

SENATE AMENDMENT NO. 2Offered by Brown of 16

§§

Amend SCS/Senate Bill No. 4, Page 1, Section title, Line 3,

2 by striking "vehicle financial responsibility, with penalty
 3 provisions" and inserting in lieu thereof the following:
 4 "vehicles, with penalty provisions and an emergency clause
 5 for certain sections"; and

6 Further amend said bill and page, Section A, Line 4, by
 7 inserting after all of said line the following:

8 "301.192. 1. In addition to any other requirements of
 9 section 301.190, when application is made for a certificate
 10 of ownership for a motor vehicle or trailer seven years old
 11 or older and the value of vehicle does not exceed three
 12 thousand dollars, for which no record of any prior
 13 application for a certificate of ownership exists in the
 14 records of the director of revenue or for which the records
 15 of the director of revenue reflect incomplete or conflicting
 16 documentation of ownership, the director of revenue may
 17 issue a certificate of ownership, not less than thirty days
 18 after receiving the completed application, provided it is
 19 accompanied by:

20 (1) An affidavit explaining how the motor vehicle or
 21 trailer was acquired and the reasons a valid certificate of
 22 ownership cannot be furnished;

23 (2) Presentation of all evidence of ownership in the
 24 applicant's possession;

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 Adopted "

25 (3) Title verification from a state in which the
26 vehicle was previously titled or registered if known,
27 provided the vehicle was so previously titled or registered;

28 (4) A notarized lien release from any lienholder of
29 record;

30 (5) A vehicle examination certificate issued by the
31 Missouri state highway patrol, or other law enforcement
32 agency as authorized by the director of revenue. The
33 vehicle examination shall include a verification of the
34 vehicle's identification number and a determination that the
35 vehicle has not been reported stolen in Missouri or any
36 other state. The fee for the vehicle examination
37 certificate shall be twenty-five dollars and shall be
38 collected by the director of revenue at the time of the
39 request for the application;

40 (6) A statement certifying the odometer reading of the
41 motor vehicle if less than ~~ten~~ twenty years of age; and

42 (7) A surety bond or a suitable financial security
43 instrument in a form prescribed by the director of revenue
44 and executed by the applicant and a person authorized to
45 conduct surety business in this state. The bond shall be an
46 amount equal to two times the value of the vehicle as
47 determined by the Kelly Blue Book, NADA Used Car Guide or
48 two appraisals from a licensed motor vehicle dealer. The
49 bond shall be for a minimum of one hundred dollars and
50 conditioned to indemnify any prior owner or lienholder and
51 any subsequent purchaser of the vehicle or person acquiring
52 any security interest in it, and their respective successors
53 in interest, against any expense, loss or damage including
54 reasonable attorneys fees, by reason of the issuance of the
55 certificate of ownership of the vehicle or on account of any
56 defect in or undisclosed security interest upon the right,
57 title and interest of the applicant in and to the vehicle.

58 Any such interested person has a right of action to recover
59 on the bond for any breach of its conditions, but the
60 aggregate liability of the surety to all persons shall not
61 exceed the amount of the bond. The bond shall be returned
62 at the end of three years, unless the department has been
63 notified of the pendency of an action to recover on the bond.

64 2. Upon satisfaction with the genuineness of the
65 application and supporting documents, the director of
66 revenue shall issue a new certificate of ownership. The
67 certificate of ownership shall appropriately be designated
68 with the words "BONDED VEHICLE".

69 301.280. 1. Every motor vehicle dealer and boat
70 dealer shall make a monthly report to the department of
71 revenue, on blanks to be prescribed by the department of
72 revenue, giving the following information: date of the sale
73 of each motor vehicle, boat, trailer and all-terrain vehicle
74 sold; the name and address of the buyer; the name of the
75 manufacturer; year of manufacture; model of vehicle; vehicle
76 identification number; style of vehicle; odometer setting;
77 and it shall also state whether the motor vehicle, boat,
78 trailer or all-terrain vehicle is new or secondhand. Each
79 monthly sales report filed by a motor vehicle dealer who
80 collects sales tax under subsection 10 of section 144.070
81 shall also include the amount of state and local sales tax
82 collected for each motor vehicle sold if sales tax was due.
83 The odometer reading is not required when reporting the sale
84 of any motor vehicle that is [ten] twenty years old or
85 older, any motor vehicle having a gross vehicle weight
86 rating of more than sixteen thousand pounds, new vehicles
87 that are transferred on a manufacturer's statement of origin
88 between one franchised motor vehicle dealer and another, or
89 boats, all-terrain vehicles or trailers. The sale of all
90 temporary permits shall be recorded in the appropriate space

