

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 584
100TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, Infrastructure and Public Safety, April 25, 2019, with recommendation that the Senate Committee Substitute do pass.

1250S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 32.300, 136.055, 301.210, 304.044, and 304.153, RSMo, and to enact in lieu thereof nine new sections relating to transportation, with an existing penalty provision.

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

Section A. Sections 32.300, 136.055, 301.210, 304.044, and 304.153, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 32.300, 32.303, 136.055, 227.800, 227.801, 227.802, 301.210, 304.044, and 304.153, to read as follows:

32.300. 1. In a county where personal property tax records are accessible via computer, and when proof of motor vehicle liability insurance, safety inspections and emission inspections where required are verifiable by computer, the department of revenue shall design and implement a motor vehicle license renewal system which may be used through the department's internet website connection[. The online license renewal system shall be available no later than January 1, 2002] **or by a remote kiosk.** The department of revenue shall also design and implement an online system allowing the filing and payment of Missouri state taxes through the department's internet website connection. The online tax filing and payment system shall be available for the payment of Missouri state taxes for tax years beginning on or after January 1, 2002.

2. **The department of revenue is hereby authorized to design and implement a remote driver's license renewal system which may be used through the department's internet website connection or through self-service terminals available at one or more locations within the**

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

16 state. Any remote driver's license renewal system implemented by the
17 department shall comply with the provisions of the Federal REAL ID
18 Act of 2005, the Commercial Motor Vehicle Safety Act of 1986 (Title XII
19 of Pub. Law 99-570), the USA PATRIOT Act of 2001 (Title X of Pub. Law
20 107-56), and any regulations related thereto. A remote driver's license
21 renewal system shall be available no later than January 1, 2021.

22 3. Notwithstanding any other provision of law, applicants who
23 have applied in-person and received a driver's or nondriver's license
24 under chapter 302 may apply for one three-year renewal or one six-year
25 license renewal remotely under this section. Remote application for
26 renewal may be made up to six months before the expiration of the
27 driver's license, or after the driver's license has expired, in accordance
28 with section 302.173. Applicants for a remote driver's license renewal
29 under this section shall not be required to complete the vision test
30 required under section 302.175 or to take the highway sign recognition
31 test required under section 302.173, unless the department has
32 technology that can be used remotely for either or both purposes.

33 4. The provisions of this section shall be subject to
34 appropriation.

32.303. 1. Notwithstanding any biometric data restrictions
2 contained in section 302.170, the department of revenue is hereby
3 authorized to design and implement a secure digital driver's license
4 program that allows applicants applying for a driver's license under
5 chapter 302 to obtain a secure digital driver's license in addition to the
6 physical card-based driver's license.

7 2. (1) A digital driver's license issued under this section shall be
8 acceptable for all purposes for which a license, as defined in section
9 302.010, is used.

10 (2) The department may contract with one or more entities to
11 develop the secure digital driver's license system. The department or
12 entity may develop a mobile software application capable of being
13 utilized through a person's electronic device to access an electronic
14 image of the person's secure digital driver's license.

15 (3) The department shall suspend, disable, or terminate a
16 person's participation in the secure digital driver's license program if:

17 (a) The person's driving privilege is suspended, revoked, denied,
18 withdrawn, or cancelled as provided in chapter 302; or

19 **(b) The person reports that his or her electronic device has been**
20 **lost, stolen, or compromised.**

21 **3. The department of revenue may promulgate rules necessary**
22 **to implement the provisions of this section. Any rule or portion of a**
23 **rule, as that term is defined in section 536.010, that is created under**
24 **the authority delegated in this section shall become effective only if it**
25 **complies with and is subject to all of the provisions of chapter 536, and,**
26 **if applicable, section 536.028. This section and chapter 536 are**
27 **nonseverable, and if any of the powers vested with the general**
28 **assembly pursuant to chapter 536 to review, to delay the effective date,**
29 **or to disapprove and annul a rule are subsequently held**
30 **unconstitutional, then the grant of rulemaking authority and any rule**
31 **proposed or adopted after August 28, 2019, shall be invalid and void.**

32 **4. The provisions of this section shall be subject to**
33 **appropriation.**

