

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 278, Page 1, Section Title, Line 4,

2 by striking the following: "the registration of"; and

3 Further amend said bill, page 16, section 301.067, line 28

4 of said page, by inserting immediately after said line the

5 following:

6 "301.140. 1. Upon the transfer of ownership of any motor

7 vehicle or trailer, the certificate of registration and the right

8 to use the number plates shall expire and the number plates shall

9 be removed by the owner at the time of the transfer of

10 possession, and it shall be unlawful for any person other than

11 the person to whom such number plates were originally issued to

12 have the same in his or her possession whether in use or not,

13 unless such possession is solely for charitable purposes; except

14 that the buyer of a motor vehicle or trailer who trades in a

15 motor vehicle or trailer may attach the license plates from the

16 traded-in motor vehicle or trailer to the newly purchased motor

17 vehicle or trailer. The operation of a motor vehicle with such

18 transferred plates shall be lawful for no more than thirty days,

19 or no more than ninety days if the dealer is selling the motor

20 vehicle under the provisions of section 301.213. As used in this

21 subsection, the term "trade-in motor vehicle or trailer" shall

22 include any single motor vehicle or trailer sold by the buyer of

1 the newly purchased vehicle or trailer, as long as the license
2 plates for the trade-in motor vehicle or trailer are still valid.

3 2. In the case of a transfer of ownership the original
4 owner may register another motor vehicle under the same number,
5 upon the payment of a fee of two dollars, if the motor vehicle is
6 of horsepower, gross weight or (in the case of a
7 passenger-carrying commercial motor vehicle) seating capacity,
8 not in excess of that originally registered. When such motor
9 vehicle is of greater horsepower, gross weight or (in the case of
10 a passenger-carrying commercial motor vehicle) seating capacity,
11 for which a greater fee is prescribed, applicant shall pay a
12 transfer fee of two dollars and a pro rata portion for the
13 difference in fees. When such vehicle is of less horsepower,
14 gross weight or (in case of a passenger-carrying commercial motor
15 vehicle) seating capacity, for which a lesser fee is prescribed,
16 applicant shall not be entitled to a refund.

17 3. License plates may be transferred from a motor vehicle
18 which will no longer be operated to a newly purchased motor
19 vehicle by the owner of such vehicles. The owner shall pay a
20 transfer fee of two dollars if the newly purchased vehicle is of
21 horsepower, gross weight or (in the case of a passenger-carrying
22 commercial motor vehicle) seating capacity, not in excess of that
23 of the vehicle which will no longer be operated. When the newly
24 purchased motor vehicle is of greater horsepower, gross weight or
25 (in the case of a passenger-carrying commercial motor vehicle)
26 seating capacity, for which a greater fee is prescribed, the
27 applicant shall pay a transfer fee of two dollars and a pro rata
28 portion of the difference in fees. When the newly purchased
29 vehicle is of less horsepower, gross weight or (in the case of a

1 passenger-carrying commercial motor vehicle) seating capacity,
2 for which a lesser fee is prescribed, the applicant shall not be
3 entitled to a refund.

4 4. The director of the department of revenue shall have
5 authority to produce or allow others to produce a weather
6 resistant, nontearing temporary permit authorizing the operation
7 of a motor vehicle or trailer by a buyer for not more than thirty
8 days, or no more than ninety days if issued by a dealer selling
9 the motor vehicle under the provisions of section 301.213, from
10 the date of purchase. The temporary permit authorized under this
11 section may be purchased by the purchaser of a motor vehicle or
12 trailer from the central office of the department of revenue or
13 from an authorized agent of the department of revenue upon proof
14 of purchase of a motor vehicle or trailer for which the buyer has
15 no registration plate available for transfer and upon proof of
16 financial responsibility, or from a motor vehicle dealer upon
17 purchase of a motor vehicle or trailer for which the buyer has no
18 registration plate available for transfer, or from a motor
19 vehicle dealer upon purchase of a motor vehicle or trailer for
20 which the buyer has registered and is awaiting receipt of
21 registration plates. The director of the department of revenue
22 or a producer authorized by the director of the department of
23 revenue may make temporary permits available to registered
24 dealers in this state, authorized agents of the department of
25 revenue or the department of revenue. The price paid by a motor
26 vehicle dealer, an authorized agent of the department of revenue
27 or the department of revenue for a temporary permit shall not
28 exceed five dollars for each permit. The director of the
29 department of revenue shall direct motor vehicle dealers and