91 on the dealer's monthly sales report, unless the sale of the
92 temporary permit is already recorded by electronic means as
93 determined by the department. The monthly sales report
94 shall include a statement of motor vehicles or trailers sold
95 during the month under subsection 5 of section 301.210. The
96 monthly sales report shall be completed in full and signed
97 by an officer, partner, or owner of the dealership, and
98 actually received by the department of revenue on or before
99 the fifteenth day of the month succeeding the month for
100 which the sales are being reported. If no sales occur in
101 any given month, a report shall be submitted for that month
102 indicating no sales. Any vehicle dealer who fails to file a
103 monthly report or who fails to file a timely report shall be
104 subject to disciplinary action as prescribed in section
105 301.562 or a penalty assessed by the director not to exceed
106 three hundred dollars per violation. Every motor vehicle
107 and boat dealer shall retain copies of the monthly sales
108 report as part of the records to be maintained at the
109 dealership location and shall hold them available for
110 inspection by appropriate law enforcement officials and
111 officials of the department of revenue. Every vehicle
112 dealer selling twenty or more vehicles a month shall file
113 the monthly sales report with the department in an
114 electronic format. Any dealer filing a monthly sales report
115 in an electronic format shall be exempt from filing the
116 notice of transfer required by section 301.196. For any
117 dealer not filing electronically, the notice of transfer
118 required by section 301.196 shall be submitted with the
119 monthly sales report as prescribed by the director.

120 2. Every dealer and every person operating a public
121 garage shall keep a correct record of the vehicle
122 identification number, odometer setting, manufacturer's name
123 of all motor vehicles or trailers accepted by him for the

124 purpose of sale, rental, storage, repair or repainting,
125 together with the name and address of the person delivering
126 such motor vehicle or trailer to the dealer or public garage
127 keeper, and the person delivering such motor vehicle or
128 trailer shall record such information in a file kept by the
129 dealer or garage keeper. The record shall be kept for five
130 years and be open for inspection by law enforcement
131 officials, members or authorized or designated employees of
132 the Missouri highway patrol, and persons, agencies and
133 officials designated by the director of revenue.

134 3. Every dealer and every person operating a public
135 garage in which a motor vehicle remains unclaimed for a
136 period of fifteen days shall, within five days after the
137 expiration of that period, report the motor vehicle as
138 unclaimed to the director of revenue. Such report shall be
139 on a form prescribed by the director of revenue. A motor
140 vehicle left by its owner whose name and address are known
141 to the dealer or his employee or person operating a public
142 garage or his employee is not considered unclaimed. Any
143 dealer or person operating a public garage who fails to
144 report a motor vehicle as unclaimed as herein required
145 forfeits all claims and liens for its garaging, parking or
146 storing.

147 4. The director of revenue shall maintain
148 appropriately indexed cumulative records of unclaimed
149 vehicles reported to the director. Such records shall be
150 kept open to public inspection during reasonable business
151 hours.

152 5. The alteration or obliteration of the vehicle
153 identification number on any such motor vehicle shall be
154 prima facie evidence of larceny, and the dealer or person
155 operating such public garage shall upon the discovery of
156 such obliteration or alteration immediately notify the

157 highway patrol, sheriff, marshal, constable or chief of
158 police of the municipality where the dealer or garage keeper
159 has his place of business, and shall hold such motor vehicle
160 or trailer for a period of forty-eight hours for the purpose
161 of an investigation by the officer so notified.

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

166 302.755. 1. A person is disqualified from driving a
167 commercial motor vehicle for a period of not less than one
168 year if convicted of a first violation of:

169 (1) Driving a motor vehicle under the influence of
170 alcohol or a controlled substance, or of an alcohol-related
171 enforcement contact as defined in subsection 3 of section
172 302.525;

173 (2) Driving a commercial motor vehicle which causes a
174 fatality through the negligent operation of the commercial
175 motor vehicle, including but not limited to the offenses of
176 vehicular manslaughter, homicide by motor vehicle, and
177 negligent homicide;

178 (3) Driving a commercial motor vehicle while revoked
179 pursuant to section 302.727;

180 (4) Leaving the scene of an accident involving a
181 commercial or noncommercial motor vehicle operated by the
182 person;

183 (5) Using a commercial or noncommercial motor vehicle
184 in the commission of any felony, as defined in section
185 302.700, except a felony as provided in subsection 4 of this
186 section.