136.055. 1. Any person who is selected or appointed by the state director
2 of revenue as provided in subsection 2 of this section to act as an agent of the
3 department of revenue, whose duties shall be the processing of motor vehicle title
4 and registration transactions and the collection of sales and use taxes when
5 required under sections 144.070 and 144.440, and who receives no salary from the
6 department of revenue, shall be authorized to collect from the party requiring
7 such services additional fees as compensation in full and for all services rendered
8 on the following basis:

9 (1) For each motor vehicle or trailer registration issued, renewed, or
10 **[transferred—three] transferred, six** dollars **[and fifty cents]** and **[seven]**
11 **twelve** dollars for those licenses sold or biennially renewed pursuant to section
12 301.147;

13 (2) For each application or transfer of **[title—two] title, six** dollars **[and**
14 **fifty cents]**;

15 (3) For each instruction permit, nondriver license, chauffeur's, operator's,
16 or driver's license issued for a period of three years or **[less—two] less, six**
17 dollars **[and fifty cents]** and **[five] twelve** dollars for licenses or instruction
18 permits issued or renewed for a period exceeding three years;

19 (4) For each notice of lien **[processed—two] processed, six** dollars **[and**
20 **fifty cents]**;

21 (5) **[No]** Notary fee or **[other fee or additional charge shall be paid or**

22 collected except for] electronic [telephone] transmission [reception—two] **per**
23 **processing, two** dollars.

24 2. The director of revenue shall award fee office contracts under this
25 section through a competitive bidding process. The competitive bidding process
26 shall give priority to organizations and entities that are exempt from taxation
27 under Section 501(c)(3), 501(c)(6), or 501(c)(4), except those civic organizations
28 that would be considered action organizations under 26 C.F.R. Section 1.501
29 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as amended, with special
30 consideration given to those organizations and entities that reinvest a minimum
31 of seventy-five percent of the net proceeds to charitable organizations in Missouri,
32 and political subdivisions, including but not limited to, municipalities, counties,
33 and fire protection districts. **Points shall be allocated based upon the**
34 **distance of an individual's residential address, provided on his or her**
35 **Missouri income tax form, from the fee license office in which he or she**
36 **seeks an ownership interest in the following manner:**

37 **(1) If located less than thirty-five miles from the license office**
38 **address, then an additional twenty percent of total points available;**

39 **(2) If located thirty-five miles or more, but less than seventy-five**
40 **miles from the license office address, then an additional ten percent of**
41 **total points available; and**

42 **(3) If located seventy-five miles or more from the license office**
43 **address, then no additional points shall be awarded.** The director of the
44 department of revenue may promulgate rules and regulations necessary to carry
45 out the provisions of this subsection. Any rule or portion of a rule, as that term
46 is defined in section 536.010, that is created under the authority delegated in this
47 subsection shall become effective only if it complies with and is subject to all of
48 the provisions of chapter 536 and, if applicable, section 536.028. This section and
49 chapter 536 are nonseverable and if any of the powers vested with the general
50 assembly pursuant to chapter 536 to review, to delay the effective date, or to
51 disapprove and annul a rule are subsequently held unconstitutional, then the
52 grant of rulemaking authority and any rule proposed or adopted after August 28,
53 2009, shall be invalid and void.

54 3. All fees collected by a tax-exempt organization may be retained and
55 used by the organization.

56 4. All fees charged shall not exceed those in this section. The fees
57 imposed by this section shall be collected by all permanent offices and all

58 full-time or temporary offices maintained by the department of revenue.

59 5. Any person acting as agent of the department of revenue for the sale
60 and issuance of registrations, licenses, and other documents related to motor
61 vehicles shall have an insurable interest in all license plates, licenses, tabs, forms
62 and other documents held on behalf of the department.

63 6. The fees authorized by this section shall not be collected by motor
64 vehicle dealers acting as agents of the department of revenue under section
65 32.095 or those motor vehicle dealers authorized to collect and remit sales tax
66 under subsection 8 of section 144.070.

67 7. Notwithstanding any other provision of law to the contrary, the state
68 auditor may audit all records maintained and established by the fee office in the
69 same manner as the auditor may audit any agency of the state, and the
70 department shall ensure that this audit requirement is a necessary condition for
71 the award of all fee office contracts. No confidential records shall be divulged in
72 such a way to reveal personally identifiable information.

