

FIRST REGULAR SESSION

SENATE BILL NO. 324

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS KRAUS AND NIEVES.

Read 1st time February 23, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1706S.011

AN ACT

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

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

Section A. Sections 301.120, 301.130, and 301.144, RSMo, section 301.064
2 as enacted by 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5 are repealed and four new sections enacted in lieu thereof, to be known as
6 sections 301.064, 301.120, 301.130, and 301.144, to read as follows:

[301.064. 1. The annual registration fee for a land
2 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

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

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.]

301.064. 1. The annual registration fee for a land improvement
2 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] **plate so that it** may be readily identified
15 as such, except that such license plates shall be made with fully reflective
16 material with a common color scheme and design, shall be clearly visible at night,
17 and shall be aesthetically attractive, as prescribed by section 301.130. [Any rule
18 or portion of a rule promulgated pursuant to sections 301.010, 301.057, 301.058,
19 and 301.064 may be suspended by the committee on administrative rules until
20 such time as the general assembly may by concurrent resolution reinstate such
21 rule.]

301.120. 1. When the owner of a motor vehicle moves the vehicle to
2 another state, [he] **the owner** shall return the license plates to the director of
3 revenue within ninety days or upon the expiration of the period of reciprocity
4 granted by the new state of residence; or if the owner of a motor vehicle ceases
5 to operate the vehicle in Missouri, [he] **the owner** shall return the license plates
6 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 on or after August 28, 2011, an**

9 **owner whose motor vehicle has a front license plate on the effective**
10 **date of this section shall surrender the front license plate to the**
11 **department of revenue at the next renewal of registration for the motor**
12 **vehicle.**

301.130. 1. **Beginning August 28, 2011**, 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.

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.**

301.144. 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, that is created under the authority delegated in this
16 section shall become effective only if it complies with and is subject to all of the
17 provisions of chapter 536 and, if applicable, section 536.028. This section and
18 chapter 536 are nonseverable and if any of the powers vested with the general
19 assembly pursuant to chapter 536 to review, to delay the effective date or to
20 disapprove and annul a rule are subsequently held unconstitutional, then the
21 grant of rulemaking authority and any rule proposed or adopted after August 28,
22 2001, shall be invalid and void. No two owners shall be issued identical plates.
23 An owner shall make a new application and pay a new fee each year such owner
24 desires to obtain or retain special personalized license plates; however,
25 notwithstanding the provisions of subsection 8 of section 301.130 to the contrary,
26 the director shall allow the special personalized license plates to be replaced with
27 new plates every three years without any additional charge, above the fee
28 established in this section, to the renewal applicant. Any person currently in
29 possession of an approved personalized license plate shall have first priority on
30 that particular plate for each of the following years that timely and appropriate
31 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 plate may request
81 a replacement plate with the words "AMATEUR RADIO" in place of the words
82 "SHOW-ME STATE". If application is made to retain a plate that is three years
83 old or older, the replacement plate shall be issued upon the payment of required
84 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.**

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