

SECOND REGULAR SESSION

SENATE BILL NO. 588

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

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

TERRY L. SPIELER, Secretary.

4553S.011

AN ACT

To repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to registration of motor vehicles or trailers upon transfer or sale.

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Section A. Section 301.140, RSMo, is repealed and one new section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. Notwithstanding the provisions of section 301.020, in the case**
16 **of a transfer of ownership of any motor vehicle or trailer, the acquiring**
17 **owner shall apply for registration within fifteen days after the original**
18 **owner transfers or assigns the original owner's title or interest in the**
19 **motor vehicle or trailer.**

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

20 **3.** In the case of a transfer of ownership the original owner may register
21 another motor vehicle under the same number, upon the payment of a fee of two
22 dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a
23 passenger-carrying commercial motor vehicle) seating capacity, not in excess of
24 that originally registered. When such motor vehicle is of greater horsepower,
25 gross weight or (in the case of a passenger-carrying commercial motor vehicle)
26 seating capacity, for which a greater fee is prescribed, **the** applicant shall pay a
27 transfer fee of two dollars and a pro rata portion for the difference in fees. When
28 such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying
29 commercial motor vehicle) seating capacity, for which a lesser fee is prescribed,
30 **the** applicant shall not be entitled to a refund.

31 **[3.] 4.** License plates may be transferred from a motor vehicle which will
32 no longer be operated to a newly purchased motor vehicle by the owner of such
33 vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased
34 vehicle is of horsepower, gross weight or (in the case of a passenger-carrying
35 commercial motor vehicle) seating capacity, not in excess of that of the vehicle
36 which will no longer be operated. When the newly purchased motor vehicle is of
37 greater horsepower, gross weight or (in the case of a passenger-carrying
38 commercial motor vehicle) seating capacity, for which a greater fee is prescribed,
39 the applicant shall pay a transfer fee of two dollars and a pro rata portion of the
40 difference in fees. When the newly purchased vehicle is of less horsepower, gross
41 weight or (in the case of a passenger-carrying commercial motor vehicle) seating
42 capacity, for which a lesser fee is prescribed, the applicant shall not be entitled
43 to a refund.

44 **[4.] 5.** The director of the department of revenue shall have authority to
45 produce or allow others to produce a weather resistant, nontearing temporary
46 permit authorizing the operation of a motor vehicle or trailer by a buyer for not
47 more than thirty days from the date of purchase. The temporary permit
48 authorized under this section may be purchased by the purchaser of a motor
49 vehicle or trailer from the central office of the department of revenue or from an
50 authorized agent of the department of revenue upon proof of purchase of a motor
51 vehicle or trailer for which the buyer has no registration plate available for
52 transfer and upon proof of financial responsibility, or from a motor vehicle dealer
53 upon purchase of a motor vehicle or trailer for which the buyer has no
54 registration plate available for transfer, or from a motor vehicle dealer upon
55 purchase of a motor vehicle or trailer for which the buyer has registered and is

56 awaiting receipt of registration plates. The director of the department of revenue
57 or a producer authorized by the director of the department of revenue may make
58 temporary permits available to registered dealers in this state, authorized agents
59 of the department of revenue or the department of revenue. The price paid by a
60 motor vehicle dealer, an authorized agent of the department of revenue or the
61 department of revenue for a temporary permit shall not exceed five dollars for
62 each permit. The director of the department of revenue shall direct motor vehicle
63 dealers and authorized agents to obtain temporary permits from an authorized
64 producer. Amounts received by the director of the department of revenue for
65 temporary permits shall constitute state revenue; however, amounts received by
66 an authorized producer other than the director of the department of revenue shall
67 not constitute state revenue and any amounts received by motor vehicle dealers
68 or authorized agents for temporary permits purchased from a producer other than
69 the director of the department of revenue shall not constitute state revenue. In
70 no event shall revenues from the general revenue fund or any other state fund be
71 utilized to compensate motor vehicle dealers or other producers for their role in
72 producing temporary permits as authorized under this section. Amounts that do
73 not constitute state revenue under this section shall also not constitute fees for
74 registration or certificates of title to be collected by the director of the department
75 of revenue under section 301.190. No motor vehicle dealer, authorized agent or
76 the department of revenue shall charge more than five dollars for each permit
77 issued. The permit shall be valid for a period of thirty days from the date of
78 purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle
79 or trailer by a motor vehicle dealer for which the purchaser obtains a permit as
80 set out above. No permit shall be issued for a vehicle under this section unless
81 the buyer shows proof of financial responsibility. Each temporary permit issued
82 shall be securely fastened to the back or rear of the motor vehicle in a manner
83 and place on the motor vehicle consistent with registration plates so that all parts
84 and qualities of the temporary permit thereof shall be plainly and clearly visible,
85 reasonably clean and are not impaired in any way.

