

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 686
98TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, Infrastructure and Public Safety, May 4, 2015, with recommendation that the Senate Committee Substitute do pass.

1638S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 301.010, 301.196, 301.227, and 301.280, RSMo, and to enact in lieu thereof four new sections relating to the registration of motor vehicles, with an existing penalty provision.

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

Section A. Sections 301.010, 301.196, 301.227, and 301.280, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 301.010, 301.196, 301.227, and 301.280, to read as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120
2 to 304.260, and sections 307.010 to 307.175, the following terms mean:

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used
4 exclusively for off-highway use which is fifty inches or less in width, with an
5 unladen dry weight of one thousand five hundred pounds or less, traveling on
6 three, four or more nonhighway tires;

7 (2) "Automobile transporter", any vehicle combination designed and used
8 specifically for the transport of assembled motor vehicles;

9 (3) "Axle load", the total load transmitted to the road by all wheels whose
10 centers are included between two parallel transverse vertical planes forty inches
11 apart, extending across the full width of the vehicle;

12 (4) "Boat transporter", any vehicle combination designed and used
13 specifically to transport assembled boats and boat hulls;

14 (5) "Body shop", a business that repairs physical damage on motor
15 vehicles that are not owned by the shop or its officers or employees by mending,
16 straightening, replacing body parts, or painting;

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

17 (6) "Bus", a motor vehicle primarily for the transportation of a driver and
18 eight or more passengers but not including shuttle buses;

19 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used
20 for carrying freight and merchandise, or more than eight passengers but not
21 including vanpools or shuttle buses;

22 (8) "Cotton trailer", a trailer designed and used exclusively for
23 transporting cotton at speeds less than forty miles per hour from field to field or
24 from field to market and return;

25 (9) "Dealer", any person, firm, corporation, association, agent or subagent
26 engaged in the sale or exchange of new, used or reconstructed motor vehicles or
27 trailers;

28 (10) "Director" or "director of revenue", the director of the department of
29 revenue;

30 (11) "Driveaway operation":

31 (a) The movement of a motor vehicle or trailer by any person or motor
32 carrier other than a dealer over any public highway, under its own power singly,
33 or in a fixed combination of two or more vehicles, for the purpose of delivery for
34 sale or for delivery either before or after sale;

35 (b) The movement of any vehicle or vehicles, not owned by the transporter,
36 constituting the commodity being transported, by a person engaged in the
37 business of furnishing drivers and operators for the purpose of transporting
38 vehicles in transit from one place to another by the driveaway or towaway
39 methods; or

40 (c) The movement of a motor vehicle by any person who is lawfully
41 engaged in the business of transporting or delivering vehicles that are not the
42 person's own and vehicles of a type otherwise required to be registered, by the
43 driveaway or towaway methods, from a point of manufacture, assembly or
44 distribution or from the owner of the vehicles to a dealer or sales agent of a
45 manufacturer or to any consignee designated by the shipper or consignor;

46 (12) "Dromedary", a box, deck, or plate mounted behind the cab and
47 forward of the fifth wheel on the frame of the power unit of a truck
48 tractor-semitrailer combination. A truck tractor equipped with a dromedary may
49 carry part of a load when operating independently or in a combination with a
50 semitrailer;

51 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

52 (14) "Fleet", any group of ten or more motor vehicles owned by the same

53 owner;

54 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

55 (16) "Fullmount", a vehicle mounted completely on the frame of either the
56 first or last vehicle in a saddlemount combination;

57 (17) "Gross weight", the weight of vehicle and/or vehicle combination
58 without load, plus the weight of any load thereon;

59 (18) "Hail-damaged vehicle", any vehicle, the body of which has become
60 dented as the result of the impact of hail;

61 (19) "Highway", any public thoroughfare for vehicles, including state
62 roads, county roads and public streets, avenues, boulevards, parkways or alleys
63 in any municipality;

64 (20) "Improved highway", a highway which has been paved with gravel,
65 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall
66 have a hard, smooth surface;

67 (21) "Intersecting highway", any highway which joins another, whether
68 or not it crosses the same;

69 (22) "Junk vehicle", a vehicle which:

70 (a) Is incapable of operation or use upon the highways and has no resale
71 value except as a source of parts or scrap [, and shall not be titled or registered];