187 2. If any of the violations described in subsection 1
188 of this section occur while transporting a hazardous

189 material the person is disqualified for a period of not less
190 than three years.

191 3. Any person is disqualified from operating a
192 commercial motor vehicle for life if convicted of two or
193 more violations of any of the offenses specified in
194 subsection 1 of this section, or any combination of those
195 offenses, arising from two or more separate incidents. The
196 director may issue rules and regulations, in accordance with
197 guidelines established by the Secretary, under which a
198 disqualification for life under this section may be reduced
199 to a period of not less than ten years.

200 4. Any person is disqualified from driving a
201 commercial motor vehicle for life who uses a commercial or
202 noncommercial motor vehicle in the commission of any felony
203 involving the manufacture, distribution, or dispensing of a
204 controlled substance, or possession with intent to
205 manufacture, distribute, or dispense a controlled substance.

206 5. Any person is disqualified from operating a
207 commercial motor vehicle for a period of not less than sixty
208 days if convicted of two serious traffic violations or one
209 hundred twenty days if convicted of three serious traffic
210 violations, arising from separate incidents occurring within
211 a three-year period.

212 6. Any person found to be operating a commercial motor
213 vehicle while having any measurable alcohol concentration
214 shall immediately be issued a continuous twenty-four-hour
215 out-of-service order by a law enforcement officer in this
216 state.

217 7. Any person who is convicted of operating a
218 commercial motor vehicle beginning at the time of issuance
219 of the out-of-service order until its expiration is guilty
220 of a class A misdemeanor.

221 8. Any person convicted for the first time of driving
222 while out of service shall be disqualified from driving a
223 commercial motor vehicle in the manner prescribed in 49 CFR
224 383, or as amended by the Secretary.

225 9. Any person convicted of driving while out of
226 service on a second occasion during any ten-year period,
227 involving separate incidents, shall be disqualified in the
228 manner prescribed in 49 CFR 383, or as amended by the
229 Secretary.

230 10. Any person convicted of driving while out of
231 service on a third or subsequent occasion during any ten-
232 year period, involving separate incidents, shall be
233 disqualified for a period of three years.

234 11. Any person convicted of a first violation of an
235 out-of-service order while transporting hazardous materials
236 or while operating a motor vehicle designed to transport
237 sixteen or more passengers, including the driver, is
238 disqualified for a period of one hundred eighty days.

239 12. Any person convicted of any subsequent violation
240 of an out-of-service order in a separate incident within ten
241 years after a previous violation, while transporting
242 hazardous materials or while operating a motor vehicle
243 designed to transport fifteen passengers, including the
244 driver, is disqualified for a period of three years.

245 13. Any person convicted of any other offense as
246 specified by regulations promulgated by the Secretary of
247 Transportation shall be disqualified in accordance with such
248 regulations.

249 14. After suspending, revoking, cancelling, or
250 disqualifying a driver, the director shall update records to
251 reflect such action and notify a nonresident's licensing
252 authority and the commercial driver's license information

253 system within ten days in the manner prescribed in 49 CFR
254 384, or as amended by the Secretary.

255 15. Any person disqualified from operating a
256 commercial motor vehicle pursuant to subsection 1, 2, 3 or 4
257 of this section shall have such commercial driver's license
258 cancelled, and upon conclusion of the period of
259 disqualification shall take the written and driving tests
260 and meet all other requirements of sections 302.700 to
261 302.780. Such disqualification and cancellation shall not
262 be withdrawn by the director until such person reapplies for
263 a commercial driver's license in this or any other state
264 after meeting all requirements of sections 302.700 to
265 302.780.

266 16. The director shall disqualify a driver upon
267 receipt of notification that the Secretary has determined a
268 driver to be an imminent hazard pursuant to 49 CFR 383.52.
269 Due process of a disqualification determined by the
270 Secretary pursuant to this section shall be held in
271 accordance with regulations promulgated by the Secretary.
272 The period of disqualification determined by the Secretary
273 pursuant to this section shall be served concurrently to any
274 other period of disqualification which may be imposed by the
275 director pursuant to this section. Both disqualifications
276 shall appear on the driving record of the driver.

