, corporation, company or association is:

8 (1) Licensed as a motor vehicle dealer by the department under the
9 provisions of sections 301.550 to 301.573;

10 (2) Exempt from licensure as a motor vehicle dealer pursuant to
11 subsection 4 of section 301.559;

12 (3) Selling commercial motor vehicles with a gross weight of at least
13 nineteen thousand five hundred pounds, but only with respect to such commercial
14 motor vehicles;

15 (4) An auctioneer, acting at the request of the owner at an auction, when
16 such auction is not a public motor vehicle auction.

17 2. Any person, partnership, corporation, company or association that has
18 reason to believe that the provisions of this section are being violated shall file
19 a complaint with the prosecuting attorney in the county in which the violation
20 occurred. The prosecuting attorney shall investigate the complaint and take
21 appropriate action.

22 3. For the purposes of sections 301.550 to 301.573, the sale, barter,
23 exchange, lease or rental with option to purchase of six or more motor vehicles in

24 a calendar year by any person, partnership, corporation, company or association,
25 whether or not the motor vehicles are owned by them, shall be prima facie
26 evidence of intent to make a profit or gain of money and such person, partnership,
27 corporation, company or association shall be deemed to be acting as a motor
28 vehicle dealer without a license.

29 4. Any person, partnership, corporation, company or association who
30 violates subsection 1 of this section is guilty of a class A misdemeanor. **A second**
31 **or subsequent conviction shall be deemed a class D felony.**

32 5. The provisions of this section shall not apply to liquidation of an estate.

301.572. Notwithstanding any other provisions of law, if the
2 **director of revenue or his or her designated representative determines**
3 **through reasonable means that the place of business of a motor vehicle**
4 **dealer, boat dealer, manufacturer, boat manufacturer, public motor**
5 **vehicle auction, wholesale motor vehicle auction or wholesale motor**
6 **vehicle dealer licensed under the provisions of sections 301.550 to**
7 **301.573 is uninhabited, abandoned, or otherwise not inhabited by the**
8 **licensee, the director shall send a notice by certified mail indicating**
9 **the director's determination and that the failure of the licensee to**
10 **respond within thirty days from the date of the letter will result in the**
11 **revocation of the license of such business. If the licensee fails to**
12 **respond to the notice, the license of such business shall be immediately**
13 **revoked and ownership of all dealer license plates and all unused**
14 **temporary permits previously issued to the licensee by the department**
15 **of revenue shall immediately revert back to the department of revenue.**

301.580. 1. The department of revenue may issue special event
2 **motor vehicle auction licenses under the provisions of this section. For**
3 **purposes of this section, a "special event motor vehicle auction" is a**
4 **motor vehicle auction which:**

5 (1) **Ninety percent of the vehicles being auctioned are at least**
6 **ten years old or older; and**

7 (2) **The duration if no more than three consecutive calendar days**
8 **and is held no more than two times in a calendar year by a licensee.**

9 2. **A special event motor vehicle auction shall be considered a**
10 **public motor vehicle auction for purposes of sections 301.559 and**
11 **301.564.**

12 3. **Special event motor vehicle auction licensees shall be exempt**
13 **from the requirements of section 301.560, with the exception of**

14 subdivision (4) of subsection 1 of section 301.560.

15 4. An application for a special event motor vehicle auction
16 license must be received by the department at least ninety days prior
17 to the beginning of the special event auction.

18 5. Applicants for a special motor vehicle auction are limited to
19 no more than two special event auctions in any calendar year. A
20 separate application is required for each special event motor vehicle
21 auction.

22 6. At least ninety percent of the vehicles being auctioned at a
23 special event motor vehicle auction shall be ten years old or older. The
24 licensee shall, within ten days of the conclusion of a special event
25 motor vehicle auction, submit a report in the form approved by the
26 director to the department that includes the make, model, year, and
27 vehicle identification number of each vehicle included in the
28 auction. Every vehicle included in the special event auction shall be
29 listed, including those vehicles that were auctioned and sold and those
30 vehicles that were auctioned but did not sell. Violation of this
31 subsection is a class A misdemeanor.