86 [5.] 6. The permit shall be issued on a form prescribed by the director of
87 the department of revenue and issued only for the applicant's temporary
88 operation of the motor vehicle or trailer purchased to enable the applicant to
89 temporarily operate the motor vehicle while proper title and registration plates
90 are being obtained, or while awaiting receipt of registration plates, and shall be
91 displayed on no other motor vehicle. Temporary permits issued pursuant to this

92 section shall not be transferable or renewable and shall not be valid upon
93 issuance of proper registration plates for the motor vehicle or trailer. The
94 director of the department of revenue shall determine the size, material, design,
95 numbering configuration, construction, and color of the permit. The director of
96 the department of revenue, at his or her discretion, shall have the authority to
97 reissue, and thereby extend the use of, a temporary permit previously and legally
98 issued for a motor vehicle or trailer while proper title and registration are being
99 obtained.

100 [6.] 7. Every motor vehicle dealer that issues temporary permits shall
101 keep, for inspection by proper officers, an accurate record of each permit issued
102 by recording the permit number, the motor vehicle dealer's number, buyer's name
103 and address, the motor vehicle's year, make, and manufacturer's vehicle
104 identification number, and the permit's date of issuance and expiration
105 date. Upon the issuance of a temporary permit by either the central office of the
106 department of revenue, a motor vehicle dealer or an authorized agent of the
107 department of revenue, the director of the department of revenue shall make the
108 information associated with the issued temporary permit immediately available
109 to the law enforcement community of the state of Missouri.

110 [7.] 8. Upon the transfer of ownership of any currently registered motor
111 vehicle wherein the owner cannot transfer the license plates due to a change of
112 motor vehicle category, the owner may surrender the license plates issued to the
113 motor vehicle and receive credit for any unused portion of the original
114 registration fee against the registration fee of another motor vehicle. Such credit
115 shall be granted based upon the date the license plates are surrendered. No
116 refunds shall be made on the unused portion of any license plates surrendered for
117 such credit.

118 [8.] 9. The provisions of subsections [4,] 5, [and] 6, **and 7** of this section
119 shall expire July 1, 2019.

120 [9.] 10. An additional temporary license plate produced in a manner and
121 of materials determined by the director to be the most cost-effective means of
122 production with a configuration that matches an existing or newly issued plate
123 may be purchased by a motor vehicle owner to be placed in the interior of the
124 vehicle's rear window such that the driver's view out of the rear window is not
125 obstructed and the plate configuration is clearly visible from the outside of the
126 vehicle to serve as the visible plate when a bicycle rack or other item obstructs
127 the view of the actual plate. Such temporary plate is only authorized for use

128 when the matching actual plate is affixed to the vehicle in the manner prescribed
129 in subsection 5 of section 301.130. The fee charged for the temporary plate shall
130 be equal to the fee charged for a temporary permit issued under subsection [4]
131 5 of this section. Replacement temporary plates authorized in this subsection
132 may be issued as needed upon the payment of a fee equal to the fee charged for
133 a temporary permit under subsection [4] 5 of this section. The newly produced
134 third plate may only be used on the vehicle with the matching plate, and the
135 additional plate shall be clearly recognizable as a third plate and only used for
136 the purpose specified in this subsection.

137 [10.] 11. Notwithstanding the provisions of section [301.127] 301.217,
138 the director may issue a temporary permit to an individual who possesses a
139 salvage motor vehicle which requires an inspection under subsection 9 of section
140 301.190. The operation of a salvage motor vehicle for which the permit has been
141 issued shall be limited to the most direct route from the residence, maintenance,
142 or storage facility of the individual in possession of such motor vehicle to the
143 nearest authorized inspection facility and return to the originating
144 location. Notwithstanding any other requirements for the issuance of a
145 temporary permit under this section, an individual obtaining a temporary permit
146 for the purpose of operating a motor vehicle to and from an examination facility
147 as prescribed in this subsection shall also purchase the required motor vehicle
148 examination form which is required to be completed for an examination under
149 subsection 9 of section 301.190 and provide satisfactory evidence that such vehicle
150 has passed a motor vehicle safety inspection for such vehicle as required in
151 section 307.350.

152 [11.] 12. The director of the department of revenue may promulgate all
153 necessary rules and regulations for the administration of this section. Any rule
154 or portion of a rule, as that term is defined in section 536.010, that is created
155 under the authority delegated in this section shall become effective only if it
156 complies with and is subject to all of the provisions of chapter 536 and, if
157 applicable, section 536.028. This section and chapter 536 are nonseverable and
158 if any of the powers vested with the general assembly pursuant to chapter 536 to
159 review, to delay the effective date, or to disapprove and annul a rule are
160 subsequently held unconstitutional, then the grant of rulemaking authority and
161 any rule proposed or adopted after August 28, 2012, shall be invalid and void.

162 [12.] 13. The repeal and reenactment of this section shall become
163 effective on the date the department of revenue or a producer authorized by the

164 director of the department of revenue begins producing temporary permits
165 described in subsection [4] 5 of such section, or on July 1, 2013, whichever occurs
166 first. If the director of revenue or a producer authorized by the director of the
167 department of revenue begins producing temporary permits prior to July 1, 2013,
168 the director of the department of revenue shall notify the revisor of statutes of
169 such fact.

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