72 **or**

73 **(b) Has been designated as junk or a substantially equivalent**
74 **designation by this state or any other state;**

75 (23) "Kit vehicle", a motor vehicle assembled by a person other than a
76 generally recognized manufacturer of motor vehicles by the use of a glider kit or
77 replica purchased from an authorized manufacturer and accompanied by a
78 manufacturer's statement of origin;

79 (24) "Land improvement contractors' commercial motor vehicle", any
80 not-for-hire commercial motor vehicle the operation of which is confined to:

81 (a) An area that extends not more than a radius of one hundred miles
82 from its home base of operations when transporting its owner's machinery,
83 equipment, or auxiliary supplies to or from projects involving soil and water
84 conservation, or to and from equipment dealers' maintenance facilities for
85 maintenance purposes; or

86 (b) An area that extends not more than a radius of fifty miles from its
87 home base of operations when transporting its owner's machinery, equipment, or
88 auxiliary supplies to or from projects not involving soil and water

89 conservation. Nothing in this subdivision shall be construed to prevent any motor
90 vehicle from being registered as a commercial motor vehicle or local commercial
91 motor vehicle;

92 (25) "Local commercial motor vehicle", a commercial motor vehicle whose
93 operations are confined solely to a municipality and that area extending not more
94 than fifty miles therefrom, or a commercial motor vehicle whose property-carrying
95 operations are confined solely to the transportation of property owned by any
96 person who is the owner or operator of such vehicle to or from a farm owned by
97 such person or under the person's control by virtue of a landlord and tenant lease;
98 provided that any such property transported to any such farm is for use in the
99 operation of such farm;

100 (26) "Local log truck", a commercial motor vehicle which is registered
101 pursuant to this chapter to operate as a motor vehicle on the public highways of
102 this state, used exclusively in this state, used to transport harvested forest
103 products, operated solely at a forested site and in an area extending not more
104 than a one hundred-mile radius from such site, carries a load with dimensions not
105 in excess of twenty-five cubic yards per two axles with dual wheels, and when
106 operated on the national system of interstate and defense highways described in
107 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed
108 the weight limits of section 304.180, does not have more than four axles, and does
109 not pull a trailer which has more than two axles. Harvesting equipment which
110 is used specifically for cutting, felling, trimming, delimbing, debarking, chipping,
111 skidding, loading, unloading, and stacking may be transported on a local log
112 truck. A local log truck may not exceed the limits required by law, however, if
113 the truck does exceed such limits as determined by the inspecting officer, then
114 notwithstanding any other provisions of law to the contrary, such truck shall be
115 subject to the weight limits required by such sections as licensed for eighty
116 thousand pounds;

117 (27) "Local log truck tractor", a commercial motor vehicle which is
118 registered under this chapter to operate as a motor vehicle on the public
119 highways of this state, used exclusively in this state, used to transport harvested
120 forest products, operated solely at a forested site and in an area extending not
121 more than a one hundred-mile radius from such site, operates with a weight not
122 exceeding twenty-two thousand four hundred pounds on one axle or with a weight
123 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and
124 when operated on the national system of interstate and defense highways

125 described in Title 23, Section 103(e) of the United States Code, such vehicle does
126 not exceed the weight limits contained in section 304.180, and does not have more
127 than three axles and does not pull a trailer which has more than two
128 axles. Violations of axle weight limitations shall be subject to the load limit
129 penalty as described for in sections 304.180 to 304.220;

130 (28) "Local transit bus", a bus whose operations are confined wholly
131 within a municipal corporation, or wholly within a municipal corporation and a
132 commercial zone, as defined in section 390.020, adjacent thereto, forming a part
133 of a public transportation system within such municipal corporation and such
134 municipal corporation and adjacent commercial zone;

135 (29) "Log truck", a vehicle which is not a local log truck or local log truck
136 tractor and is used exclusively to transport harvested forest products to and from
137 forested sites which is registered pursuant to this chapter to operate as a motor
138 vehicle on the public highways of this state for the transportation of harvested
139 forest products;

140 (30) "Major component parts", the rear clip, cowl, frame, body, cab,
141 front-end assembly, and front clip, as those terms are defined by the director of
142 revenue pursuant to rules and regulations or by illustrations;

