

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 611

96TH GENERAL ASSEMBLY

2012

4983S.03T

AN ACT

To repeal sections 301.140 and 304.022, RSMo, and to enact in lieu thereof three new sections relating to transportation, with existing penalty provisions, and a contingent effective date for a certain section.

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

Section A. Sections 301.140 and 304.022, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 301.140, 304.022,
3 and 304.289, 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

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

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,
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 authority**
54 **to produce or allow others to produce a weather resistant, nontearing**
55 **temporary permit authorizing the operation of a motor vehicle or**
56 **trailer by a buyer for not more than thirty days from the date of**
57 **purchase.** The temporary permit [shall be made available by the director of
58 revenue and] **authorized under this section** may be purchased by the
59 **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 the**
74 **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 and**
102 **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 provisions of subsections 4, 5, and 6 of this section shall**
143 **expire July 1, 2019.**

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

304.022. 1. Upon the immediate approach of an emergency vehicle giving
2 audible signal by siren or while having at least one lighted lamp exhibiting red
3 light visible under normal atmospheric conditions from a distance of five hundred
4 feet to the front of such vehicle or a flashing blue light authorized by section
5 307.175, the driver of every other vehicle shall yield the right-of-way and shall

6 immediately drive to a position parallel to, and as far as possible to the right of,
7 the traveled portion of the highway and thereupon stop and remain in such
8 position until such emergency vehicle has passed, except when otherwise directed
9 by a police or traffic officer.

10 2. Upon approaching a stationary emergency vehicle displaying lighted
11 red or red and blue lights, **or a stationary vehicle owned by the state**
12 **highways and transportation commission and operated by an**
13 **authorized employee of the department of transportation displaying**
14 **lighted amber or amber and white lights**, the driver of every motor vehicle
15 shall:

16 (1) Proceed with caution and yield the right-of-way, if possible with due
17 regard to safety and traffic conditions, by making a lane change into a lane not
18 adjacent to that of the stationary vehicle, if on a roadway having at least four
19 lanes with not less than two lanes proceeding in the same direction as the
20 approaching vehicle; or

21 (2) Proceed with due caution and reduce the speed of the vehicle,
22 maintaining a safe speed for road conditions, if changing lanes would be unsafe
23 or impossible.

24 3. The motorman of every streetcar shall immediately stop such car clear
25 of any intersection and keep it in such position until the emergency vehicle has
26 passed, except as otherwise directed by a police or traffic officer.

27 4. An "emergency vehicle" is a vehicle of any of the following types:

28 (1) A vehicle operated by the state highway patrol, the state water patrol,
29 the Missouri capitol police, a conservation agent, or a state park ranger, those
30 vehicles operated by enforcement personnel of the state highways and
31 transportation commission, police or fire department, sheriff, constable or deputy
32 sheriff, federal law enforcement officer authorized to carry firearms and to make
33 arrests for violations of the laws of the United States, traffic officer or coroner or
34 by a privately owned emergency vehicle company;

35 (2) A vehicle operated as an ambulance or operated commercially for the
36 purpose of transporting emergency medical supplies or organs;

37 (3) Any vehicle qualifying as an emergency vehicle pursuant to section
38 307.175;

39 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public
40 utility or public service corporation while performing emergency service;

41 (5) Any vehicle transporting equipment designed to extricate human

42 beings from the wreckage of a motor vehicle;

43 (6) Any vehicle designated to perform emergency functions for a civil
44 defense or emergency management agency established pursuant to the provisions
45 of chapter 44;

46 (7) Any vehicle operated by an authorized employee of the department of
47 corrections who, as part of the employee's official duties, is responding to a riot,
48 disturbance, hostage incident, escape or other critical situation where there is the
49 threat of serious physical injury or death, responding to mutual aid call from
50 another criminal justice agency, or in accompanying an ambulance which is
51 transporting an offender to a medical facility;

52 (8) Any vehicle designated to perform hazardous substance emergency
53 functions established pursuant to the provisions of sections 260.500 to 260.550;

54 **(9) Any vehicle owned by the state highways and transportation**
55 **commission and operated by an authorized employee of the department**
56 **of transportation that is marked as a department of transportation**
57 **emergency response or motorist assistance vehicle.**

58 5. (1) The driver of any vehicle referred to in subsection 4 of this section
59 shall not sound the siren thereon or have the front red lights or blue lights on
60 except when such vehicle is responding to an emergency call or when in pursuit
61 of an actual or suspected law violator, or when responding to, but not upon
62 returning from, a fire.

63 (2) The driver of an emergency vehicle may:

64 (a) Park or stand irrespective of the provisions of sections 304.014 to
65 304.025;

66 (b) Proceed past a red or stop signal or stop sign, but only after slowing
67 down as may be necessary for safe operation;

68 (c) Exceed the prima facie speed limit so long as the driver does not
69 endanger life or property;

70 (d) Disregard regulations governing direction of movement or turning in
71 specified directions.

72 (3) The exemptions granted to an emergency vehicle pursuant to
73 subdivision (2) of this subsection shall apply only when the driver of any such
74 vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle
75 as may be reasonably necessary, and when the vehicle is equipped with at least
76 one lighted lamp displaying a red light or blue light visible under normal
77 atmospheric conditions from a distance of five hundred feet to the front of such

78 vehicle.

79 6. No person shall purchase an emergency light as described in this
80 section without furnishing the seller of such light an affidavit stating that the
81 light will be used exclusively for emergency vehicle purposes.

82 7. Violation of this section shall be deemed a class A misdemeanor.

**304.289. The timing of any traffic-control signal shall conform to
2 regulations promulgated by the Department of Transportation. The
3 department of transportation shall establish minimal yellow light
4 change interval times for traffic-control devices. The minimal yellow
5 light change interval time shall be established in accordance with
6 nationally recognized engineering standards set forth in the Manual on
7 Uniform Traffic Control Devices, and any such established time shall
8 not be less than the recognized national standard.**

Section B. The repeal and reenactment of section 301.140 of this act shall
2 become effective on the date the department of revenue or a producer authorized
3 by the director of the department of revenue begins producing temporary permits
4 described in subsection 4 of such section, or on July 1, 2013, whichever occurs
5 first. If the director of revenue or a producer authorized by the director of the
6 department of revenue begins producing temporary permits prior to July 1, 2013,
7 the director of the department of revenue shall notify the revisor of statutes of
8 such fact.

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