

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 818
96TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, April 5, 2012, with recommendation that the Senate Committee Substitute do pass.

5941S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to motor vehicle registration.

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

Section A. Section 301.140, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 301.140, to read as follows:

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer,
2 the certificate of registration and the right to use the number plates shall expire
3 and the number plates shall be removed by the owner at the time of the transfer
4 of possession, and it shall be unlawful for any person other than the person to
5 whom such number plates were originally issued to have the same in his or her
6 possession whether in use or not, unless such possession is solely for charitable
7 purposes; except that the buyer of a motor vehicle or trailer who trades in a motor
8 vehicle or trailer may attach the license plates from the traded-in motor vehicle
9 or trailer to the newly purchased motor vehicle or trailer. The operation of a
10 motor vehicle with such transferred plates shall be lawful for no more than thirty
11 days. As used in this subsection, the term "trade-in motor vehicle or trailer" shall
12 include any single motor vehicle or trailer sold by the buyer of the newly
13 purchased vehicle or trailer, as long as the license plates for the trade-in motor
14 vehicle or trailer are still valid.

15 2. In the case of a transfer of ownership the original owner may register
16 another motor vehicle under the same number, upon the payment of a fee of two
17 dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a
18 passenger-carrying commercial motor vehicle) seating capacity, not in excess of

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

19 that originally registered. When such motor vehicle is of greater horsepower,
20 gross weight or (in the case of a passenger-carrying commercial motor vehicle)
21 seating capacity, for which a greater fee is prescribed, applicant shall pay a
22 transfer fee of two dollars and a pro rata portion for the difference in fees. When
23 such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying
24 commercial motor vehicle) seating capacity, for which a lesser fee is prescribed,
25 applicant shall not be entitled to a refund.

26 3. License plates may be transferred from a motor vehicle which will no
27 longer be operated to a newly purchased motor vehicle by the owner of such
28 vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased
29 vehicle is of horsepower, gross weight or (in the case of a passenger-carrying
30 commercial motor vehicle) seating capacity, not in excess of that of the vehicle
31 which will no longer be operated. When the newly purchased motor vehicle is of
32 greater horsepower, gross weight or (in the case of a passenger-carrying
33 commercial motor vehicle) seating capacity, for which a greater fee is prescribed,
34 the applicant shall pay a transfer fee of two dollars and a pro rata portion of the
35 difference in fees. When the newly purchased vehicle is of less horsepower, gross
36 weight or (in the case of a passenger-carrying commercial motor vehicle) seating
37 capacity, for which a lesser fee is prescribed, the applicant shall not be entitled
38 to a refund.

39 4. [Upon the sale of a motor vehicle or trailer by a dealer, a buyer who
40 has made application for registration, by mail or otherwise, may operate the same
41 for a period of thirty days after taking possession thereof, if during such period
42 the motor vehicle or trailer shall have attached thereto, in the manner required
43 by section 301.130, number plates issued to the dealer. Upon application and
44 presentation of proof of financial responsibility as required under subsection 5 of
45 this section and satisfactory evidence that the buyer has applied for registration,
46 a dealer may furnish such number plates to the buyer for such temporary use. In
47 such event, the dealer shall require the buyer to deposit the sum of ten dollars
48 and fifty cents to be returned to the buyer upon return of the number plates as
49 a guarantee that said buyer will return to the dealer such number plates within
50 thirty days. The director shall issue a temporary permit authorizing the
51 operation of a motor vehicle or trailer by a buyer for not more than thirty days
52 of the date of purchase.

53 5.] **The director of the department of revenue shall have**
54 **authority to produce or allow others to produce a weather resistant,**

55 **nontearing, temporary permit authorizing the operation of a motor**
56 **vehicle or trailer by a buyer for not more than thirty days from the**
57 **date of purchase.** The temporary permit [shall be made available by the
58 director of revenue and] **authorized under this section** may be purchased by
59 **the purchaser of a motor vehicle or trailer** from the **central office of the**
60 **department of revenue or from an authorized agent of the department of**
61 **revenue** upon proof of purchase of a motor vehicle or trailer for which the buyer
62 has no registration plate available for transfer and upon proof of financial
63 responsibility, or from a **motor vehicle** dealer upon purchase of a motor vehicle
64 or trailer for which the buyer has no registration plate available for transfer, **or**
65 **from a motor vehicle dealer upon purchase of a motor vehicle or trailer**
66 **for which the buyer has registered and is awaiting receipt of**
67 **registration plates.** The director [shall] **of the department of revenue or**
68 **a producer authorized by the director of the department of revenue**
69 **may** make temporary permits available to registered dealers in this state [or],
70 authorized agents of the department of revenue [in sets of ten permits] **or the**
71 **department of revenue.** The [fee for the temporary permit shall be seven
72 dollars and fifty cents for each permit or plate issued] **price paid by a motor**
73 **vehicle dealer, an authorized agent of the department of revenue, or**
74 **the department of revenue for a temporary permit shall not exceed five**
75 **dollars for each permit.** The director of the department of revenue
76 shall direct motor vehicle dealers and authorized agents to obtain
77 temporary permits from an authorized producer. Amounts received by
78 the director of the department of revenue for temporary permits shall
79 constitute state revenue; however, amounts received by an authorized
80 producer other than the director of the department of revenue shall not
81 constitute state revenue and any amounts received by motor vehicle
82 dealers or authorized agents for temporary permits purchased from a
83 producer other than the director of the department of revenue shall not
84 constitute state revenue. In no event shall revenues from the general
85 revenue fund or any other state fund be utilized to compensate motor
86 vehicle dealers or other producers for their role in producing
87 temporary permits as authorized under this section. Amounts that do
88 not constitute state revenue under this section shall also not constitute
89 fees for registration or certificates of title to be collected by the
90 director of the department of revenue under section 301.190. No motor