143 (31) "Manufacturer", any person, firm, corporation or association engaged
144 in the business of manufacturing or assembling motor vehicles, trailers or vessels
145 for sale;

146 (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957,
147 which receives a new, rebuilt or used engine, and which used the number
148 stamped on the original engine as the vehicle identification number;

149 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively
150 upon tracks, except farm tractors;

151 (34) "Motor vehicle primarily for business use", any vehicle other than a
152 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor
153 vehicle licensed for over twelve thousand pounds:

154 (a) Offered for hire or lease; or

155 (b) The owner of which also owns ten or more such motor vehicles;

156 (35) "Motorcycle", a motor vehicle operated on two wheels;

157 (36) "Motorized bicycle", any two-wheeled or three-wheeled device having
158 an automatic transmission and a motor with a cylinder capacity of not more than
159 fifty cubic centimeters, which produces less than three gross brake horsepower,
160 and is capable of propelling the device at a maximum speed of not more than

161 thirty miles per hour on level ground;

162 (37) "Motortricycle", a motor vehicle operated on three wheels, including
163 a motorcycle while operated with any conveyance, temporary or otherwise,
164 requiring the use of a third wheel. A motortricycle shall not be included in the
165 definition of all-terrain vehicle;

166 (38) "Municipality", any city, town or village, whether incorporated or not;

167 (39) "Nonresident", a resident of a state or country other than the state
168 of Missouri;

169 (40) "Non-USA-std motor vehicle", a motor vehicle not originally
170 manufactured in compliance with United States emissions or safety standards;

171 (41) "Operator", any person who operates or drives a motor vehicle;

172 (42) "Owner", any person, firm, corporation or association, who holds the
173 legal title to a vehicle or in the event a vehicle is the subject of an agreement for
174 the conditional sale or lease thereof with the right of purchase upon performance
175 of the conditions stated in the agreement and with an immediate right of
176 possession vested in the conditional vendee or lessee, or in the event a mortgagor
177 of a vehicle is entitled to possession, then such conditional vendee or lessee or
178 mortgagor shall be deemed the owner for the purpose of this law;

179 (43) "Public garage", a place of business where motor vehicles are housed,
180 stored, repaired, reconstructed or repainted for persons other than the owners or
181 operators of such place of business;

182 (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned
183 by the rebuilder, but does not include certificated common or contract carriers of
184 persons or property;

185 (45) "Reconstructed motor vehicle", a vehicle that is altered from its
186 original construction by the addition or substitution of two or more new or used
187 major component parts, excluding motor vehicles made from all new parts, and
188 new multistage manufactured vehicles;

189 (46) "Recreational motor vehicle", any motor vehicle designed, constructed
190 or substantially modified so that it may be used and is used for the purposes of
191 temporary housing quarters, including therein sleeping and eating facilities
192 which are either permanently attached to the motor vehicle or attached to a unit
193 which is securely attached to the motor vehicle. Nothing herein shall prevent any
194 motor vehicle from being registered as a commercial motor vehicle if the motor
195 vehicle could otherwise be so registered;

196 (47) "Recreational off-highway vehicle", any motorized vehicle

197 manufactured and used exclusively for off-highway use which is more than fifty
198 inches but no more than sixty-seven inches in width, with an unladen dry weight
199 of two thousand pounds or less, traveling on four or more nonhighway tires and
200 which may have access to ATV trails;

201 (48) "Rollback or car carrier", any vehicle specifically designed to
202 transport wrecked, disabled or otherwise inoperable vehicles, when the
203 transportation is directly connected to a wrecker or towing service;

204 (49) "Saddlemount combination", a combination of vehicles in which a
205 truck or truck tractor tows one or more trucks or truck tractors, each connected
206 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"
207 is a mechanism that connects the front axle of the towed vehicle to the frame or
208 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
209 connection. When two vehicles are towed in this manner the combination is
210 called a "double saddlemount combination". When three vehicles are towed in
211 this manner, the combination is called a "triple saddlemount combination";

212 (50) "Salvage dealer and dismantler", a business that dismantles used
213 motor vehicles for the sale of the parts thereof, and buys and sells used motor
214 vehicle parts and accessories;