1 authorized agents to obtain temporary permits from an authorized
2 producer. Amounts received by the director of the department of
3 revenue for temporary permits shall constitute state revenue;
4 however, amounts received by an authorized producer other than
5 the director of the department of revenue shall not constitute
6 state revenue and any amounts received by motor vehicle dealers
7 or authorized agents for temporary permits purchased from a
8 producer other than the director of the department of revenue
9 shall not constitute state revenue. In no event shall revenues
10 from the general revenue fund or any other state fund be utilized
11 to compensate motor vehicle dealers or other producers for their
12 role in producing temporary permits as authorized under this
13 section. Amounts that do not constitute state revenue under this
14 section shall also not constitute fees for registration or
15 certificates of title to be collected by the director of the
16 department of revenue under section 301.190. No motor vehicle
17 dealer, authorized agent or the department of revenue shall
18 charge more than five dollars for each permit issued. The permit
19 shall be valid for a period of thirty days, or no more than
20 ninety days if issued by a dealer selling the motor vehicle under
21 the provisions of section 301.213, from the date of purchase of a
22 motor vehicle or trailer, or from the date of sale of the motor
23 vehicle or trailer by a motor vehicle dealer for which the
24 purchaser obtains a permit as set out above. No permit shall be
25 issued for a vehicle under this section unless the buyer shows
26 proof of financial responsibility. Each temporary permit issued
27 shall be securely fastened to the back or rear of the motor
28 vehicle in a manner and place on the motor vehicle consistent
29 with registration plates so that all parts and qualities of the

1 temporary permit thereof shall be plainly and clearly visible,
2 reasonably clean and are not impaired in any way.

3 5. The permit shall be issued on a form prescribed by the
4 director of the department of revenue and issued only for the
5 applicant's temporary operation of the motor vehicle or trailer
6 purchased to enable the applicant to temporarily operate the
7 motor vehicle while proper title and registration plates are
8 being obtained, or while awaiting receipt of registration plates,
9 and shall be displayed on no other motor vehicle. Temporary
10 permits issued pursuant to this section shall not be transferable
11 or renewable and shall not be valid upon issuance of proper
12 registration plates for the motor vehicle or trailer. The
13 director of the department of revenue shall determine the size,
14 material, design, numbering configuration, construction, and
15 color of the permit. The director of the department of revenue,
16 at his or her discretion, shall have the authority to reissue,
17 and thereby extend the use of, a temporary permit previously and
18 legally issued for a motor vehicle or trailer while proper title
19 and registration are being obtained.

20 6. Every motor vehicle dealer that issues temporary permits
21 shall keep, for inspection by proper officers, an accurate record
22 of each permit issued by recording the permit number, the motor
23 vehicle dealer's number, buyer's name and address, the motor
24 vehicle's year, make, and manufacturer's vehicle identification
25 number, and the permit's date of issuance and expiration date.
26 Upon the issuance of a temporary permit by either the central
27 office of the department of revenue, a motor vehicle dealer or an
28 authorized agent of the department of revenue, the director of
29 the department of revenue shall make the information associated

1 with the issued temporary permit immediately available to the law
2 enforcement community of the state of Missouri.

3 7. Upon the transfer of ownership of any currently
4 registered motor vehicle wherein the owner cannot transfer the
5 license plates due to a change of motor vehicle category, the
6 owner may surrender the license plates issued to the motor
7 vehicle and receive credit for any unused portion of the original
8 registration fee against the registration fee of another motor
9 vehicle. Such credit shall be granted based upon the date the
10 license plates are surrendered. No refunds shall be made on the
11 unused portion of any license plates surrendered for such credit.

12 8. The provisions of subsections 4, 5, and 6 of this
13 section shall expire July 1, 2019.

14 9. An additional temporary license plate produced in a
15 manner and of materials determined by the director to be the most
16 cost-effective means of production with a configuration that
17 matches an existing or newly issued plate may be purchased by a
18 motor vehicle owner to be placed in the interior of the vehicle's
19 rear window such that the driver's view out of the rear window is
20 not obstructed and the plate configuration is clearly visible
21 from the outside of the vehicle to serve as the visible plate
22 when a bicycle rack or other item obstructs the view of the
23 actual plate. Such temporary plate is only authorized for use
24 when the matching actual plate is affixed to the vehicle in the
25 manner prescribed in subsection 5 of section 301.130. The fee
26 charged for the temporary plate shall be equal to the fee charged
27 for a temporary permit issued under subsection 4 of this section.
28 Replacement temporary plates authorized in this subsection may be
29 issued as needed upon the payment of a fee equal to the fee

1 charged for a temporary permit under subsection 4 of this
2 section. The newly produced third plate may only be used on the
3 vehicle with the matching plate, and the additional plate shall
4 be clearly recognizable as a third plate and only used for the
5 purpose specified in this subsection.

6 10. Notwithstanding the provisions of section 301.127, the
7 director may issue a temporary permit to an individual who
8 possesses a salvage motor vehicle which requires an inspection
9 under subsection 9 of section 301.190. The operation of a
10 salvage motor vehicle for which the permit has been issued shall
11 be limited to the most direct route from the residence,
12 maintenance, or storage facility of the individual in possession
13 of such motor vehicle to the nearest authorized inspection
14 facility and return to the originating location. Notwithstanding
15 any other requirements for the issuance of a temporary permit
16 under this section, an individual obtaining a temporary permit
17 for the purpose of operating a motor vehicle to and from an
18 examination facility as prescribed in this subsection shall also
19 purchase the required motor vehicle examination form which is
20 required to be completed for an examination under subsection 9 of
21 section 301.190 and provide satisfactory evidence that such
22 vehicle has passed a motor vehicle safety inspection for such
23 vehicle as required in section 307.350.