277 17. The director shall disqualify a commercial license
278 holder or operator of a commercial motor vehicle from
279 operation of any commercial motor vehicle upon receipt of a
280 conviction for an offense of failure to appear or pay, and
281 such disqualification shall remain in effect until the
282 director receives notice that the person has complied with
283 the requirement to appear or pay.

284 18. The disqualification period must be in addition to
285 any other previous periods of disqualification in the manner

286 prescribed in 49 CFR 383, or as amended by the Secretary,
287 except when the major or serious violations are a result of
288 the same incident.

289 19. Any person is disqualified from driving a
290 commercial motor vehicle for life for being convicted of
291 using a commercial motor vehicle in the commission of a
292 felony involving an act or practice of severe forms of
293 trafficking in persons, as defined in U.S.C. 7102(11). A
294 disqualification for life under this subsection shall not be
295 reduced."; and

296 Further amend said bill, Page 18, Section 303.440, Line
297 9, by inserting after all of said line the following:

298 "407.526. 1. A person commits the crime of odometer
299 fraud in the third degree if, with the intent to defraud, he
300 operates a motor vehicle less than [ten] twenty years old on
301 any street or highway knowing that the odometer of the motor
302 vehicle is disconnected or not functioning.

303 2. Odometer fraud in the third degree is a class C
304 misdemeanor.

305 407.536. 1. Any person transferring ownership of a
306 motor vehicle previously titled in this or any other state
307 shall do so by assignment of title and shall place the
308 mileage registered on the odometer at the time of transfer
309 above the signature of the transferor. The signature of the
310 transferor below the mileage shall constitute an odometer
311 mileage statement. The transferee shall sign such odometer
312 mileage statement before an application for certificate of
313 ownership may be made. If the true mileage is known to the
314 transferor to be different from the number of miles shown on
315 the odometer or the true mileage is unknown, a statement
316 from the transferor shall accompany the assignment of title
317 which shall contain all facts known by the transferor
318 concerning the true mileage of the motor vehicle. That

319 statement shall become a part of the permanent record of the
320 motor vehicle with the Missouri department of revenue. The
321 department of revenue shall place on all new titles issued
322 after September 28, 1977, a box titled "mileage at the time
323 of transfer".

324 2. Any person transferring the ownership of a motor
325 vehicle previously untitled in this or any other state to
326 another person shall give an odometer mileage statement to
327 the transferee. The statement shall include above the
328 signature of the transferor and transferee the cumulative
329 mileage registered on the odometer at the time of transfer.
330 If the true mileage is known to the transferor to be
331 different from the number of miles shown on the odometer or
332 the true mileage is unknown, a statement from the transferor
333 shall accompany the assignment of title which shall contain
334 all facts known by the transferor concerning the true
335 mileage of the motor vehicle. That statement shall become a
336 permanent part of the records of the Missouri department of
337 revenue.

338 3. If, upon receiving an application for registration
339 or for a certificate of ownership of a motor vehicle, the
340 director of revenue has credible evidence that the odometer
341 reading provided by a transferor is materially inaccurate,
342 he may place an asterisk on the face of the title document
343 issued by the Missouri department of revenue, provided that
344 the process required thereby does not interfere with his
345 obligations under subdivision (2) of subsection 3 of section
346 301.190. The asterisk shall refer to a statement on the
347 face and at the bottom of the title document which shall
348 read as follows: "This may not be the true and accurate
349 mileage of this motor vehicle. Consult the documents on
350 file with the Missouri department of revenue for an
351 explanation of the inaccuracy.". Nothing in this section

352 shall prevent any person from challenging the determination
353 by the director of revenue in the circuit courts of the
354 state of Missouri. The burden of proof shall be on the
355 director of the department of revenue in all such
356 proceedings.

