

SENATE BILL NO. 307

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

1451S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 301.010 and 301.227, RSMo, and to enact in lieu thereof two new sections relating to salvage vehicles.

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

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2 repealed and two new sections enacted in lieu thereof, to be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

301.010. As used in this chapter and sections 304.010
2 to 304.040, 304.120 to 304.260, and sections 307.010 to
3 307.175, the following terms mean:

4 (1) "All-terrain vehicle", any motorized vehicle
5 manufactured and used exclusively for off-highway use, with
6 an unladen dry weight of one thousand five hundred pounds or
7 less, traveling on three, four or more nonhighway tires,
8 with either:

9 (a) A seat designed to be straddled by the operator,
10 and handlebars for steering control; or

11 (b) A width of fifty inches or less, measured from
12 outside of tire rim to outside of tire rim, regardless of
13 seating or steering arrangement;

14 (2) "Autocycle", a three-wheeled motor vehicle which
15 the drivers and passengers ride in a partially or completely
16 enclosed nonstraddle seating area, that is designed to be
17 controlled with a steering wheel and pedals, and that has
18 met applicable Department of Transportation National Highway

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

19 Traffic Safety Administration requirements or federal
20 motorcycle safety standards;

21 (3) "Automobile transporter", any vehicle combination
22 capable of carrying cargo on the power unit and designed and
23 used for the transport of assembled motor vehicles,
24 including truck camper units;

25 (4) "Axle load", the total load transmitted to the
26 road by all wheels whose centers are included between two
27 parallel transverse vertical planes forty inches apart,
28 extending across the full width of the vehicle;

29 (5) "Backhaul", the return trip of a vehicle
30 transporting cargo or general freight, especially when
31 carrying goods back over all or part of the same route;

32 (6) "Boat transporter", any vehicle combination
33 capable of carrying cargo on the power unit and designed and
34 used specifically to transport assembled boats and boat
35 hulls. Boats may be partially disassembled to facilitate
36 transporting;

37 (7) "Body shop", a business that repairs physical
38 damage on motor vehicles that are not owned by the shop or
39 its officers or employees by mending, straightening,
40 replacing body parts, or painting;

41 (8) "Bus", a motor vehicle primarily for the
42 transportation of a driver and eight or more passengers but
43 not including shuttle buses;

44 (9) "Commercial motor vehicle", a motor vehicle
45 designed or regularly used for carrying freight and
46 merchandise, or more than eight passengers but not including
47 vanpools or shuttle buses;

48 (10) "Cotton trailer", a trailer designed and used
49 exclusively for transporting cotton at speeds less than

50 forty miles per hour from field to field or from field to
51 market and return;

52 (11) "Dealer", any person, firm, corporation,
53 association, agent or subagent engaged in the sale or
54 exchange of new, used or reconstructed motor vehicles or
55 trailers;

56 (12) "Director" or "director of revenue", the director
57 of the department of revenue;

58 (13) "Driveaway operation":

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

65 (b) The movement of any vehicle or vehicles, not owned
66 by the transporter, constituting the commodity being
67 transported, by a person engaged in the business of
68 furnishing drivers and operators for the purpose of
69 transporting vehicles in transit from one place to another
70 by the driveaway or towaway methods; or

71 (c) The movement of a motor vehicle by any person who
72 is lawfully engaged in the business of transporting or
73 delivering vehicles that are not the person's own and
74 vehicles of a type otherwise required to be registered, by
75 the driveaway or towaway methods, from a point of
76 manufacture, assembly or distribution or from the owner of
77 the vehicles to a dealer or sales agent of a manufacturer or
78 to any consignee designated by the shipper or consignor;

79 (14) "Dromedary", a box, deck, or plate mounted behind
80 the cab and forward of the fifth wheel on the frame of the
81 power unit of a truck tractor-semitrailer combination. A

82 truck tractor equipped with a dromedary may carry part of a
83 load when operating independently or in a combination with a
84 semitrailer;

85 (15) "Farm tractor", a tractor used exclusively for
86 agricultural purposes;

87 (16) "Fleet", any group of ten or more motor vehicles
88 owned by the same owner;

89 (17) "Fleet vehicle", a motor vehicle which is
90 included as part of a fleet;

91 (18) "Fullmount", a vehicle mounted completely on the
92 frame of either the first or last vehicle in a saddlemount
93 combination;

94 (19) "Gross weight", the weight of vehicle and/or
95 vehicle combination without load, plus the weight of any
96 load thereon;