24 11. The director of the department of revenue may
25 promulgate all necessary rules and regulations for the
26 administration of this section. Any rule or portion of a rule,
27 as that term is defined in section 536.010, that is created under
28 the authority delegated in this section shall become effective
29 only if it complies with and is subject to all of the provisions

1 of chapter 536 and, if applicable, section 536.028. This section
2 and chapter 536 are nonseverable and if any of the powers vested
3 with the general assembly pursuant to chapter 536 to review, to
4 delay the effective date, or to disapprove and annul a rule are
5 subsequently held unconstitutional, then the grant of rulemaking
6 authority and any rule proposed or adopted after August 28, 2012,
7 shall be invalid and void.

8 12. The repeal and reenactment of this section shall become
9 effective on the date the department of revenue or a producer
10 authorized by the director of the department of revenue begins
11 producing temporary permits described in subsection 4 of such
12 section, or on July 1, 2013, whichever occurs first. If the
13 director of revenue or a producer authorized by the director of
14 the department of revenue begins producing temporary permits
15 prior to July 1, 2013, the director of the department of revenue
16 shall notify the revisor of statutes of such fact.

17 301.190. 1. No certificate of registration of any motor
18 vehicle or trailer, or number plate therefor, shall be issued by
19 the director of revenue unless the applicant therefor shall make
20 application for and be granted a certificate of ownership of such
21 motor vehicle or trailer, or shall present satisfactory evidence
22 that such certificate has been previously issued to the applicant
23 for such motor vehicle or trailer. Application shall be made
24 within thirty days after the applicant acquires the motor vehicle
25 or trailer, unless the motor vehicle was acquired under section
26 301.213 in which case the applicant shall make application within
27 thirty days after receiving title from the dealer, upon a blank
28 form furnished by the director of revenue and shall contain the
29 applicant's identification number, a full description of the

1 motor vehicle or trailer, the vehicle identification number, and
2 the mileage registered on the odometer at the time of transfer of
3 ownership, as required by section 407.536, together with a
4 statement of the applicant's source of title and of any liens or
5 encumbrances on the motor vehicle or trailer, provided that for
6 good cause shown the director of revenue may extend the period of
7 time for making such application. When an owner wants to add or
8 delete a name or names on an application for certificate of
9 ownership of a motor vehicle or trailer that would cause it to be
10 inconsistent with the name or names listed on the notice of lien,
11 the owner shall provide the director with documentation
12 evidencing the lienholder's authorization to add or delete a name
13 or names on an application for certificate of ownership.

14 2. The director of revenue shall use reasonable diligence
15 in ascertaining whether the facts stated in such application are
16 true and shall, to the extent possible without substantially
17 delaying processing of the application, review any odometer
18 information pertaining to such motor vehicle that is accessible
19 to the director of revenue. If satisfied that the applicant is
20 the lawful owner of such motor vehicle or trailer, or otherwise
21 entitled to have the same registered in his name, the director
22 shall thereupon issue an appropriate certificate over his
23 signature and sealed with the seal of his office, procured and
24 used for such purpose. The certificate shall contain on its face
25 a complete description, vehicle identification number, and other
26 evidence of identification of the motor vehicle or trailer, as
27 the director of revenue may deem necessary, together with the
28 odometer information required to be put on the face of the
29 certificate pursuant to section 407.536, a statement of any liens

1 or encumbrances which the application may show to be thereon,
2 and, if ownership of the vehicle has been transferred, the name
3 of the state issuing the transferor's title and whether the
4 transferor's odometer mileage statement executed pursuant to
5 section 407.536 indicated that the true mileage is materially
6 different from the number of miles shown on the odometer, or is
7 unknown.

8 3. The director of revenue shall appropriately designate on
9 the current and all subsequent issues of the certificate the
10 words "Reconstructed Motor Vehicle", "Motor Change Vehicle",
11 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor
12 Vehicle", as defined in section 301.010. Effective July 1, 1990,
13 on all original and all subsequent issues of the certificate for
14 motor vehicles as referenced in subsections 2 and 3 of section
15 301.020, the director shall print on the face thereof the
16 following designation: "Annual odometer updates may be available
17 from the department of revenue.". On any duplicate certificate,
18 the director of revenue shall reprint on the face thereof the
19 most recent of either:

20 (1) The mileage information included on the face of the
21 immediately prior certificate and the date of purchase or
22 issuance of the immediately prior certificate; or

23 (2) Any other mileage information provided to the director
24 of revenue, and the date the director obtained or recorded that
25 information.

26 4. The certificate of ownership issued by the director of
27 revenue shall be manufactured in a manner to prohibit as nearly
28 as possible the ability to alter, counterfeit, duplicate, or
29 forge such certificate without ready detection. In order to

1 carry out the requirements of this subsection, the director of
2 revenue may contract with a nonprofit scientific or educational
3 institution specializing in the analysis of secure documents to
4 determine the most effective methods of rendering Missouri
5 certificates of ownership nonalterable or noncounterfeitable.