215 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

216 (a) Was damaged during a year that is no more than six years after the
217 manufacturer's model year designation for such vehicle to the extent that the
218 total cost of repairs to rebuild or reconstruct the vehicle to its condition
219 immediately before it was damaged for legal operation on the roads or highways
220 exceeds eighty percent of the fair market value of the vehicle immediately
221 preceding the time it was damaged;

222 (b) By reason of condition or circumstance, has been declared salvage,
223 either by its owner, or by a person, firm, corporation, or other legal entity
224 exercising the right of security interest in it;

225 (c) Has been declared salvage by an insurance company as a result of
226 settlement of a claim;

227 (d) Ownership of which is evidenced by a salvage title; or

228 (e) Is abandoned property which is titled pursuant to section 304.155 or
229 section 304.157 and designated with the words "salvage/abandoned
230 property". The total cost of repairs to rebuild or reconstruct the vehicle shall not
231 include the cost of repairing, replacing, or reinstalling inflatable safety restraints,
232 tires, sound systems, or damage as a result of hail, or any sales tax on parts or

233 materials to rebuild or reconstruct the vehicle. For purposes of this definition,
234 "fair market value" means the retail value of a motor vehicle as:

235 a. Set forth in a current edition of any nationally recognized compilation
236 of retail values, including automated databases, or from publications commonly
237 used by the automotive and insurance industries to establish the values of motor
238 vehicles;

239 b. Determined pursuant to a market survey of comparable vehicles with
240 regard to condition and equipment; and

241 c. Determined by an insurance company using any other procedure
242 recognized by the insurance industry, including market surveys, that is applied
243 by the company in a uniform manner;

244 (52) "School bus", any motor vehicle used solely to transport students to
245 or from school or to transport students to or from any place for educational
246 purposes;

247 (53) "Scrap processor", a business that, through the use of fixed or mobile
248 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle
249 parts for processing or transportation to a shredder or scrap metal operator for
250 recycling;

251 (54) "Shuttle bus", a motor vehicle used or maintained by any person,
252 firm, or corporation as an incidental service to transport patrons or customers of
253 the regular business of such person, firm, or corporation to and from the place of
254 business of the person, firm, or corporation providing the service at no fee or
255 charge. Shuttle buses shall not be registered as buses or as commercial motor
256 vehicles;

257 (55) "Special mobile equipment", every self-propelled vehicle not designed
258 or used primarily for the transportation of persons or property and incidentally
259 operated or moved over the highways, including farm equipment, implements of
260 husbandry, road construction or maintenance machinery, ditch-digging apparatus,
261 stone crushers, air compressors, power shovels, cranes, graders, rollers,
262 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,
263 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
264 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag
265 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This
266 enumeration shall be deemed partial and shall not operate to exclude other such
267 vehicles which are within the general terms of this section;

268 (56) "Specially constructed motor vehicle", a motor vehicle which shall not

269 have been originally constructed under a distinctive name, make, model or type
270 by a manufacturer of motor vehicles. The term specially constructed motor
271 vehicle includes kit vehicles;

272 (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the
273 fifth wheel is located on a drop frame located behind and below the rearmost axle
274 of the power unit;

275 (58) "Tandem axle", a group of two or more axles, arranged one behind
276 another, the distance between the extremes of which is more than forty inches
277 and not more than ninety-six inches apart;

278 (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor
279 vehicle designed for drawing other vehicles, but not for the carriage of any load
280 when operating independently. When attached to a semitrailer, it supports a part
281 of the weight thereof;

282 (60) "Trailer", any vehicle without motive power designed for carrying
283 property or passengers on its own structure and for being drawn by a
284 self-propelled vehicle, except those running exclusively on tracks, including a
285 semitrailer or vehicle of the trailer type so designed and used in conjunction with
286 a self-propelled vehicle that a considerable part of its own weight rests upon and
287 is carried by the towing vehicle. The term "trailer" shall not include cotton
288 trailers as defined in subdivision (8) of this section and shall not include
289 manufactured homes as defined in section 700.010;

290 (61) "Truck", a motor vehicle designed, used, or maintained for the
291 transportation of property;

292 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in
293 which the two trailing units are connected with a B-train assembly which is a
294 rigid frame extension attached to the rear frame of a first semitrailer which
295 allows for a fifth-wheel connection point for the second semitrailer and has one
296 less articulation point than the conventional A-dolly connected truck-tractor
297 semitrailer-trailer combination;