32 7. The applicant for the special event motor vehicle auction shall
33 be responsible for ensuring that a sales tax license or special event
34 sales tax license is obtained for the event if one is required.

35 8. The fee for a special event motor vehicle auction license shall
36 be one thousand dollars. For every vehicle auctioned in violation of
37 subsection 6 of this section, an administrative fee of five hundred
38 dollars shall be paid to the department. Such fees shall be deposited
39 in like manner as other license fees of this section.

40 9. In addition to the causes set forth in section 301.562, the
41 department may promulgate rules that establish additional causes to
42 refuse to issue or to revoke a special event license.

43 10. A special motor vehicle auction shall last no more than three
44 consecutive days.

45 11. The applicant for a special event motor vehicle auction shall
46 be registered to conduct business in this state.

47 12. Every applicant for a special event motor vehicle auction
48 license shall furnish with the application a corporate surety bond or an
49 irrevocable letter of credit as defined in section 400.5-103 issued by any
50 state or federal financial institution in the penal sum of one hundred

51 thousand dollars on a form approved by the department. The bond or
52 irrevocable letter of credit shall be conditioned upon the applicant
53 complying with the provisions of the statutes applicable to a special
54 event auction license holder and the bond shall be an indemnity for any
55 loss sustained by reason of the acts of the person bonded when such
56 acts constitute grounds for the revocation or denial of a special event
57 auction license. The bond shall be executed in the name of the state of
58 Missouri for the benefit of all aggrieved parties or the irrevocable
59 letter of credit shall name the state of Missouri as the beneficiary. The
60 aggregate liability of the surety or financial institution to the aggrieved
61 parties shall not exceed the amount of the bond or irrevocable letter of
62 credit. The proceeds of the bond or irrevocable letter of credit shall be
63 paid upon receipt by the department of a final judgment from a
64 Missouri court of competent jurisdiction against the principal and in
65 favor of an aggrieved party.

66 13. No dealer, driveaway, auction, or wholesale plates, or
67 temporary permit booklets, shall be issued in conjunction with a
68 special event motor vehicle auction license.

69 14. Any person or entity who sells a vehicle at a special event
70 motor vehicle auction shall provide, to the buyer, current contact
71 information including, but not limited to, name, address, and telephone
72 number.

73 15. Any rule or portion of a rule, as that term is defined in
74 section 536.010 that is created under the authority delegated in this
75 section shall become effective only if it complies with and is subject to
76 all of the provisions of chapter 536, and, if applicable, section
77 536.028. This section and chapter 536 are nonseverable and if any of
78 the powers vested with the general assembly pursuant to chapter 536,
79 to review, to delay the effective date, or to disapprove and annul a rule
80 are subsequently held unconstitutional, then the grant of rulemaking
81 authority and any rule proposed or adopted after August 28, 2010, shall
82 be invalid and void.

301.4020. Notwithstanding the provisions of section 301.190 or
2 any other law, when an application is made for an original Missouri
3 certificate of ownership for an all-terrain vehicle, as defined in section
4 301.010, or a recreational off-highway vehicle, as defined in section
5 301.010, which has not been issued a prior certificate of ownership, the

6 **application shall be accompanied by an affidavit submitted by the**
7 **owner explaining how the all-terrain vehicle or recreational off-**
8 **highway vehicle was acquired and a photocopy of the bill of sale**
9 **establishing ownership of such vehicle.**