6 5. The fee for each original certificate so issued shall be
7 eight dollars and fifty cents, in addition to the fee for
8 registration of such motor vehicle or trailer. If application for
9 the certificate is not made within thirty days after the vehicle
10 is acquired by the applicant, or where the motor vehicle was
11 acquired under section 301.213 and the applicant fails to make
12 application within thirty days after receiving title from the
13 dealer, a delinquency penalty fee of twenty-five dollars for the
14 first thirty days of delinquency and twenty-five dollars for each
15 thirty days of delinquency thereafter, not to exceed a total of
16 two hundred dollars, but such penalty may be waived by the
17 director for a good cause shown. If the director of revenue
18 learns that any person has failed to obtain a certificate within
19 thirty days after acquiring a motor vehicle or trailer, or where
20 the motor vehicle was acquired under section 301.213 and the
21 applicant fails to make application within thirty days after
22 receiving title from the dealer, or has sold a vehicle without
23 obtaining a certificate, he shall cancel the registration of all
24 vehicles registered in the name of the person, either as sole
25 owner or as a co-owner, and shall notify the person that the
26 cancellation will remain in force until the person pays the
27 delinquency penalty fee provided in this section, together with
28 all fees, charges and payments which the person should have paid
29 in connection with the certificate of ownership and registration

1 of the vehicle. The certificate shall be good for the life of
2 the motor vehicle or trailer so long as the same is owned or held
3 by the original holder of the certificate and shall not have to
4 be renewed annually.

5 6. Any applicant for a certificate of ownership requesting
6 the department of revenue to process an application for a
7 certificate of ownership in an expeditious manner requiring
8 special handling shall pay a fee of five dollars in addition to
9 the regular certificate of ownership fee.

10 7. It is unlawful for any person to operate in this state a
11 motor vehicle or trailer required to be registered under the
12 provisions of the law unless a certificate of ownership has been
13 applied for as provided in this section.

14 8. Before an original Missouri certificate of ownership is
15 issued, an inspection of the vehicle and a verification of
16 vehicle identification numbers shall be made by the Missouri
17 state highway patrol on vehicles for which there is a current
18 title issued by another state if a Missouri salvage certificate
19 of title has been issued for the same vehicle but no prior
20 inspection and verification has been made in this state, except
21 that if such vehicle has been inspected in another state by a law
22 enforcement officer in a manner comparable to the inspection
23 process in this state and the vehicle identification numbers have
24 been so verified, the applicant shall not be liable for the
25 twenty-five dollar inspection fee if such applicant submits proof
26 of inspection and vehicle identification number verification to
27 the director of revenue at the time of the application. The
28 applicant, who has such a title for a vehicle on which no prior
29 inspection and verification have been made, shall pay a fee of

1 twenty-five dollars for such verification and inspection, payable
2 to the director of revenue at the time of the request for the
3 application, which shall be deposited in the state treasury to
4 the credit of the state highways and transportation department
5 fund.

6 9. Each application for an original Missouri certificate of
7 ownership for a vehicle which is classified as a reconstructed
8 motor vehicle, specially constructed motor vehicle, kit vehicle,
9 motor change vehicle, non-USA-std motor vehicle, or other vehicle
10 as required by the director of revenue shall be accompanied by a
11 vehicle examination certificate issued by the Missouri state
12 highway patrol, or other law enforcement agency as authorized by
13 the director of revenue. The vehicle examination shall include a
14 verification of vehicle identification numbers and a
15 determination of the classification of the vehicle. The owner of
16 a vehicle which requires a vehicle examination certificate shall
17 present the vehicle for examination and obtain a completed
18 vehicle examination certificate prior to submitting an
19 application for a certificate of ownership to the director of
20 revenue. Notwithstanding any provision of the law to the
21 contrary, an owner presenting a motor vehicle which has been
22 issued a salvage title and which is ten years of age or older to
23 a vehicle examination described in this subsection in order to
24 obtain a certificate of ownership with the designation prior
25 salvage motor vehicle shall not be required to repair or restore
26 the vehicle to its original appearance in order to pass or
27 complete the vehicle examination. The fee for the vehicle
28 examination application shall be twenty-five dollars and shall be
29 collected by the director of revenue at the time of the request

1 for the application and shall be deposited in the state treasury
2 to the credit of the state highways and transportation department
3 fund. If the vehicle is also to be registered in Missouri, the
4 safety inspection required in chapter 307 and the emissions
5 inspection required under chapter 643 shall be completed and the
6 fees required by section 307.365 and section 643.315 shall be
7 charged to the owner.