298 (63) "Truck-trailer boat transporter combination", a boat transporter
299 combination consisting of a straight truck towing a trailer using typically a ball
300 and socket connection with the trailer axle located substantially at the trailer
301 center of gravity rather than the rear of the trailer but so as to maintain a
302 downward force on the trailer tongue;

303 (64) "Used parts dealer", a business that buys and sells used motor vehicle
304 parts or accessories, but not including a business that sells only new,

305 remanufactured or rebuilt parts. "Business" does not include isolated sales at a
306 swap meet of less than three days;

307 (65) "Utility vehicle", any motorized vehicle manufactured and used
308 exclusively for off-highway use which is more than fifty inches but no more than
309 sixty-seven inches in width, with an unladen dry weight of two thousand pounds
310 or less, traveling on four or six wheels, to be used primarily for landscaping, lawn
311 care, or maintenance purposes;

312 (66) "Vanpool", any van or other motor vehicle used or maintained by any
313 person, group, firm, corporation, association, city, county or state agency, or any
314 member thereof, for the transportation of not less than eight nor more than
315 forty-eight employees, per motor vehicle, to and from their place of employment;
316 however, a vanpool shall not be included in the definition of the term bus or
317 commercial motor vehicle as defined by subdivisions (6) and (7) of this section,
318 nor shall a vanpool driver be deemed a chauffeur as that term is defined by
319 section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements,
320 recreational, personal, or maintenance uses constitute an unlicensed use of the
321 motor vehicle, unless used for monetary profit other than for use in a ride-sharing
322 arrangement;

323 (67) "Vehicle", any mechanical device on wheels, designed primarily for
324 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn
325 by horses or human power, or vehicles used exclusively on fixed rails or tracks,
326 or cotton trailers or motorized wheelchairs operated by handicapped persons;

327 (68) "Wrecker" or "tow truck", any emergency commercial vehicle
328 equipped, designed and used to assist or render aid and transport or tow disabled
329 or wrecked vehicles from a highway, road, street or highway rights-of-way to a
330 point of storage or repair, including towing a replacement vehicle to replace a
331 disabled or wrecked vehicle;

332 (69) "Wrecker or towing service", the act of transporting, towing or
333 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not
334 owned by the operator of the wrecker, tow truck, rollback or car carrier for which
335 the operator directly or indirectly receives compensation or other personal gain.

301.196. 1. Beginning January 1, 2006, except as otherwise provided in
2 this section, the transferor of an interest in a motor vehicle or trailer listed on the
3 face of a Missouri title, excluding salvage titles and junking certificates, shall
4 notify the department of revenue of the transfer within thirty days of the date of
5 transfer. The notice shall be in a form determined by the department by rule and

6 shall contain:

7 (1) **The name of the transferor;**

8 (2) A description of the motor vehicle or trailer sufficient to identify it;

9 [(2)] (3) The vehicle identification number of the motor vehicle or trailer;

10 [(3)] (4) The name and address of the transferee;

11 [(4)] (5) The date of birth of the transferee, unless the transferee is not
12 a natural person;

13 [(5)] (6) The date of the transfer or sale;

14 [(6)] (7) The purchase price of the motor vehicle or trailer, if applicable;

15 [(7)] (8) The number of the transferee's drivers license, unless the
16 transferee does not have a drivers license;

17 [(8) The printed name and signature]

18 (9) **The transferor's electronic signature if transmitted**
19 **electronically or the signatures of the transferee and transferor if not**
20 **submitted electronically. For the purposes of this section, "transmitted**
21 **electronically" shall have the same meaning as an electronic signature**
22 **as defined in section 432.205;**

23 [(9)] (10) Any other information required by the department by rule.

24 2. **A notice of sale substantially complying with the requirements**
25 **of this section is effective even though it contains minor errors which**
26 **are not materially misleading.**

27 3. For purposes of giving notice under this section, if the transfer occurs
28 by operation of law, the personal representative, receiver, trustee, sheriff, or other
29 representative or successor in interest of the person whose interest is transferred
30 shall be considered the transferor. Repossession by a creditor shall not be
31 considered a transfer of ownership requiring such notice.