97 (20) "Hail-damaged vehicle", any vehicle, the body of
98 which has become dented as the result of the impact of hail;

99 (21) "Highway", any public thoroughfare for vehicles,
100 including state roads, county roads and public streets,
101 avenues, boulevards, parkways or alleys in any municipality;

102 (22) "Improved highway", a highway which has been
103 paved with gravel, macadam, concrete, brick or asphalt, or
104 surfaced in such a manner that it shall have a hard, smooth
105 surface;

106 (23) "Intersecting highway", any highway which joins
107 another, whether or not it crosses the same;

108 (24) "Junk vehicle", a vehicle which:

109 (a) Is incapable of operation or use upon the highways
110 and has no resale value except as a source of parts or
111 scrap; or

112 (b) Has been designated as junk or a substantially
113 equivalent designation by this state or any other state;

114 (25) "Kit vehicle", a motor vehicle assembled by a
115 person other than a generally recognized manufacturer of
116 motor vehicles by the use of a glider kit or replica
117 purchased from an authorized manufacturer and accompanied by
118 a manufacturer's statement of origin;

119 (26) "Land improvement contractors' commercial motor
120 vehicle", any not-for-hire commercial motor vehicle the
121 operation of which is confined to:

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

128 (b) An area that extends not more than a radius of
129 fifty miles from its home base of operations when
130 transporting its owner's machinery, equipment, or auxiliary
131 supplies to or from projects not involving soil and water
132 conservation.

133 Nothing in this subdivision shall be construed to prevent
134 any motor vehicle from being registered as a commercial
135 motor vehicle or local commercial motor vehicle;

136 (27) "Local commercial motor vehicle", a commercial
137 motor vehicle whose operations are confined to a
138 municipality and that area extending not more than fifty
139 miles therefrom, or a commercial motor vehicle whose
140 property-carrying operations are confined solely to the
141 transportation of property owned by any person who is the
142 owner or operator of such vehicle to or from a farm owned by
143 such person or under the person's control by virtue of a
144 landlord and tenant lease; provided that any such property

145 transported to any such farm is for use in the operation of
146 such farm;

147 (28) "Local log truck", a commercial motor vehicle
148 which is registered pursuant to this chapter to operate as a
149 motor vehicle on the public highways of this state, used
150 exclusively in this state, used to transport harvested
151 forest products, operated solely at a forested site and in
152 an area extending not more than a one hundred mile radius
153 from such site, carries a load with dimensions not in excess
154 of twenty-five cubic yards per two axles with dual wheels,
155 and when operated on the national system of interstate and
156 defense highways described in 23 U.S.C. Section 103, as
157 amended, or outside the one hundred mile radius from such
158 site with an extended distance local log truck permit, such
159 vehicle shall not exceed the weight limits of section
160 304.180, does not have more than four axles, and does not
161 pull a trailer which has more than three axles. Harvesting
162 equipment which is used specifically for cutting, felling,
163 trimming, delimiting, debarking, chipping, skidding, loading,
164 unloading, and stacking may be transported on a local log
165 truck. A local log truck may not exceed the limits required
166 by law, however, if the truck does exceed such limits as
167 determined by the inspecting officer, then notwithstanding
168 any other provisions of law to the contrary, such truck
169 shall be subject to the weight limits required by such
170 sections as licensed for eighty thousand pounds;

171 (29) "Local log truck tractor", a commercial motor
172 vehicle which is registered under this chapter to operate as
173 a motor vehicle on the public highways of this state, used
174 exclusively in this state, used to transport harvested
175 forest products, operated at a forested site and in an area
176 extending not more than a one hundred mile radius from such

177 site, operates with a weight not exceeding twenty-two
178 thousand four hundred pounds on one axle or with a weight
179 not exceeding forty-four thousand eight hundred pounds on
180 any tandem axle, and when operated on the national system of
181 interstate and defense highways described in 23 U.S.C.
182 Section 103, as amended, or outside the one hundred mile
183 radius from such site with an extended distance local log
184 truck permit, such vehicle does not exceed the weight limits
185 contained in section 304.180, and does not have more than
186 three axles and does not pull a trailer which has more than
187 three axles. Violations of axle weight limitations shall be
188 subject to the load limit penalty as described for in
189 sections 304.180 to 304.220;

190 (30) "Local transit bus", a bus whose operations are
191 confined wholly within a municipal corporation, or wholly
192 within a municipal corporation and a commercial zone, as
193 defined in section 390.020, adjacent thereto, forming a part
194 of a public transportation system within such municipal
195 corporation and such municipal corporation and adjacent
196 commercial zone;