91 **vehicle** dealer [or], authorized agent ,**or the department of revenue** shall
92 charge more than [seven dollars and fifty cents] **five dollars** for each permit
93 issued. The permit shall be valid for a period of thirty days from the date of
94 purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle
95 or trailer by a **motor vehicle** dealer for which the purchaser obtains a permit
96 as set out above. No permit shall be issued for a vehicle under this section unless
97 the buyer shows proof of financial responsibility. **Each temporary permit**
98 **issued shall be securely fastened to the back or rear of the motor**
99 **vehicle in a manner and place on the motor vehicle consistent with**
100 **registration plates so that all parts and qualities of the temporary**
101 **permit thereof shall be plainly and clearly visible, reasonably clean,**
102 **and are not impaired in any way.**

103 [6.] **5.** The permit shall be issued on a form prescribed by the director of
104 **the department of revenue** and issued only for the applicant's [use in the]
105 **temporary** operation of the motor vehicle or trailer purchased to enable the
106 applicant to [legally] **temporarily** operate the **motor** vehicle while proper title
107 and registration [plate] **plates** are being obtained, **or while awaiting receipt**
108 **of registration plates**, and shall be displayed on no other **motor**
109 vehicle. Temporary permits issued pursuant to this section shall not be
110 transferable or renewable and shall not be valid upon issuance of proper
111 registration plates for the motor vehicle or trailer. The director of **the**
112 **department of revenue** shall determine the size [and], **material, design,**
113 numbering configuration, construction, and color of the permit. **The director**
114 **of the department of revenue, at his or her discretion, shall have the**
115 **authority to reissue, and thereby extend the use of, a temporary permit**
116 **previously and legally issued for a motor vehicle or trailer while proper**
117 **title and registration are being obtained.**

118 [7. The dealer or authorized agent shall insert the date of issuance and
119 expiration date, year, make, and manufacturer's number of vehicle on the permit
120 when issued to the buyer. The dealer shall also insert such dealer's number on
121 the permit.]

122 **6.** Every **motor vehicle** dealer that issues [a] temporary [permit]
123 **permits** shall keep, for inspection [of] **by** proper officers, [a correct] **an**
124 **accurate** record of each permit issued by recording the permit [or plate] number,
125 **the motor vehicle dealer's number**, buyer's name and address, **the motor**
126 **vehicle's** year, make, **and** manufacturer's vehicle identification number [on

127 which the permit is to be used], and the **permit's** date of issuance **and**
128 **expiration date. Upon the issuance of a temporary permit by either the**
129 **central office of the department of revenue, a motor vehicle dealer or**
130 **an authorized agent of the department of revenue, the director of the**
131 **department of revenue shall make the information associated with the**
132 **issued temporary permit immediately available to the law enforcement**
133 **community of the state of Missouri.**

134 [8.] 7. Upon the transfer of ownership of any currently registered motor
135 vehicle wherein the owner cannot transfer the license plates due to a change of
136 **motor** vehicle category, the owner may surrender the license plates issued to the
137 motor vehicle and receive credit for any unused portion of the original
138 registration fee against the registration fee of another motor vehicle. Such credit
139 shall be granted based upon the date the license plates are surrendered. No
140 refunds shall be made on the unused portion of any license plates surrendered for
141 such credit.

142 8. **The director of the department of revenue may promulgate all**
143 **necessary rules and regulations for the administration of this**
144 **section. Any rule or portion of a rule, as that term is defined in section**
145 **536.010, that is created under the authority delegated in this section**
146 **shall become effective only if it complies with and is subject to all of**
147 **the provisions of chapter 536 and, if applicable, section 536.028. This**
148 **section and chapter 536 are nonseverable and if any of the powers**
149 **vested with the general assembly pursuant to chapter 536 to review, to**
150 **delay the effective date, or to disapprove and annul a rule are**
151 **subsequently held unconstitutional, then the grant of rulemaking**
152 **authority and any rule proposed or adopted after August 28, 2012, shall**
153 **be invalid and void.**

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