32 [3.] 4. The requirements of this section shall not apply to transfers when
33 there is no complete change of ownership interest or upon award of ownership of
34 a motor vehicle or trailer made by court order, or transfers of ownership of a
35 motor vehicle or trailer to or between vehicle dealers, or transfers of ownership
36 of a motor vehicle or trailer to an insurance company due to a theft or casualty
37 loss, or transfers of beneficial ownership of a motor vehicle owned by a trust.

38 [4.] 5. Notification under this section is only required for transfers of
39 ownership that would otherwise require registration and an application for
40 certificate of title in this state under section 301.190, and is for informational
41 purposes only and does not constitute an assignment or release of any interest in

42 the vehicle.

43 [5.] 6. Retail sales made by licensed dealers including sales of new
44 vehicles shall be reported pursuant to the provisions of section 301.280.

301.227. 1. Whenever a vehicle is sold for salvage, dismantling or
2 rebuilding, the purchaser shall forward to the director of revenue within ten days
3 the certificate of ownership or salvage certificate of title and the proper
4 application and fee of eight dollars and fifty cents, and the director shall issue a
5 negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On
6 vehicles purchased during a year that is no more than six years after the
7 manufacturer's model year designation for such vehicle, it shall be mandatory
8 that the purchaser apply for a salvage title. On vehicles purchased during a year
9 that is more than six years after the manufacturer's model year designation for
10 such vehicle, then application for a salvage title shall be optional on the part of
11 the purchaser. Whenever a vehicle is sold for destruction and a salvage
12 certificate of title, junking certificate, or certificate of ownership exists, the seller,
13 if licensed under sections 301.217 to 301.221, shall forward the certificate to the
14 director of revenue within ten days, with the notation of the date sold for
15 destruction and the name of the purchaser clearly shown on the face of the
16 certificate.

17 2. Whenever a vehicle is classified as "junk", as defined in section 301.010,
18 the purchaser may forward to the director of revenue **a properly completed**
19 **application for a junking certificate as well as** the salvage certificate of
20 title or certificate of ownership and the director shall issue a negotiable junking
21 certificate to the purchaser of the vehicle. The director may also issue a junking
22 certificate to a possessor of a vehicle manufactured twenty-six years or more prior
23 to the current model year who has a bill of sale for said vehicle but does not
24 possess a certificate of ownership, provided no claim of theft has been made on
25 the vehicle and the highway patrol has by letter stated the vehicle is not listed
26 as stolen after checking the registration number through its nationwide computer
27 system. Such **junking** certificate may be granted within thirty days of the
28 submission of a request. **A junking certificate shall authorize the holder**
29 **to possess, transport, or, by assignment, transfer ownership in such**
30 **parts, scrap, or junk.**

31 3. [Upon receipt of a properly completed application for a junking
32 certificate, the director of revenue shall issue to the applicant a junking
33 certificate which shall authorize the holder to possess, transport, or, by

34 assignment, transfer ownership in such parts, scrap or junk, and a certificate of
35 title shall not again be issued for such vehicle; except that, the initial purchaser]
36 **For any vehicle issued a junking certificate or such similar document**
37 **or classification pursuant to the laws of another state, regardless of**
38 **whether such designation has been subsequently changed by law in any**
39 **other state, the department shall only issue a junking certificate, and**
40 **a salvage certificate of title or original certificate of ownership shall**
41 **not thereafter be issued for such vehicle. Notwithstanding the**
42 **provisions of this subsection, if the vehicle has not previously been**
43 **classified as a "junk" vehicle, the applicant making the original junking**
44 **certification application** shall, within ninety days, be allowed to rescind his
45 application for a junking certificate by surrendering the junking certificate and
46 apply for a salvage certificate of title in his name. The seller of a vehicle for
47 which a junking certificate has been applied for or issued shall disclose such fact
48 in writing to any prospective buyers before sale of such vehicle; otherwise the sale
49 shall be voidable at the option of the buyer.

50 4. No scrap metal operator shall acquire or purchase a motor vehicle or
51 parts thereof without, at the time of such acquisition, receiving the original
52 certificate of [title] **ownership** or salvage certificate of title or junking certificate
53 from the seller of the vehicle or parts, unless the seller is a licensee under
54 sections 301.219 to 301.221.