197 (31) "Log truck", a vehicle which is not a local log
198 truck or local log truck tractor and is used exclusively to
199 transport harvested forest products to and from forested
200 sites which is registered pursuant to this chapter to
201 operate as a motor vehicle on the public highways of this
202 state for the transportation of harvested forest products;

203 (32) "Major component parts", the rear clip, cowl,
204 frame, body, cab, front-end assembly, and front clip, as
205 those terms are defined by the director of revenue pursuant
206 to rules and regulations or by illustrations;

207 (33) "Manufacturer", any person, firm, corporation or
208 association engaged in the business of manufacturing or
209 assembling motor vehicles, trailers or vessels for sale;

210 (34) "Motor change vehicle", a vehicle manufactured
211 prior to August, 1957, which receives a new, rebuilt or used
212 engine, and which used the number stamped on the original
213 engine as the vehicle identification number;

214 (35) "Motor vehicle", any self-propelled vehicle not
215 operated exclusively upon tracks, except farm tractors;

216 (36) "Motor vehicle primarily for business use", any
217 vehicle other than a recreational motor vehicle, motorcycle,
218 motortricycle, or any commercial motor vehicle licensed for
219 over twelve thousand pounds:

220 (a) Offered for hire or lease; or

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

223 (37) "Motorcycle", a motor vehicle operated on two
224 wheels;

225 (38) "Motorized bicycle", any two-wheeled or three-
226 wheeled device having an automatic transmission and a motor
227 with a cylinder capacity of not more than fifty cubic
228 centimeters, which produces less than three gross brake
229 horsepower, and is capable of propelling the device at a
230 maximum speed of not more than thirty miles per hour on
231 level ground;

232 (39) "Motortricycle", a motor vehicle upon which the
233 operator straddles or sits astride that is designed to be
234 controlled by handle bars and is operated on three wheels,
235 including a motorcycle while operated with any conveyance,
236 temporary or otherwise, requiring the use of a third wheel.
237 A motortricycle shall not be included in the definition of
238 all-terrain vehicle;

239 (40) "Municipality", any city, town or village,
240 whether incorporated or not;

241 (41) "Nonresident", a resident of a state or country
242 other than the state of Missouri;

243 (42) "Non-USA-std motor vehicle", a motor vehicle not
244 originally manufactured in compliance with United States
245 emissions or safety standards;

246 (43) "Operator", any person who operates or drives a
247 motor vehicle;

248 (44) "Owner", any person, firm, corporation or
249 association, who holds the legal title to a vehicle or who
250 has executed a buyer's order or retail installment sales
251 contract with a motor vehicle dealer licensed under sections
252 301.550 to 301.580 for the purchase of a vehicle with an
253 immediate right of possession vested in the transferee, or
254 in the event a vehicle is the subject of an agreement for
255 the conditional sale or lease thereof with the right of
256 purchase upon performance of the conditions stated in the
257 agreement and with an immediate right of possession vested
258 in the conditional vendee or lessee, or in the event a
259 mortgagor of a vehicle is entitled to possession, then such
260 conditional vendee or lessee or mortgagor shall be deemed
261 the owner;

262 (45) "Public garage", a place of business where motor
263 vehicles are housed, stored, repaired, reconstructed or
264 repainted for persons other than the owners or operators of
265 such place of business;

266 (46) "Rebuilder", a business that repairs or rebuilds
267 motor vehicles owned by the rebuilder, but does not include
268 certificated common or contract carriers of persons or
269 property;

270 (47) "Reconstructed motor vehicle", a vehicle that is
271 altered from its original construction by the addition or
272 substitution of two or more new or used major component
273 parts, excluding motor vehicles made from all new parts, and
274 new multistage manufactured vehicles;

275 (48) "Recreational motor vehicle", any motor vehicle
276 designed, constructed or substantially modified so that it
277 may be used and is used for the purposes of temporary
278 housing quarters, including therein sleeping and eating
279 facilities which are either permanently attached to the
280 motor vehicle or attached to a unit which is securely
281 attached to the motor vehicle. Nothing herein shall prevent
282 any motor vehicle from being registered as a commercial
283 motor vehicle if the motor vehicle could otherwise be so
284 registered;