302.220. It shall be unlawful for any person to display or to permit to be
2 displayed, or to have in his possession, any license **or nondriver identification**
3 **card** knowing the same to be fictitious or to have been canceled, suspended,
4 revoked, disqualified or altered; to lend to or knowingly permit the use of by
5 another any license **or nondriver identification card** issued to the person so
6 lending or permitting the use thereof; to display or to represent as one's own any
7 license **or nondriver identification card** not issued to the person so
8 displaying the same, or fail or refuse to surrender to the clerk of any division of
9 the circuit court or the director **or his or her designee**, any license **or**
10 **nondriver identification card** which has been suspended, canceled,
11 disqualified or revoked, as provided by law **or that the director or his or her**
12 **designee has reasonable suspicion to believe is fictitious**; to use a false
13 or fictitious name or give a false or fictitious address on any application for a
14 license **or nondriver identification card**, or any renewal or duplicate thereof,
15 or knowingly to make a false statement, or knowingly to conceal a material fact,
16 or otherwise commit a fraud in any such application; to authorize or consent to
17 any motor vehicle owned by him or under his control to be driven by any person,
18 when he has knowledge that such person has no legal right to do so, or for any
19 person to drive any motor vehicle in violation of any of the provisions of sections
20 302.010 to 302.780; to employ a person to operate a motor vehicle in the
21 transportation of persons or property, with knowledge that such person has not
22 complied with the provisions of sections 302.010 to 302.780, or whose license has
23 been revoked, suspended, canceled or disqualified; or who fails to produce his or
24 her license upon demand of any person or persons authorized to make such
25 demand.

302.230. Any person who makes a false unsworn statement or affidavit or
2 knowingly swears or affirms falsely as to any matter or thing required by sections
3 302.010 to 302.540 shall be deemed guilty of a class A misdemeanor. No person
4 who pleads guilty or nolo contendere, or is found guilty of making a false
5 statement or affidavit shall be licensed to operate a motor vehicle for a period of
6 one year after such plea, finding or conviction. **Notwithstanding any other**
7 **provision of law, a prosecution under this section may be commenced**

8 **within one year after the director first discovers the falsity of any**
9 **statement or affidavit required under sections 302.010 to 302.540,**
10 **provided that no prosecution shall commence more than six years after**
11 **such statement or affidavit was made.**

302.341. 1. If a Missouri resident charged with a moving traffic violation
2 of this state or any county or municipality of this state fails to dispose of the
3 charges of which the resident is accused through authorized prepayment of fine
4 and court costs and fails to appear on the return date or at any subsequent date
5 to which the case has been continued, or without good cause fails to pay any fine
6 or court costs assessed against the resident for any such violation within the
7 period of time specified or in such installments as approved by the court or as
8 otherwise provided by law, any court having jurisdiction over the charges shall
9 within ten days of the failure to comply inform the defendant by ordinary mail
10 at the last address shown on the court records that the court will order the
11 director of revenue to suspend the defendant's driving privileges if the charges
12 are not disposed of and fully paid within thirty days from the date of
13 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges
14 and fully pay any applicable fines and court costs, the court shall notify the
15 director of revenue of such failure and of the pending charges against the
16 defendant. Upon receipt of this notification, the director shall suspend the
17 license of the driver, effective immediately, and provide notice of the suspension
18 to the driver at the last address for the driver shown on the records of the
19 department of revenue. Such suspension shall remain in effect until the court
20 with the subject pending charge requests setting aside the noncompliance
21 suspension pending final disposition, or satisfactory evidence of disposition of
22 pending charges and payment of fine and court costs, if applicable, is furnished
23 to the director by the individual. Upon proof of disposition of charges and
24 payment of fine and court costs, if applicable, and payment of the reinstatement
25 fee as set forth in section 302.304, the director shall return the license and
26 remove the suspension from the individual's driving record. The filing of
27 financial responsibility with the bureau of safety responsibility, department of
28 revenue, shall not be required as a condition of reinstatement of a driver's license
29 suspended solely under the provisions of this section.