8 10. When an application is made for an original Missouri
9 certificate of ownership for a motor vehicle previously
10 registered or titled in a state other than Missouri or as
11 required by section 301.020, it shall be accompanied by a current
12 inspection form certified by a duly authorized official
13 inspection station as described in chapter 307. The completed
14 form shall certify that the manufacturer's identification number
15 for the vehicle has been inspected, that it is correctly
16 displayed on the vehicle and shall certify the reading shown on
17 the odometer at the time of inspection. The inspection station
18 shall collect the same fee as authorized in section 307.365 for
19 making the inspection, and the fee shall be deposited in the same
20 manner as provided in section 307.365. If the vehicle is also to
21 be registered in Missouri, the safety inspection required in
22 chapter 307 and the emissions inspection required under chapter
23 643 shall be completed and only the fees required by section
24 307.365 and section 643.315 shall be charged to the owner. This
25 section shall not apply to vehicles being transferred on a
26 manufacturer's statement of origin.

27 11. Motor vehicles brought into this state in a wrecked or
28 damaged condition or after being towed as an abandoned vehicle
29 pursuant to another state's abandoned motor vehicle procedures

1 shall, in lieu of the inspection required by subsection 10 of
2 this section, be inspected by the Missouri state highway patrol
3 in accordance with subsection 9 of this section. If the
4 inspection reveals the vehicle to be in a salvage or junk
5 condition, the director shall so indicate on any Missouri
6 certificate of ownership issued for such vehicle. Any salvage
7 designation shall be carried forward on all subsequently issued
8 certificates of title for the motor vehicle.

9 12. When an application is made for an original Missouri
10 certificate of ownership for a motor vehicle previously
11 registered or titled in a state other than Missouri, and the
12 certificate of ownership has been appropriately designated by the
13 issuing state as a reconstructed motor vehicle, motor change
14 vehicle, specially constructed motor vehicle, or prior salvage
15 vehicle, the director of revenue shall appropriately designate on
16 the current Missouri and all subsequent issues of the certificate
17 of ownership the name of the issuing state and such prior
18 designation. The absence of any prior designation shall not
19 relieve a transferor of the duty to exercise due diligence with
20 regard to such certificate of ownership prior to the transfer of
21 a certificate. If a transferor exercises any due diligence with
22 regard to a certificate of ownership, the legal transfer of a
23 certificate of ownership without any designation that is
24 subsequently discovered to have or should have had a designation
25 shall be a transfer free and clear of any liabilities of the
26 transferor associated with the missing designation.

27 13. When an application is made for an original Missouri
28 certificate of ownership for a motor vehicle previously
29 registered or titled in a state other than Missouri, and the

1 certificate of ownership has been appropriately designated by the
2 issuing state as non-USA-std motor vehicle, the director of
3 revenue shall appropriately designate on the current Missouri and
4 all subsequent issues of the certificate of ownership the words
5 "Non-USA-Std Motor Vehicle".

6 14. The director of revenue and the superintendent of the
7 Missouri state highway patrol shall make and enforce rules for
8 the administration of the inspections required by this section.

9 15. Each application for an original Missouri certificate
10 of ownership for a vehicle which is classified as a reconstructed
11 motor vehicle, manufactured forty or more years prior to the
12 current model year, and which has a value of three thousand
13 dollars or less shall be accompanied by:

14 (1) A proper affidavit submitted by the owner explaining
15 how the motor vehicle or trailer was acquired and, if applicable,
16 the reasons a valid certificate of ownership cannot be furnished;

17 (2) Photocopies of receipts, bills of sale establishing
18 ownership, or titles, and the source of all major component parts
19 used to rebuild the vehicle;

20 (3) A fee of one hundred fifty dollars in addition to the
21 fees described in subsection 5 of this section. Such fee shall
22 be deposited in the state treasury to the credit of the state
23 highways and transportation department fund; and

24 (4) An inspection certificate, other than a motor vehicle
25 examination certificate required under subsection 9 of this
26 section, completed and issued by the Missouri state highway
27 patrol, or other law enforcement agency as authorized by the
28 director of revenue. The inspection performed by the highway
29 patrol or other authorized local law enforcement agency shall

1 include a check for stolen vehicles. The department of revenue
2 shall issue the owner a certificate of ownership designated with
3 the words "Reconstructed Motor Vehicle" and deliver such
4 certificate of ownership in accordance with the provisions of
5 this chapter. Notwithstanding subsection 9 of this section, no
6 owner of a reconstructed motor vehicle described in this
7 subsection shall be required to obtain a vehicle examination
8 certificate issued by the Missouri state highway patrol."; and

9 Further amend said bill, page 18, section 301.196, line 26
10 of said page, by inserting immediately after said line the
11 following:

12 "301.213. 1. Notwithstanding the provisions of sections
13 301.200 and 301.210, any person licensed as a motor vehicle
14 dealer under sections 301.550 to 301.573 that has provided to the
15 director of revenue a surety bond or irrevocable letter of credit
16 in an amount not less than one hundred thousand dollars in a form
17 which complies with the requirements of section 301.560 and in
18 lieu of the twenty-five thousand dollar bond otherwise required
19 for licensure as a motor vehicle dealer, shall be authorized to
20 purchase or accept in trade any motor vehicle for which there has
21 been issued a certificate of ownership, and to receive such
22 vehicle subject to any existing liens thereon created and
23 perfected under sections 301.600 to 301.660 provided the licensed
24 dealer receives the following:

25 (1) A signed written contract between the licensed dealer
26 and the owner of the vehicle; and

27 (2) Physical delivery of the vehicle to the licensed
28 dealer; and

29 (3) A power of attorney from the owner to the licensed

1 dealer, in accordance with subsection 4 of section 301.300,
2 authorizing the licensed dealer to obtain a duplicate or
3 replacement title in the owner's name and sign any title
4 assignments on the owner's behalf.

