

SECOND REGULAR SESSION

SENATE BILL NO. 818

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

Read 1st time February 21, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5941S.011

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Section A. Section 301.140, RSMo, is repealed and one new section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
19 that originally registered. When such motor vehicle is of greater horsepower,

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

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 revenue shall have authority to produce or**
54 **allow others to produce a new temporary permit authorizing the**
55 **operation of a motor vehicle or trailer by a buyer for not more than**

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

91 [6.] **5.** The permit shall be issued on a form prescribed by the director

92 and issued only for the applicant's [use in the] **temporary** operation of the motor
93 vehicle or trailer purchased to enable the applicant to [legally] **temporarily**
94 operate the vehicle while proper title and registration [plate] **plates** are being
95 obtained, **or while awaiting receipt of registration plates**, and shall be
96 displayed on no other vehicle. Temporary permits issued pursuant to this section
97 shall not be transferable or renewable and shall not be valid upon issuance of
98 proper registration plates for the motor vehicle or trailer. The director shall
99 determine the size [and], **material, design, reporting and tracking method**
100 **to the Missouri uniform law enforcement system**, numbering configuration,
101 construction, and color of the permit. **The director, at his or her discretion,**
102 **shall have the authority to reissue, and thereby extend the use of, a**
103 **temporary permit previously and legally issued for a motor vehicle or**
104 **trailer while proper title and registration are being obtained.**

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

109 **6.** Every dealer that issues [a] temporary [permit] **permits** shall keep,
110 for inspection [of] **by** proper officers, [a correct] **an accurate** record of each
111 permit issued by recording the permit [or plate] number, **the dealer's number,**
112 buyer's name and address, **the vehicle's** year, make, **and** manufacturer's vehicle
113 identification number [on which the permit is to be used], and the **permit's** date
114 of issuance **and expiration date.**

115 [8.] **7.** Upon the transfer of ownership of any currently registered motor
116 vehicle wherein the owner cannot transfer the license plates due to a change of
117 vehicle category, the owner may surrender the license plates issued to the motor
118 vehicle and receive credit for any unused portion of the original registration fee
119 against the registration fee of another motor vehicle. Such credit shall be granted
120 based upon the date the license plates are surrendered. No refunds shall be
121 made on the unused portion of any license plates surrendered for such credit.

122 **8.** **The director may promulgate all necessary rules and**
123 **regulations for the administration of this section. Any rule or portion**
124 **of a rule, as that term is defined in section 536.010, that is created**
125 **under the authority delegated in this section shall become effective**
126 **only if it complies with and is subject to all of the provisions of chapter**
127 **536 and, if applicable, section 536.028. This section and chapter 536 are**

128 **nonseverable and if any of the powers vested with the general assembly**
129 **pursuant to chapter 536 to review, to delay the effective date, or to**
130 **disapprove and annul a rule are subsequently held unconstitutional,**
131 **then the grant of rulemaking authority and any rule proposed or**
132 **adopted after August 28, 2012, shall be invalid and void.**

✓

Unofficial

Bill

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