285 (49) "Recreational off-highway vehicle", any motorized
286 vehicle manufactured and used exclusively for off-highway
287 use which is more than fifty inches but no more than eighty
288 inches in width, measured from outside of tire rim to
289 outside of tire rim, with an unladen dry weight of three
290 thousand five hundred pounds or less, traveling on four or
291 more nonhighway tires and which may have access to ATV
292 trails;

293 (50) "Recreational trailer", any trailer designed,
294 constructed, or substantially modified so that it may be
295 used and is used for the purpose of temporary housing
296 quarters, including therein sleeping or eating facilities,
297 which can be temporarily attached to a motor vehicle or
298 attached to a unit which is securely attached to a motor
299 vehicle;

300 (51) "Rollback or car carrier", any vehicle
301 specifically designed to transport wrecked, disabled or

302 otherwise inoperable vehicles, when the transportation is
303 directly connected to a wrecker or towing service;

304 (52) "Saddlemount combination", a combination of
305 vehicles in which a truck or truck tractor tows one or more
306 trucks or truck tractors, each connected by a saddle to the
307 frame or fifth wheel of the vehicle in front of it. The
308 "saddle" is a mechanism that connects the front axle of the
309 towed vehicle to the frame or fifth wheel of the vehicle in
310 front and functions like a fifth wheel kingpin connection.
311 When two vehicles are towed in this manner the combination
312 is called a "double saddlemount combination". When three
313 vehicles are towed in this manner, the combination is called
314 a "triple saddlemount combination";

315 (53) "Salvage dealer and dismantler", a business that
316 dismantles used motor vehicles for the sale of the parts
317 thereof, and buys and sells used motor vehicle parts and
318 accessories;

319 (54) "Salvage vehicle", a motor vehicle, semitrailer,
320 or house trailer which:

321 (a) Was damaged [during a year that is no more than
322 six years after the manufacturer's model year designation
323 for such vehicle] to the extent that the total cost of
324 repairs to rebuild or reconstruct the vehicle to its
325 condition immediately before it was damaged for legal
326 operation on the roads or highways exceeds eighty percent of
327 the fair market value of the vehicle immediately preceding
328 the time it was damaged, **except when the vehicle was damaged**
329 **during a year that is more than six years after the**
330 **manufacturer's model year designation for the vehicle and**
331 **the owner retains ownership of the vehicle;**

332 (b) By reason of condition or circumstance, has been
333 declared salvage, either by its owner, or by a person, firm,

334 corporation, or other legal entity exercising the right of
335 security interest in it;

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

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

340 (e) Is abandoned property which is titled pursuant to
341 section 304.155 or section 304.157 and designated with the
342 words "salvage/abandoned property". The total cost of
343 repairs to rebuild or reconstruct the vehicle shall not
344 include the cost of repairing, replacing, or reinstalling
345 inflatable safety restraints, tires, sound systems, or
346 damage as a result of hail, or any sales tax on parts or
347 materials to rebuild or reconstruct the vehicle. For
348 purposes of this definition, "fair market value" means the
349 retail value of a motor vehicle as:

350 a. Set forth in a current edition of any nationally
351 recognized compilation of retail values, including automated
352 databases, or from publications commonly used by the
353 automotive and insurance industries to establish the values
354 of motor vehicles;

355 b. Determined pursuant to a market survey of
356 comparable vehicles with regard to condition and equipment;
357 and

358 c. Determined by an insurance company using any other
359 procedure recognized by the insurance industry, including
360 market surveys, that is applied by the company in a uniform
361 manner;

362 (55) "School bus", any motor vehicle used solely to
363 transport students to or from school or to transport
364 students to or from any place for educational purposes;

365 (56) "Scrap processor", a business that, through the
366 use of fixed or mobile equipment, flattens, crushes, or
367 otherwise accepts motor vehicles and vehicle parts for
368 processing or transportation to a shredder or scrap metal
369 operator for recycling;

370 (57) "Shuttle bus", a motor vehicle used or maintained
371 by any person, firm, or corporation as an incidental service
372 to transport patrons or customers of the regular business of
373 such person, firm, or corporation to and from the place of
374 business of the person, firm, or corporation providing the
375 service at no fee or charge. Shuttle buses shall not be
376 registered as buses or as commercial motor vehicles;