357 4. The mileage disclosed by the odometer mileage
358 statement for a new or used motor vehicle as described in
359 subsections 1 and 2 of this section shall be placed by the
360 transferor on any title or document evidencing ownership.
361 Additional statements shall be placed on the title document
362 as follows:

363 (1) If the transferor states that to the best of his
364 knowledge the mileage disclosed is the actual mileage of the
365 motor vehicle, an asterisk shall follow the mileage on the
366 face of the title or document of ownership issued by the
367 Missouri department of revenue. The asterisk shall
368 reference to a statement on the face and bottom of the title
369 document which shall read as follows: "Actual Mileage";

370 (2) Where the transferor has submitted an explanation
371 why this mileage is incorrect, an asterisk shall follow the
372 mileage on the face of the title or document of ownership
373 issued by the Missouri department of revenue. The asterisk
374 shall reference to a statement on the face and at the bottom
375 of the title document which shall read as follows: "This is
376 not the true and accurate mileage of this motor vehicle.
377 Consult the documents on file with the Missouri department
378 of revenue for an explanation of the inaccuracy.". Further
379 wording shall be included as follows:

380 (a) If the transferor states that the odometer
381 reflects the amount of mileage in excess of the designed
382 mechanical odometer limit, the above statement on the face
383 of the title document shall be followed by the words:
384 "Mileage exceeds the mechanical limits";

385 (b) If the transferor states that the odometer reading
386 differs from the mileage and that the difference is greater
387 than that caused by odometer calibration error and the
388 odometer reading does not reflect the actual mileage and
389 should not be relied upon, the above statement on the face
390 of the title document shall be preceded by the words:
391 "Warning Odometer Discrepancy".

392 5. The department of revenue shall notify all motor
393 vehicle ownership transferees of the civil and criminal
394 penalties involving odometer fraud.

395 6. Any person defacing or obscuring or otherwise
396 falsifying any odometer reading on any document required by
397 this section shall be guilty of a class E felony.

398 7. The granting or creation of a security interest or
399 lien shall not be considered a change of ownership for the
400 purpose of this section, and the grantor of such lien or
401 security interest shall not be required to make an odometer
402 mileage statement. The release of a lien by a mortgage
403 holder shall not be considered a change of ownership of the
404 motor vehicle for the purposes of this section. The
405 mortgage holder or lienholder shall not be required to make
406 an odometer disclosure statement or state the current
407 odometer setting at the time of the release of the lien
408 where there is no change of ownership.

409 8. For the purposes of the mileage disclosure
410 requirements of this section, if a certificate of ownership
411 is held by a lienholder, if the transferor makes application
412 for a duplicate certificate of ownership, or as otherwise
413 provided in the federal Motor Vehicle Information and Cost
414 Savings Act and related federal regulations, the transferor
415 may execute a written power of attorney authorizing a
416 transfer of ownership. The person granted such power of
417 attorney shall restate exactly on the assignment of title

418 the actual mileage disclosed at the time of transfer. The
419 power of attorney shall accompany the certificate of
420 ownership and the original power of attorney and a copy of
421 the certificate of ownership shall be returned to the
422 issuing state in the manner prescribed by the director of
423 revenue, unless otherwise provided by federal law, rule or
424 regulation. The department of revenue may prescribe a
425 secure document for use in executing a written power of
426 attorney, and may allow electronic signatures on such
427 document. The department shall collect a fee for each form
428 issued, not to exceed the cost of procuring the form.

429 407.556. 1. A violation of the provisions of sections
430 407.511 to 407.556 by any person licensed or registered as a
431 manufacturer or dealer pursuant to the provisions of chapter
432 301, shall be considered a violation of the provisions of
433 that chapter, subjecting that person to revocation or
434 suspension of any license issued pursuant to the provisions
435 of that chapter.

436 2. The provisions of sections 407.511 to 407.556 do
437 not apply to the following motor vehicles:

438 (1) Any motor vehicle having a gross vehicle weight
439 rating of more than sixteen thousand pounds;

440 (2) Any motor vehicle that is [~~ten~~] twenty years old
441 or older;

442 (3) Any motor vehicle sold directly by the
443 manufacturer to any agency of the United States in
444 conformity with contractual specifications; or

445 (4) Any new vehicle prior to its first transfer for
446 purposes other than resale.

447 Section B. Because of the importance of combating
448 human trafficking, and because of the importance of securing
449 federal highway funding to maintain a safe and adequate
450 system of highways in this state, the repeal and reenactment

451 of sections 301.192, 301.280, 302.755, 407.526, 407.536, and
452 407.556 of this act is deemed necessary for the immediate
453 preservation of the public health, welfare, peace, and
454 safety, and is hereby declared to be an emergency act within
455 the meaning of the constitution, and the repeal and
456 reenactment of sections 301.192, 301.280, 302.755, 407.526,
457 407.536, and 407.556 of this act shall be in full force and
458 effect upon its passage and approval."; and

459 Further amend the title and enacting clause accordingly.