5 2. If the dealer complies with the requirements of
6 subsection 1 of this section, the sale or trade of the vehicle to
7 the dealer shall be considered final, subject to any existing
8 liens created and perfected under sections 301.600 to 301.660.
9 Once the prior owner of the motor vehicle has physically
10 delivered the motor vehicle to the licensed dealer, the prior
11 owners' insurable interest in such vehicle shall cease to exist.

12 3. If a licensed dealer complies with the requirements of
13 subsection 1 of this section, and such dealer has provided to the
14 director of revenue a surety bond or irrevocable letter of credit
15 in amount not less than one hundred thousand dollars in a form
16 which complies with the requirements of section 301.560 and in
17 lieu of the twenty-five thousand dollar bond otherwise required
18 for licensure as a motor vehicle dealer, such dealer may sell
19 such vehicle prior to receiving and assigning to the purchaser
20 the certificate of ownership, provided such dealer complies with
21 the following:

22 (1) All outstanding liens created on the vehicle pursuant
23 to sections 301.600 to 301.660 have been paid in full, and the
24 dealer provides a copy of proof or other evidence to the
25 purchaser; and

26 (2) The dealer has obtained proof or other evidence from
27 the department of revenue confirming that no outstanding child
28 support liens exist upon the vehicle at the time of sale and
29 provides a copy of said proof or other evidence to the purchaser;

1 and

2 (3) The dealer has obtained proof or other evidence from
3 the department of revenue confirming that all applicable state
4 sales tax has been satisfied on the sale of the vehicle to the
5 previous owner and provides a copy of said proof or other
6 evidence to the purchaser; and

7 (4) The dealer has signed an application for duplicate or
8 replacement title for the vehicle under subsection 4 of section
9 301.300 and provides a copy of the application to the purchaser,
10 along with a copy of the power of attorney required by subsection
11 1 of this section, and the dealer has prepared and delivered to
12 the purchaser an application for title for the vehicle in the
13 purchaser's name; and

14 (5) The dealer and the purchaser have entered into a
15 written agreement for the subsequent assignment and delivery of
16 such certificate of ownership, on a form prescribed by the
17 director of revenue, to take place at a time, not to exceed sixty
18 calendar days, after the time of delivery of the motor vehicle to
19 the purchaser. Such agreement shall require the purchaser to
20 provide to the dealer proof of financial responsibility in
21 accordance with chapter 303 and proof of comprehensive and
22 collision coverage on the motor vehicle. Such dealer shall
23 maintain the original or an electronic copy of the signed
24 agreement and deliver a copy of the signed agreement to the
25 purchaser. Such dealer shall also complete and deliver to the
26 director of revenue such form as the director shall prescribe
27 demonstrating that the purchaser has purchased the vehicle
28 without contemporaneous delivery of the title.

1 Notwithstanding any provision of law to the contrary, completion
2 of the requirements of this subsection shall constitute prima
3 facie evidence of an ownership interest vested in the purchaser
4 of the vehicle for all purposes other than for a subsequent
5 transfer of ownership of the vehicle by the purchaser, subject to
6 the rights of any secured lienholder of record; however, the
7 purchaser may use the dealer-supplied copy of the agreement to
8 transfer his or her ownership of the vehicle to an insurance
9 company in situations where the vehicle has been declared salvage
10 or a total-loss by the insurance company as a result of a
11 settlement of a claim. The purchaser may also use the dealer-
12 supplied copy of the agreement on the form prescribed by the
13 director of revenue as proof of ownership interest. Any lender
14 or insurance company may rely upon a copy of the signed written
15 agreement on the form prescribed by the director of revenue as
16 proof of ownership. Any lien placed upon a vehicle based upon
17 such signed written agreement shall be valid and enforceable,
18 notwithstanding the absence of a certificate of ownership.

19 4. Following a sale or other transaction in which a
20 certificate of ownership has not been assigned from the owner to
21 the licensed dealer, the dealer shall, within ten business days,
22 apply for a duplicate or replacement certificate of ownership.
23 Upon receipt of a duplicate or replacement certificate of
24 ownership applied for under subsection 4 of section 301.300, the
25 dealer shall assign and deliver said certificate of ownership to
26 the purchaser of the vehicle within five business days. The
27 dealer shall maintain proof of the assignment and delivery of the
28 certificate of ownership to the purchaser. For purposes of this
29 subsection, a dealer shall be deemed to have delivered the

1 certificate of ownership to the purchaser upon either:

2 (1) Physical delivery of the certificate of ownership to
3 any of the purchasers identified in the contract with such
4 dealer; or

5 (2) Mailing of the certificate, postage prepaid, return
6 receipt requested, to any of the purchasers at any of their
7 addresses identified in the contract with such dealer.