30 2. If any city, town or village receives more than thirty-five percent of its
31 annual general operating revenue from fines and court costs for traffic violations
32 occurring on state highways, all revenues from such violations in excess of

33 thirty-five percent of the annual general operating revenue of the city, town or
34 village shall be sent to the director of the department of revenue and shall be
35 distributed annually to the schools of the county in the same manner that
36 proceeds of all penalties, forfeitures and fines collected for any breach of the
37 penal laws of the state are distributed. For the purpose of this section the words
38 "state highways" shall mean any state or federal highway, including any such
39 highway continuing through the boundaries of a city, town or village with a
40 designated street name other than the state highway number. **For purposes of**
41 **this subsection, the term "traffic violations" shall include moving and**
42 **nonmoving violations and any moving violations, as that term is**
43 **defined in section 302.010, that are subsequently pled or amended to**
44 **nonmoving traffic violations.** The director of the department of revenue shall
45 set forth by rule a procedure whereby excess revenues as set forth above shall be
46 sent to the department of revenue. If any city, town, or village disputes a
47 determination that it has received excess revenues required to be sent to the
48 department of revenue, such city, town, or village may submit to an annual audit
49 by the state auditor under the authority of article IV, section 13 of the Missouri
50 Constitution. Any rule or portion of a rule, as that term is defined in section
51 536.010, RSMo, that is created under the authority delegated in this section shall
52 become effective only if it complies with and is subject to all of the provisions of
53 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
54 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
55 general assembly under chapter 536, RSMo, to review, to delay the effective date,
56 or to disapprove and annul a rule are subsequently held unconstitutional, then
57 the grant of rulemaking authority and any rule proposed or adopted after August
58 28, 2009, shall be invalid and void.

303.025. 1. No owner of a motor vehicle registered in this state, or
2 required to be registered in this state, shall operate, register or maintain
3 registration of a motor vehicle, or permit another person to operate such vehicle,
4 unless the owner maintains the financial responsibility which conforms to the
5 requirements of the laws of this state. **No nonresident shall operate or**
6 **permit another person to operate in this state a motor vehicle**
7 **registered to such nonresident unless the nonresident maintains the**
8 **financial responsibility which conforms to the requirements of the laws**
9 **of the nonresident's state of residence.** Furthermore, no person shall
10 operate a motor vehicle owned by another with the knowledge that the owner has

11 not maintained financial responsibility unless such person has financial
12 responsibility which covers the person's operation of the other's vehicle; however,
13 no owner **or nonresident** shall be in violation of this subsection if he or she fails
14 to maintain financial responsibility on a motor vehicle which is inoperable or
15 being stored and not in operation. The director may prescribe rules and
16 regulations for the implementation of this section.

17 2. A motor vehicle owner shall maintain the owner's financial
18 responsibility in a manner provided for in section 303.160, or with a motor vehicle
19 liability policy which conforms to the requirements of the laws of this state. **A**
20 **nonresident motor vehicle owner shall maintain the owner's financial**
21 **responsibility which conforms to the requirements of the laws of the**
22 **nonresident's state of residence.**

23 3. Any person who violates this section is guilty of a class C
24 misdemeanor. However, no person shall be found guilty of violating this section
25 if the operator demonstrates to the court that he or she met the financial
26 responsibility requirements of this section at the time the peace officer,
27 commercial vehicle enforcement officer or commercial vehicle inspector wrote the
28 citation. In addition to any other authorized punishment, the court shall notify
29 the director of revenue of any person convicted pursuant to this section and shall
30 do one of the following:

31 (1) Enter an order suspending the driving privilege as of the date of the
32 court order. If the court orders the suspension of the driving privilege, the court
33 shall require the defendant to surrender to it any driver's license then held by
34 such person. The length of the suspension shall be as prescribed in subsection
35 2 of section 303.042. The court shall forward to the director of revenue the order
36 of suspension of driving privilege and any license surrendered within ten days;

37 (2) Forward the record of the conviction for an assessment of four points;
38 or

39 (3) In lieu of an assessment of points, render an order of supervision as
40 provided in section 302.303, RSMo. An order of supervision shall not be used in
41 lieu of points more than one time in any thirty-six-month period. Every court
42 having jurisdiction pursuant to the provisions of this section shall forward a
43 record of conviction to the Missouri state highway patrol, or at the written
44 direction of the Missouri state highway patrol, to the department of revenue, in
45 a manner approved by the director of the department of public safety. The
46 director shall establish procedures for the record keeping and administration of

47 this section.