55 5. All titles and certificates required to be received by scrap metal
56 operators from nonlicensees shall be forwarded by the operator to the director of
57 revenue within ten days of the receipt of the vehicle or parts.

58 6. The scrap metal operator shall keep a record, for three years, of the
59 seller's name and address, the salvage business license number of the licensee,
60 date of purchase, and any vehicle or parts identification numbers open for
61 inspection as provided in section 301.225.

62 7. Notwithstanding any other provision of this section, a motor vehicle
63 dealer as defined in section 301.550 and licensed under the provisions of sections
64 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title
65 on the back thereof.

66 8. Notwithstanding the provisions of subsection 1 of this section, an
67 insurance company which settles a claim for a stolen vehicle may apply for and
68 shall be issued a negotiable salvage certificate of title without the payment of any
69 fee upon proper application within thirty days after settlement of the claim for

70 such stolen vehicle. However, if the insurance company upon recovery of a stolen
71 vehicle determines that the stolen vehicle has not sustained damage to the extent
72 that the vehicle would have otherwise been declared a salvage vehicle pursuant
73 to subdivision (51) of section 301.010, then the insurance company may have the
74 vehicle inspected by the Missouri state highway patrol, or other law enforcement
75 agency authorized by the director of revenue, in accordance with the inspection
76 provisions of subsection 9 of section 301.190. Upon receipt of title application,
77 applicable fee, the completed inspection, and the return of any previously issued
78 negotiable salvage certificate, the director shall issue an original title with no
79 salvage or prior salvage designation. Upon the issuance of an original title the
80 director shall remove any indication of the negotiable salvage title previously
81 issued to the insurance company from the department's electronic records.

82 9. Notwithstanding subsection 4 of this section or any other provision of
83 the law to the contrary, if a motor vehicle is inoperable and is at least ten model
84 years old, or the parts are from a motor vehicle that is inoperable and is at least
85 ten model years old, a scrap metal operator may purchase or acquire such motor
86 vehicle or parts without receiving the original certificate of [title] **ownership**,
87 salvage certificate of title, or junking certificate from the seller of the vehicle or
88 parts, provided the scrap metal operator verifies with the department of revenue,
89 via the department's online record access, that the motor vehicle is not subject to
90 any recorded security interest or lien and the scrap metal operator complies with
91 the requirements of this subsection. In lieu of forwarding certificates of [titles]
92 **title or ownership** for such motor vehicles as required by subsection 5 of this
93 section, the scrap metal operator shall forward a copy of the seller's state
94 identification along with a bill of sale to the department of revenue. The bill of
95 sale form shall be designed by the director and such form shall include, but not
96 be limited to, a certification that the motor vehicle is at least ten model years old,
97 is inoperable, is not subject to any recorded security interest or lien, and a
98 certification by the seller that the seller has the legal authority to sell or
99 otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt
100 of the information required by this subsection, the department of revenue shall
101 cancel any certificate of title **or ownership** and registration for the motor
102 vehicle. If the motor vehicle is inoperable and at least twenty model years old,
103 then the scrap metal operator shall not be required to verify with the department
104 of revenue whether the motor vehicle is subject to any recorded security interests
105 or liens. As used in this subsection, the term "inoperable" means a motor vehicle

106 that is in a rusted, wrecked, discarded, worn out, extensively damaged,
107 dismantled, and mechanically inoperative condition and the vehicle's highest and
108 best use is for scrap purposes. The director of the department of revenue is
109 directed to promulgate rules and regulations to implement and administer the
110 provisions of this section, including but not limited to, the development of a
111 uniform bill of sale. Any rule or portion of a rule, as that term is defined in
112 section 536.010, that is created under the authority delegated in this section shall
113 become effective only if it complies with and is subject to all of the provisions of
114 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
115 nonseverable and if any of the powers vested with the general assembly pursuant
116 to chapter 536 to review, to delay the effective date, or to disapprove and annul
117 a rule are subsequently held unconstitutional, then the grant of rulemaking
118 authority and any rule proposed or adopted after August 28, 2012, shall be
119 invalid and void.