8 5. If a licensed dealer fails to comply with subsection 3
9 of this section, and the purchaser of the vehicle is thereby
10 damaged, then the dealer shall be liable to the purchaser of the
11 vehicle for actual damages, plus court costs and reasonable
12 attorney fees.

13 6. If a licensed dealer fails or is unable to comply with
14 subsection 4 of this section, and the purchaser of the vehicle is
15 thereby damaged, then the dealer shall be liable to the purchaser
16 of the vehicle for actual damages, plus court costs and
17 reasonable attorney fees. If the dealer cannot be found by the
18 purchaser after making reasonable attempts, or if the dealer
19 fails to assign and deliver the duplicate or replacement
20 certificate of ownership to the purchaser by the date agreed upon
21 by the dealer and the purchaser, as required by subsection 4 of
22 this section, then the purchaser may deliver to the director a
23 copy of the contract for sale of the vehicle, a copy of the
24 application for duplicate title provided by the dealer to the
25 purchaser, a copy of the secure power of attorney allowing the
26 dealer to assign the duplicate title, and the proof or other
27 evidence obtained by the purchaser from the dealer under
28 subsection 3 of this section. Thereafter, the director shall
29 mail by certified mail, return receipt requested, a notice to the

1 dealer at the last address given to the department by that
2 dealer. That notice shall inform the dealer that the director
3 intends to cancel any prior certificate of title issued to the
4 dealer on the vehicle and issue to the purchaser a certificate of
5 title in the name of the purchaser, subject to any liens incurred
6 by the purchaser in connection with the purchase of the vehicle,
7 unless the dealer, within ten business days from the date of the
8 director's notice, files with the director a written objection to
9 the director taking such action. If the dealer does file a
10 timely, written objection with the director, then the director
11 shall not take any further action without an order from a court
12 of competent jurisdiction. However, if the dealer does not file
13 a timely, written objection with the director, then the director
14 shall cancel the prior certificate of title issued to the dealer
15 on the vehicle and issue a certificate of tile to the purchaser
16 of the vehicle, subject to any liens incurred by the purchaser in
17 connection with the purchase of the vehicle and subject to the
18 purchaser satisfying all applicable taxes and fees associated
19 with registering the vehicle.

20 7. If a seller misrepresents to a dealer that the seller is
21 the owner of a vehicle and the dealer, the owner, any subsequent
22 purchaser, or any prior or subsequent lienholder is thereby
23 damaged, then the seller shall be liable to each such party for
24 actual and punitive damages, plus court costs and reasonable
25 attorney fees.

26 8. When a lienholder is damaged as a result of a licensed
27 dealer's acts, errors, omissions, or violations of this section,
28 then the dealer shall be liable to the lienholder for actual
29 damages, plus court costs and reasonable attorney fees.

1 9. No court costs or attorney fees shall be awarded under
2 this section unless, prior to filing any such action, the
3 following conditions have been met:

4 (1) The aggrieved party seeking damages has delivered an
5 itemized written demand of the party's actual damages to the
6 party from whom damages are sought; and

7 (2) The party from whom damages are sought has not
8 satisfied the written demand within thirty days after receipt of
9 the written demand.

10 10. The department of revenue may use a dealer's repeated
11 or intentional violation of this section as a cause to refuse to
12 issue or renew any license required pursuant to sections 301.550
13 to 301.573, in addition to the causes set forth in section
14 301.562. The hearing process shall be the same as that
15 established in subsection 6 of section 301.562."; and

16 Further amend said bill, page 24, section 301.645, line 18
17 of said page, by inserting immediately after said line the
18 following:

19 [407.581. 1. Notwithstanding the provisions of
20 sections 301.200 and 301.210, any person licensed as a
21 motor vehicle dealer under sections 301.550 to 301.573
22 shall be authorized to purchase or accept in trade any
23 motor vehicle for which there has been issued a
24 certificate of title, and to receive such vehicle
25 subject to any existing liens thereon created and
26 perfected under sections 301.600 to 301.660 provided
27 the licensed dealer receives the following:

28 (1) A signed written contract between the
29 licensed dealer and the owner of the vehicle; and

30 (2) Physical delivery of the vehicle to the
31 licensed dealer; and

32 (3) A power of attorney from the owner to the
33 licensed dealer, in accordance with subsection 4 of
34 section 301.300, authorizing the licensed dealer to
35 obtain a duplicate or replacement title in the owner's
36 name and sign any title assignments on the owner's
37 behalf.

38 2. If the dealer complies with the requirements

1 of subsection 1 of this section, the sale or trade of
2 the vehicle to the dealer shall be considered final.