48 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220,
49 303.290, 303.330 and 303.370 shall be construed as prohibiting the department
50 of insurance, financial institutions and professional registration from approving
51 or authorizing those exclusions and limitations which are contained in automobile
52 liability insurance policies and the uninsured motorist provisions of automobile
53 liability insurance policies.

54 5. If a court enters an order of suspension, the offender may appeal such
55 order directly pursuant to chapter 512, RSMo, and the provisions of section
56 302.311, RSMo, shall not apply.

303.080. 1. In case the operator or the owner of a motor vehicle involved
2 in an accident within this state has no license or registration, or is a nonresident,
3 he shall not be allowed a license or registration until he has complied with the
4 requirements of this chapter to the same extent that would be necessary if, at the
5 time of the accident, he had held a license and registration.

6 2. When a nonresident's operating privilege is suspended pursuant to
7 [section 303.030 or section 303.140] **this chapter**, the director shall transmit a
8 certified copy of the record of such action to the official in charge of the issuance
9 of licenses and registration certificates in the state in which such nonresident
10 resides[, if the law of such other state provides for action in relation thereto
11 similar to that provided for in subsection 3 of this section].

12 3. Upon receipt of such certification that the operating privilege of a
13 resident of this state has been suspended or revoked in any such other state
14 pursuant to a law providing for its suspension or revocation for failure to deposit
15 security for the payment of judgments arising out of a motor vehicle accident,
16 under circumstances which would require the director to suspend a nonresident's
17 operating privilege had the accident occurred in this state, the director shall
18 suspend the license of such resident if he was the operator, and all of his
19 registrations if he was the owner of a motor vehicle involved in such
20 accident. Such suspension shall continue until such resident furnishes evidence
21 of his compliance with the law of such other state relating to the deposit of such
22 security.

304.161. Towing and storage charges shall be reasonable and not
2 **excessive. As used in this section, the term "storage charges" means any**
3 **fees or charges or the combination of all fees and other charges**
4 **associated with the storage of a towed vehicle, including, but not**

5 limited to, storage fees, access fees, document fees, release of vehicle
6 charges, and any other charges, the payment of which is required for
7 the release of the vehicle to the owner or his or her
8 designee. Complaints regarding allegations of excessive storage
9 charges shall be reported to the attorney general for investigation,
10 review, and determination. A determination that storage charges are
11 excessive shall constitute an unlawful trade practice as provided in
12 section 407.020.

304.705. 1. In any county with a population of more than one hundred
2 eighty thousand inhabitants that adjoins a county with a charter form of
3 government with a population of more than nine hundred thousand inhabitants,
4 all trucks registered for a gross weight of more than twenty-four thousand
5 pounds, as of January 1, 2008, shall not be driven in the far left lane upon an
6 interstate highway having at least three lanes proceeding in the same direction,
7 within three miles of where an interstate highway and a three-digit numbered
8 Missouri route intersects with an average daily traffic count on the interstate
9 highway of at least one hundred thirty thousand vehicles at such point. The
10 Missouri department of transportation shall design, manufacture, and install any
11 informational and directional signs at the appropriate locations. Such restriction
12 shall not apply when:

13 (1) It is reasonably necessary for the operation of the truck to respond to
14 emergency conditions; or

15 (2) The right or a center lane of a roadway is closed to traffic while under
16 construction, maintenance, or repair.

17 2. As used in this section, "truck" means any vehicle, machine, tractor
18 trailer, or semitrailer, or any combination thereof, propelled or drawn by
19 mechanical power and designed for or used in the transportation of property upon
20 the highways.

21 3. A violation of this section is [an infraction] **a class C misdemeanor**
22 unless such violation causes an immediate threat of an accident, in which case
23 such violation shall be deemed a class [C] **B misdemeanor**, or unless an accident
24 results from such violation, in which case such violation is a class A
25 misdemeanor.