377 (58) "Special mobile equipment", every self-propelled
378 vehicle not designed or used primarily for the
379 transportation of persons or property and incidentally
380 operated or moved over the highways, including farm
381 equipment, implements of husbandry, road construction or
382 maintenance machinery, ditch-digging apparatus, stone
383 crushers, air compressors, power shovels, cranes, graders,
384 rollers, well-drillers and wood-sawing equipment used for
385 hire, asphalt spreaders, bituminous mixers, bucket loaders,
386 ditchers, leveling graders, finished machines, motor
387 graders, road rollers, scarifiers, earth-moving carryalls,
388 scrapers, drag lines, concrete pump trucks, rock-drilling
389 and earth-moving equipment. This enumeration shall be
390 deemed partial and shall not operate to exclude other such
391 vehicles which are within the general terms of this section;

392 (59) "Specially constructed motor vehicle", a motor
393 vehicle which shall not have been originally constructed
394 under a distinctive name, make, model or type by a
395 manufacturer of motor vehicles. The term specially
396 constructed motor vehicle includes kit vehicles;

397 (60) "Stinger-steered combination", a truck tractor-
398 semitrailer wherein the fifth wheel is located on a drop
399 frame located behind and below the rearmost axle of the
400 power unit;

401 (61) "Tandem axle", a group of two or more axles,
402 arranged one behind another, the distance between the
403 extremes of which is more than forty inches and not more
404 than ninety-six inches apart;

405 (62) "Towaway trailer transporter combination", a
406 combination of vehicles consisting of a trailer transporter
407 towing unit and two trailers or semitrailers, with a total
408 weight that does not exceed twenty-six thousand pounds; and
409 in which the trailers or semitrailers carry no property and
410 constitute inventory property of a manufacturer,
411 distributor, or dealer of such trailers or semitrailers;

412 (63) "Tractor", "truck tractor" or "truck-tractor", a
413 self-propelled motor vehicle designed for drawing other
414 vehicles, but not for the carriage of any load when
415 operating independently. When attached to a semitrailer, it
416 supports a part of the weight thereof;

417 (64) "Trailer", any vehicle without motive power
418 designed for carrying property or passengers on its own
419 structure and for being drawn by a self-propelled vehicle,
420 except those running exclusively on tracks, including a
421 semitrailer or vehicle of the trailer type so designed and
422 used in conjunction with a self-propelled vehicle that a
423 considerable part of its own weight rests upon and is
424 carried by the towing vehicle. The term trailer shall not
425 include cotton trailers as defined in this section and shall
426 not include manufactured homes as defined in section 700.010;

427 (65) "Trailer transporter towing unit", a power unit
428 that is not used to carry property when operating in a
429 towaway trailer transporter combination;

430 (66) "Truck", a motor vehicle designed, used, or
431 maintained for the transportation of property;

432 (67) "Truck-tractor semitrailer-semitrailer", a
433 combination vehicle in which the two trailing units are
434 connected with a B-train assembly which is a rigid frame
435 extension attached to the rear frame of a first semitrailer
436 which allows for a fifth-wheel connection point for the
437 second semitrailer and has one less articulation point than
438 the conventional A-dolly connected truck-tractor semitrailer-
439 trailer combination;

440 (68) "Truck-trailer boat transporter combination", a
441 boat transporter combination consisting of a straight truck
442 towing a trailer using typically a ball and socket
443 connection with the trailer axle located substantially at
444 the trailer center of gravity rather than the rear of the
445 trailer but so as to maintain a downward force on the
446 trailer tongue;

447 (69) "Used parts dealer", a business that buys and
448 sells used motor vehicle parts or accessories, but not
449 including a business that sells only new, remanufactured or
450 rebuilt parts. Business does not include isolated sales at
451 a swap meet of less than three days;

452 (70) "Utility vehicle", any motorized vehicle
453 manufactured and used exclusively for off-highway use which
454 is more than fifty inches but no more than eighty inches in
455 width, measured from outside of tire rim to outside of tire
456 rim, with an unladen dry weight of three thousand five
457 hundred pounds or less, traveling on four or six wheels, to

458 be used primarily for landscaping, lawn care, or maintenance
459 purposes;

460 (71) "Vanpool", any van or other motor vehicle used or
461 maintained by any person, group, firm, corporation,
462 association, city, county or state agency, or any member
463 thereof, for the transportation of not less than eight nor
464 more than forty-eight employees, per motor vehicle, to and
465 from their place of employment; however, a vanpool shall not
466 be included in the definition of the term bus or commercial
467 motor vehicle as defined in this section, nor shall a
468 vanpool driver be deemed a chauffeur as that term is defined
469 by section 303.020; nor shall use of a vanpool vehicle for
470 ride-sharing arrangements, recreational, personal, or
471 maintenance uses constitute an unlicensed use of the motor
472 vehicle, unless used for monetary profit other than for use
473 in a ride-sharing arrangement;