3 3. If a licensed dealer complies with the
4 requirements of subsection 1 of this section, the
5 licensed dealer may sell such vehicle prior to
6 receiving and assigning to the purchaser the
7 certificate of title, provided such dealer complies
8 with the following:

9 (1) All outstanding liens created on the vehicle
10 pursuant to sections 301.600 to 301.660 have been paid
11 in full, and the dealer provides a copy of proof or
12 other evidence to the purchaser; and

13 (2) The dealer has obtained proof or other
14 evidence from the department of revenue confirming that
15 no outstanding child support liens exist upon the
16 vehicle at the time of sale and provides a copy of said
17 proof or other evidence to the purchaser; and

18 (3) The dealer has obtained proof or other
19 evidence from the department of revenue confirming that
20 all applicable state sales tax has been satisfied on
21 the sale of the vehicle to the previous owner and
22 provides a copy of said proof or other evidence to the
23 purchaser; and

24 (4) The dealer has signed and submitted an
25 application for duplicate or replacement title for the
26 vehicle pursuant to subsection 4 of section 301.300 and
27 provides a copy of the application to the purchaser,
28 along with a copy of the power of attorney required
29 under subsection 1 of this section.

30 4. Following a sale or other transaction in which
31 a certificate of title has not been assigned from the
32 owner to the dealer, a licensed dealer shall, within
33 five business days, apply for a duplicate or
34 replacement title. Upon receipt of a duplicate or
35 replacement title applied for pursuant to subsection 4
36 of section 301.300, the dealer shall assign and deliver
37 said certificate of title to the purchaser of the
38 vehicle within five business days. The dealer shall
39 maintain proof of the assignment and delivery of the
40 certificate of title to the purchaser. For purposes of
41 this subsection, a dealer shall be deemed to have
42 delivered the certificate of title to the purchaser
43 upon either:

44 (1) Physical delivery of the certificate of title
45 to any of the purchasers identified in the contract
46 with the dealer; or

47 (2) Mailing of the certificate, postage prepaid,
48 return receipt requested, to any of the purchasers at
49 any of their addresses identified in the contract with
50 the dealer.

51 5. If a dealer fails to comply with subsection 3
52 of this section, and the purchaser of the vehicle is

1 thereby damaged, then the dealer shall be liable to the
2 purchaser of the vehicle for actual damages, plus court
3 costs and reasonable attorney fees.

4 6. If a dealer fails to comply with subsection 4
5 of this section, and the purchaser of the vehicle is
6 thereby damaged, then the dealer shall be liable to the
7 purchaser of the vehicle for actual damages, plus court
8 costs and reasonable attorney fees. If the dealer
9 cannot be found by the purchaser after making
10 reasonable attempts, and thereby fails to assign and
11 deliver the duplicate or replacement certificate of
12 title to the purchaser, as required by subsection 4 of
13 this section, then the purchaser may deliver to the
14 director a copy of the contract for sale of the
15 vehicle, a copy of the application for duplicate title
16 provided by the dealer to the purchaser, a copy of the
17 secure power of attorney allowing the dealer to assign
18 the duplicate title, and the proof or other evidence
19 obtained by the purchaser from the dealer under
20 subsection 3 of this section. Thereafter, the director
21 shall mail by certified mail, return receipt requested,
22 a notice to the dealer at the last address given to the
23 department by that dealer. That notice shall inform
24 the dealer that the director intends to cancel any
25 prior certificate of title issued to the dealer on the
26 vehicle and issue to the purchaser a certificate of
27 title in the name of the purchaser, subject to any
28 liens incurred by the purchaser in connection with the
29 purchase of the vehicle, unless the dealer, within ten
30 business days from the date of the director's notice,
31 files with the director a written objection to the
32 director taking such action. If the dealer does file a
33 timely, written objection with the director, then the
34 director shall not take any further action without an
35 order from a court of competent jurisdiction. However,
36 if the dealer does not file a timely, written objection
37 with the director, then the director shall cancel the
38 prior certificate of title issued to the dealer on the
39 vehicle and issue a certificate of title to the
40 purchaser of the vehicle, subject to any liens incurred
41 by the purchaser in connection with the purchase of the
42 vehicle and subject to the purchaser satisfying all
43 applicable taxes and fees associated with registering
44 the vehicle.

45 7. If a seller fraudulently misrepresents to a
46 dealer that the seller is the owner of a vehicle and
47 the dealer or any subsequent purchaser is thereby
48 damaged, then the seller shall be liable to the dealer
49 and any subsequent purchaser for actual damages, plus
50 court costs and reasonable attorney fees.

51 8. When a lienholder is damaged as a result of
52 acts or omissions by the dealer to the lienholder or

1 any party covered by subsections 5, 6, and 7 of this
2 section, or by any combination of claims under this
3 subsection, then the dealer shall be liable to the
4 lienholder for actual damages, plus court costs and
5 reasonable attorney fees.

6 9. No court costs or attorney fees shall be
7 awarded under this section unless, prior to filing any
8 such action, the following conditions have been met:

9 (1) The aggrieved party seeking damages has
10 delivered an itemized written demand of the party's
11 actual damages to the party from whom damages are
12 sought; and

13 (2) The party from whom damages are sought has
14 not satisfied the written demand within thirty days
15 after receipt of the written demand.]" ; and

16 Further amend the title and enacting clause accordingly.

17