304.820. 1. Except as otherwise provided in this section, no person
2 [twenty-one years of age or younger] operating a moving motor vehicle upon the
3 highways of this state shall, by means of a hand-held electronic wireless

4 communications device, send, read, or write a text message or electronic message.

5 2. The provisions of subsection 1 of this section shall not apply to a person
6 operating:

7 (1) An authorized emergency vehicle; or

8 (2) A moving motor vehicle while using a hand-held electronic wireless
9 communications device to:

10 (a) Report illegal activity;

11 (b) Summon medical or other emergency help;

12 (c) Prevent injury to a person or property; or

13 (d) Relay information between a transit or for-hire operator and that
14 operator's dispatcher, in which the device is permanently affixed to the vehicle.

15 3. Nothing in this section shall be construed or interpreted as prohibiting
16 a person from making or taking part in a telephone call, by means of a hand-held
17 electronic wireless communications device, while operating a motor vehicle upon
18 the highways of this state.

19 4. As used in this section, "electronic message" means a self-contained
20 piece of digital communication that is designed or intended to be transmitted
21 between hand-held electronic wireless communication devices. "Electronic
22 message" includes, but is not limited to, electronic mail, a text message, an
23 instant message, or a command or request to access an Internet site.

24 5. As used in this section, "hand-held electronic wireless communications
25 device" includes any hand-held cellular phone, palm pilot, blackberry, or other
26 mobile electronic device used to communicate verbally or by text or electronic
27 messaging, but shall not apply to any device that is permanently embedded into
28 the architecture and design of the motor vehicle.

29 6. As used in this section, "making or taking part in a telephone call"
30 means listening to or engaging in verbal communication through a hand-held
31 electronic wireless communication device.

32 7. As used in this section, "send, read, or write a text message or
33 electronic message" means using a hand-held electronic wireless
34 telecommunications device to manually communicate with any person by using
35 an electronic message. Sending, reading, or writing a text message or electronic
36 message does not include reading, selecting, or entering a phone number or name
37 into a hand-held electronic wireless communications device for the purpose of
38 making a telephone call.

39 8. A violation of this section shall be deemed an infraction and shall be

40 deemed a moving violation for purposes of point assessment under section
41 302.302, RSMo.

42 9. [The state preempts the field of regulating the use of hand-held
43 electronic wireless communications devices in motor vehicles, and the provisions
44 of this section shall supercede any local laws, ordinances, orders, rules, or
45 regulations enacted by a county, municipality, or other political subdivision to
46 regulate the use of hand-held electronic wireless communication devices by the
47 operator of a motor vehicle] **Any city or county shall have the authority to**
48 **adopt ordinances or regulations which are equivalent to, but not more**
49 **restrictive than, the provisions of this section.**

50 10. The provisions of this section shall not apply to:

51 (1) The operator of a vehicle that is lawfully parked or stopped;

52 (2) Any of the following while in the performance of their official duties:
53 a law enforcement officer; a member of a fire department; or the operator of a
54 public or private ambulance;

55 (3) The use of factory-installed or aftermarket global positioning systems
56 (GPS) or wireless communications devices used to transmit or receive data as part
57 of a digital dispatch system;

58 (4) The use of voice-operated technology;

59 (5) The use of two-way radio transmitters or receivers by a licensee of the
60 Federal Communications Commission in the Amateur Radio Service;

61 **(6) A person using a handheld mobile telephone in conjunction**
62 **with a voice-operated or hands-free device. The term "voice-operated**
63 **or hands-free device" shall mean a device that allows the user to write,**
64 **send, or read a text message without the use of either hand except to**
65 **activate or deactivate a feature or function.**

2 [226.095. Upon request of the plaintiff in a negligence
3 action against the department of transportation as defendant, the
4 case shall be arbitrated by a panel of three arbiters pursuant to the
5 provisions of chapter 435, RSMo.]

6 Section B. The repeal and reenactment of sections 301.010, 301.032,
7 301.069, 301.196, 301.200, 301.218, 301.280, 301.560, 301.562, 301.567, and
8 301.570, shall become effective January 1, 2011.

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