

SECOND REGULAR SESSION

# SENATE BILL NO. 586

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Pre-filed December 3, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4432S.011

## AN ACT

To repeal sections 301.064, 301.120, 301.130, and 301.144, RSMo, 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 301.064, 301.120, 301.130, and 301.144, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections  
3 301.064, 301.120, 301.130, and 301.144, to read as follows:

301.064. 1. The annual registration fee for a land improvement  
2 contractors' commercial motor vehicle is three hundred 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 director of revenue shall by  
13 regulation determine the characteristic features of land improvement contractors'  
14 license plates so that they] **plate so that it** may be readily identified as such.

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

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

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, 2014, 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, 2015**, 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 registration of  
30 any property-carrying commercial vehicle registered at a gross weight in excess  
31 of twelve thousand pounds may request and be issued two license plates for such  
32 vehicle, and if such plates are issued, the director of revenue shall provide for  
33 distinguishing marks on the plates indicating one plate is for the front and the  
34 other is for the rear of such vehicle. The director may assess and collect an  
35 additional charge from the applicant in an amount not to exceed the fee  
36 prescribed for personalized license plates in subsection 1 of section 301.144.

37 4. The plates issued to manufacturers and dealers shall bear the letters  
38 and numbers as prescribed by section 301.560, and the director may place upon  
39 the plates other letters or marks to distinguish commercial motor vehicles and  
40 trailers and other types of motor vehicles.

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

64 6. (1) The director of revenue shall issue annually or biennially a tab or

65 set of tabs [as provided by law], **in cases where two license plates have**  
66 **been issued**, as evidence of the annual payment of registration fees and the  
67 current registration of a vehicle in lieu of the set of plates. Beginning January  
68 1, 2010, the director may prescribe any additional information recorded on the tab  
69 or tabs to ensure that the tab or tabs positively correlate with the license plate  
70 or plates issued by the department of revenue for such vehicle. Such tabs shall  
71 be produced in each license bureau office.

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

75 (3) A tab or set of tabs issued by the director of revenue when attached  
76 to a vehicle in the prescribed manner shall be prima facie evidence that the  
77 registration fee for such vehicle has been paid.

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

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

96 (6) Upon the sale or disposal of any vehicle permanently registered under  
97 this section, or upon the termination of a lease of any such vehicle, the permanent  
98 nonexpiring plate issued for such vehicle shall be returned to the highways and  
99 transportation commission and shall not be valid for operation of such vehicle, or  
100 the plate may be transferred to a replacement vehicle when the owner files a

101 supplemental application with the Missouri highways and transportation  
102 commission for the registration of such replacement vehicle. If a vehicle which  
103 is permanently registered under this section is sold, wrecked or otherwise  
104 disposed of, or the lease terminated, the registrant shall be given credit for any  
105 unused portion of the annual registration fee when the vehicle is replaced by the  
106 purchase or lease of another vehicle during the registration year.

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

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

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

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

**137 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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