73 **8. The department of revenue shall issue notice to any person**
74 **who purchased a motor vehicle and has not titled such vehicle after**
75 **thirty days of purchase, as required under section 301.196. The notice**
76 **shall be sent to the address provided by the person to the seller at the**
77 **point of purchase and shall include the sales tax rate for the residence**
78 **of the purchaser. Additionally, the notice shall include the fact that the**
79 **department may withhold any income tax return due to the purchaser**
80 **for the amount of the tax, fees, and penalties associated with such**
81 **purchase until such motor vehicle is titled. The department shall**
82 **withhold any income tax return due to the purchaser for the amount of**
83 **the tax, fees, and penalties associated with such purchase until such**
84 **motor vehicle is titled. The department may promulgate rules in order**
85 **to enforce this subsection. Any rule or portion of a rule, as that term**
86 **is defined in section 536.010, that is created under the authority**
87 **delegated in this section shall become effective only if it complies with**
88 **and is subject to all of the provisions of chapter 536, and, if applicable,**
89 **section 536.028. This section and chapter 536 are nonseverable, and if**
90 **any of the powers vested with the general assembly pursuant to chapter**
91 **536 to review, to delay the effective date, or to disapprove and annul a**
92 **rule are subsequently held unconstitutional, then the grant of**
93 **rulemaking authority and any rule proposed or adopted after August**

94 28, 2019, shall be invalid and void.

227.800. The portion of Interstate 70 in Jackson County from the
2 Blue Ridge Cutoff overpass continuing west to the Troost Avenue
3 overpass shall be designated the "Senator Phil B. Curls Memorial
4 Highway". The department of transportation shall erect and maintain
5 appropriate signs designating such highway, with the costs to be paid
6 by private donations.

227.801. The portion of Interstate 70 in the city of St. Louis from
2 the Salisbury Street overpass continuing west to the Goodfellow
3 Boulevard overpass shall be designated the "Senator Paula J. Carter
4 Memorial Highway". The department of transportation shall erect and
5 maintain appropriate signs designating such highway, with the costs
6 to be paid by private donations.

227.802. The portion of Highway 32 in Dent County from Highway
2 72 continuing east to Craig Industrial Drive in the city of Salem, the
3 "Gerald T. Lizotte, Jr. Memorial Highway". The department of
4 transportation shall erect and maintain appropriate signs designating
5 such highway, with the costs to be paid by private donations.

301.210. 1. In the event of a sale or transfer of ownership of a motor
2 vehicle or trailer for which a certificate of ownership has been issued, the holder
3 of such certificate shall endorse on the same an assignment thereof, with
4 warranty of title in form printed thereon, and prescribed by the director of
5 revenue, with a statement of all liens or encumbrances on such motor vehicle or
6 trailer, and deliver the same to the buyer at the time of the delivery to him of
7 such motor vehicle or trailer; provided that, when the transfer of a motor vehicle,
8 trailer, boat or outboard motor occurs within a corporation which holds a license
9 to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to
10 301.575, the provisions of subdivision (3) of subsection 6 of section 144.070 shall
11 not apply.

12 2. The buyer shall then present such certificate, assigned as aforesaid, to
13 the director of revenue, at the time of making application for the registration of
14 such motor vehicle or trailer, whereupon a new certificate of ownership shall be
15 issued to the buyer, the fee therefor being that prescribed in subsection 5 of
16 section 301.190.

17 3. If such motor vehicle or trailer is sold to a resident of another state or
18 country, or if such motor vehicle or trailer is destroyed or dismantled, the owner

19 thereof shall immediately notify the director of revenue. Certificates when so
20 signed and returned to the director of revenue shall be retained by the director
21 of revenue and all certificates shall be appropriately indexed so that at all times
22 it will be possible for him to expeditiously trace the ownership of the motor
23 vehicle or trailer designated therein.