301.280. 1. Every motor vehicle dealer and boat dealer shall make a
2 monthly report to the department of revenue, on blanks to be prescribed by the
3 department of revenue, giving the following information: date of the sale of each
4 motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of
5 the buyer; the name of the manufacturer; year of manufacture; model of vehicle;
6 vehicle identification number; style of vehicle; odometer setting; and it shall also
7 state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or
8 secondhand. Each monthly sales report filed by a motor vehicle dealer who
9 collects sales tax under subsection 8 of section 144.070 shall also include the
10 amount of state and local sales tax collected for each motor vehicle sold if sales
11 tax was due. The odometer reading is not required when reporting the sale of
12 any motor vehicle that is ten years old or older, any motor vehicle having a gross
13 vehicle weight rating of more than sixteen thousand pounds, new vehicles that
14 are transferred on a manufacturer's statement of origin between one franchised
15 motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The
16 sale of all thirty-day temporary permits[, without exception,] shall be recorded
17 in the appropriate space on the dealer's monthly sales report [by recording the
18 complete permit number issued on the motor vehicle or trailer sale listed],
19 **unless the sale of the thirty-day temporary permit is already recorded**
20 **by electronic means as determined by the department.** The monthly sales
21 report shall be completed in full and signed by an officer, partner, or owner of the
22 dealership, and actually received by the department of revenue on or before the

23 fifteenth day of the month succeeding the month for which the sales are being
24 reported. If no sales occur in any given month, a report shall be submitted for
25 that month indicating no sales. Any vehicle dealer who fails to file a monthly
26 report or who fails to file a timely report shall be subject to disciplinary action as
27 prescribed in section 301.562 or a penalty assessed by the director not to exceed
28 three hundred dollars per violation. Every motor vehicle and boat dealer shall
29 retain copies of the monthly sales report as part of the records to be maintained
30 at the dealership location and shall hold them available for inspection by
31 appropriate law enforcement officials and officials of the department of
32 revenue. Every vehicle dealer selling twenty or more vehicles a month shall file
33 the monthly sales report with the department in an electronic format. Any dealer
34 filing a monthly sales report in an electronic format shall be exempt from filing
35 the notice of transfer required by section 301.196. For any dealer not filing
36 electronically, the notice of transfer required by section 301.196 shall be
37 submitted with the monthly sales report as prescribed by the director.

38 2. Every dealer and every person operating a public garage shall keep a
39 correct record of the vehicle identification number, odometer setting,
40 manufacturer's name of all motor vehicles or trailers accepted by him for the
41 purpose of sale, rental, storage, repair or repainting, together with the name and
42 address of the person delivering such motor vehicle or trailer to the dealer or
43 public garage keeper, and the person delivering such motor vehicle or trailer shall
44 record such information in a file kept by the dealer or garage keeper. The record
45 shall be kept for five years and be open for inspection by law enforcement
46 officials, members or authorized or designated employees of the Missouri highway
47 patrol, and persons, agencies and officials designated by the director of revenue.

48 3. Every dealer and every person operating a public garage in which a
49 motor vehicle remains unclaimed for a period of fifteen days shall, within five
50 days after the expiration of that period, report the motor vehicle as unclaimed to
51 the director of revenue. Such report shall be on a form prescribed by the director
52 of revenue. A motor vehicle left by its owner whose name and address are known
53 to the dealer or his employee or person operating a public garage or his employee
54 is not considered unclaimed. Any dealer or person operating a public garage who
55 fails to report a motor vehicle as unclaimed as herein required forfeits all claims
56 and liens for its garaging, parking or storing.

57 4. The director of revenue shall maintain appropriately indexed
58 cumulative records of unclaimed vehicles reported to the director. Such records

59 shall be kept open to public inspection during reasonable business hours.

60 5. The alteration or obliteration of the vehicle identification number on
61 any such motor vehicle shall be prima facie evidence of larceny, and the dealer
62 or person operating such public garage shall upon the discovery of such
63 obliteration or alteration immediately notify the highway patrol, sheriff, marshal,
64 constable or chief of police of the municipality where the dealer or garage keeper
65 has his place of business, and shall hold such motor vehicle or trailer for a period
66 of forty-eight hours for the purpose of an investigation by the officer so notified.

67 6. Any person who knowingly makes a false statement or omission of a
68 material fact in a monthly sales report to the department of revenue, as described
69 in subsection 1 of this section, shall be deemed guilty of a class A misdemeanor.

✓

Bill

Copy