24 4. It shall be unlawful for any person to buy or sell in this state any motor
25 vehicle or trailer registered under the laws of this state, unless, at the time of the
26 delivery thereof, there shall pass between the parties such certificates of
27 ownership with an assignment thereof, as provided in this section, and the sale
28 of any motor vehicle or trailer registered under the laws of this state, without the
29 assignment of such certificate of ownership, shall be fraudulent and void.

30 5. **Before the sale or transfer of ownership of a motor vehicle or**
31 **trailer is complete, the buyer shall sign a waiver that has substantively**
32 **the following language:**

33 I am aware that a vehicle purchased in the state of
34 Missouri has a state sales tax of 4.225% and an additional
35 local sales tax. I acknowledge and affirm that these
36 amounts are due and owed to the state of Missouri and to
37 my county of residence within 30 days of purchase. I
38 understand that failure to pay within the allotted time will
39 subject me to fines for my inability to secure a license
40 plate in an amount equal to \$25 for every 30 days I fail to
41 pay and a maximum fine of \$200. I also acknowledge that
42 it is illegal to drive a vehicle in the state of Missouri
43 without properly insuring the vehicle.

304.044. 1. The following terms as used in this section shall mean:

2 (1) "Bus", any vehicle or motor car designed and used for the purpose of
3 carrying more than seven persons;

4 (2) "Truck", any vehicle, machine, tractor, trailer or semitrailer, or any
5 combination thereof, propelled or drawn by mechanical power and designed or
6 used in the transportation of property upon the highways.

7 2. The driver of any truck or bus, when traveling upon a public highway
8 of this state outside of a business or residential district, shall not follow [within
9 three hundred feet of another such vehicle] **closer than a distance that is**
10 **reasonable and prudent given the conditions and the capabilities of the**
11 **truck or bus;** provided, the provisions of this section shall not be construed to

12 prevent the overtaking and passing, by any such truck or bus, of another similar
13 vehicle.

14 3. Any person who shall violate the provisions of this section shall be
15 deemed guilty of a class C misdemeanor, and upon conviction thereof shall be
16 punished accordingly.

304.153. 1. As used in this section, the following terms shall mean:

2 (1) "Law enforcement officer", any public servant, other than a patrol
3 officer, who is defined as a law enforcement officer under section 556.061;

4 (2) "Motor club", an organization which motor vehicle drivers and owners
5 may join that provide certain benefits relating to driving a motor vehicle;

6 (3) **"Nonconsensual tow", the transportation of a motor vehicle by**
7 **tow truck if such transportation is performed without the prior consent**
8 **or authorization of the owner or operator of the motor vehicle. For**
9 **purposes of this section, all law enforcement-ordered tows are**
10 **considered nonconsensual;**

11 (4) "Patrol officer", a Missouri state highway patrol officer;

12 [(4)] (5) "Tow list", a list of approved towing companies compiled,
13 maintained, and utilized by the Missouri state highway patrol or its designee;

14 [(5)] (6) "Tow management company", any sole proprietorship,
15 partnership, corporation, fiduciary, association, or other business entity that
16 manages towing logistics for government agencies or motor clubs;

17 [(6)] (7) "Tow truck", a rollback or car carrier, wrecker, or tow truck as
18 defined under section 301.010;

19 [(7)] (8) "Towing", moving or removing, or the preparation therefor, of a
20 vehicle by another vehicle for which a service charge is made, either directly or
21 indirectly, including any dues or other charges of clubs or associations which
22 provide towing services;

23 [(8)] (9) "Towing company", any person, partnership, corporation,
24 fiduciary, association, or other entity that operates a wrecker or towing service
25 as defined under section 301.010.

26 2. In authorizing a towing company to perform services, any patrol officer
27 or law enforcement officer within the officer's jurisdiction, or Missouri department
28 of transportation employee, may utilize the services of a tow management
29 company or tow list, provided:

30 (1) The Missouri state highway patrol is under no obligation to include or
31 retain the services of any towing company in any contract or agreement with a

32 tow management company or any tow list established pursuant to this section.

33 A towing company is subject to removal from a tow list at any time;

34 (2) Notwithstanding any other provision of law or any regulation
35 established pursuant to this section, an owner or operator's request for a specific
36 towing company shall be honored by the Missouri state highway patrol unless:

37 (a) The requested towing company cannot or does not respond in a
38 reasonable time, as determined by a law enforcement officer; or

39 (b) The vehicle to be towed poses an immediate traffic hazard, as
40 determined by a law enforcement officer.

41 3. A patrol officer shall not use a towing company located outside of
42 Missouri under this section except under the following circumstances:

43 (1) A state or federal emergency has been declared; or

44 (2) The driver or owner of the vehicle, or a motor club of which the driver
45 or owner is a member, requests a specific out-of-state towing company.

46 4. A towing company shall not tow a vehicle to a location outside of
47 Missouri without the consent of the driver or owner of the motor vehicle, or
48 without the consent of a motor club of which the driver or owner of the motor
49 vehicle is a member.

50 5. Any towing company or tow truck arriving at the scene of an accident
51 that has not been called by a patrol officer, a law enforcement officer, a Missouri
52 department of transportation employee, the driver or owner of the motor vehicle
53 or his or her authorized agent, including a motor club of which the driver or
54 owner is a member, shall be prohibited from towing the vehicle from the scene of
55 the accident, unless the towing company or tow truck operator is rendering
56 emergency aid in the interest of public safety, or is operating during a declared
57 state of emergency under section 44.100.

58 6. A tow truck operator that stops and tows a vehicle from the scene of an
59 accident in violation of subsection 5 of this section shall be guilty of a class D
60 misdemeanor upon conviction or pleading guilty for the first violation, and such
61 tow truck shall be subject to impounding. The penalty for a second violation shall
62 be a class A misdemeanor, and the penalty for any third or subsequent violation
63 shall be a class D felony. A violation of this section shall not preclude the tow
64 truck operator from being charged with tampering under chapter 569.

65 7. The provisions of this section shall also apply to motor vehicles towed
66 under section 304.155 or 304.157.

67 8. The provisions of **subsections 1 to 7 of** this section shall not apply

68 to counties of the third or fourth classification.

69 **9. (1) The "Towing Task Force" is hereby created. The task force**
70 **shall make recommendations as provided in this subsection with**
71 **respect to tows involving vehicles with a gross vehicle weight rating in**
72 **excess of twenty-six thousand pounds. The task force shall consist of**
73 **nine members, who shall be appointed as follows:**

74 **(a) Two members of the senate appointed by the president pro**
75 **tempore of the senate, with one member appointed from the minority**
76 **party and one member appointed from the majority party;**

77 **(b) Two members of the house of representatives appointed by**
78 **the speaker of the house of representatives, with one member**
79 **appointed from the minority party and one member appointed from the**
80 **majority party;**

81 **(c) One member, or the member's designee, appointed by the**
82 **superintendent of the Missouri state highway patrol;**

83 **(d) One member, or the member's designee, appointed by the**
84 **governor to represent the heavy duty towing and recovery industry**
85 **within the state;**

86 **(e) One member, or the member's designee, appointed by the**
87 **governor to represent an association of motor carriers within the state;**

88 **(f) One member, or the member's designee, appointed by the**
89 **director of the Missouri department of transportation; and**

90 **(g) One member, appointed by the governor, to represent an**
91 **association of owner-operator truck drivers within the state.**

92 **(2) The task force shall have the following duties and powers:**

93 **(a) To make comprehensive recommendations on matters related**
94 **to the investigation of overcharges made by towing companies,**
95 **including:**

96 **a. A process for the adjudication of consumer complaints**
97 **regarding nonconsensual tow charges;**

98 **b. Factors to consider in determining whether a charge levied by**
99 **a towing company is just, fair, and reasonable, including charges for**
100 **the use of unnecessary equipment and labor; and**

101 **c. A process for the removal of towing companies from rotation**
102 **lists for violations of the rules; and**

103 **(b) To make comprehensive recommendations regarding**
104 **information that should be included on every invoice with respect to**

105 a nonconsensual tow.

106 (3) The task force shall make its first comprehensive
107 recommendations in a report to the general assembly no later than
108 December 31, 2019.

109 (4) The members of the towing task force shall elect a chair from
110 among their membership. The chair shall set the times and frequency
111 of the task force's meetings.

112 (5) The task force established under this subsection shall expire
113 on May 31, 2020.

Unofficial ✓

Bill

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