474 (72) "Vehicle", any mechanical device on wheels,
475 designed primarily for use, or used, on highways, except
476 motorized bicycles, vehicles propelled or drawn by horses or
477 human power, or vehicles used exclusively on fixed rails or
478 tracks, or cotton trailers or motorized wheelchairs operated
479 by handicapped persons;

480 (73) "Wrecker" or "tow truck", any emergency
481 commercial vehicle equipped, designed and used to assist or
482 render aid and transport or tow disabled or wrecked vehicles
483 from a highway, road, street or highway rights-of-way to a
484 point of storage or repair, including towing a replacement
485 vehicle to replace a disabled or wrecked vehicle;

486 (74) "Wrecker or towing service", the act of
487 transporting, towing or recovering with a wrecker, tow
488 truck, rollback or car carrier any vehicle not owned by the
489 operator of the wrecker, tow truck, rollback or car carrier

490 for which the operator directly or indirectly receives
491 compensation or other personal gain.

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

23 2. Whenever a vehicle is classified as junk, as
24 defined in section 301.010, the purchaser may forward to the
25 director of revenue a properly completed application for a
26 junking certificate as well as the salvage certificate of
27 title or certificate of ownership and the director shall
28 issue a negotiable junking certificate to the purchaser of
29 the vehicle. The director may also issue a junking
30 certificate to a possessor of a vehicle manufactured twenty-

31 six years or more prior to the current model year who has a
32 bill of sale for said vehicle but does not possess a
33 certificate of ownership, provided no claim of theft has
34 been made on the vehicle and the highway patrol has by
35 letter stated the vehicle is not listed as stolen after
36 checking the registration number through its nationwide
37 computer system. Such junking certificate may be granted
38 within thirty days of the submission of a request. A
39 junking certificate shall authorize the holder to possess,
40 transport, or, by assignment, transfer ownership in such
41 parts, scrap, or junk.

42 3. For any vehicle issued a junking certificate or
43 such similar document or classification pursuant to the laws
44 of another state, regardless of whether such designation has
45 been subsequently changed by law in any other state, the
46 department shall only issue a junking certificate, and a
47 salvage certificate of title or original certificate of
48 ownership shall not thereafter be issued for such vehicle.
49 Notwithstanding the provisions of this subsection, if the
50 vehicle has not previously been classified as a junk
51 vehicle, the applicant making the original junking
52 certification application shall, within ninety days, be
53 allowed to rescind his application for a junking certificate
54 by surrendering the junking certificate and apply for a
55 salvage certificate of title in his name. The seller of a
56 vehicle for which a junking certificate has been applied for
57 or issued shall disclose such fact in writing to any
58 prospective buyers before sale of such vehicle; otherwise
59 the sale shall be voidable at the option of the buyer.

60 4. No scrap metal operator shall acquire or purchase a
61 motor vehicle or parts thereof without, at the time of such
62 acquisition, receiving the original certificate of ownership

63 or salvage certificate of title or junking certificate from
64 the seller of the vehicle or parts, unless the seller is a
65 licensee under sections 301.219 to 301.221.

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

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

75 7. Notwithstanding any other provision of this
76 section, a motor vehicle dealer as defined in section
77 301.550 and licensed under the provisions of sections
78 301.550 to 301.572 may negotiate one reassignment of a
79 salvage certificate of title on the back thereof.

80 8. Notwithstanding the provisions of subsection 1 of
81 this section, an insurance company which settles a claim for
82 a stolen vehicle may apply for and shall be issued a
83 negotiable salvage certificate of title without the payment
84 of any fee upon proper application within thirty days after
85 settlement of the claim for such stolen vehicle. However,
86 if the insurance company upon recovery of a stolen vehicle
87 determines that the stolen vehicle has not sustained damage
88 to the extent that the vehicle would have otherwise been
89 declared a salvage vehicle pursuant to section 301.010, then
90 the insurance company may have the vehicle inspected by the
91 Missouri state highway patrol, or other law enforcement
92 agency authorized by the director of revenue, in accordance
93 with the inspection provisions of subsection 9 of section
94 301.190. Upon receipt of title application, applicable fee,

95 the completed inspection, and the return of any previously
96 issued negotiable salvage certificate, the director shall
97 issue an original title with no salvage or prior salvage
98 designation. Upon the issuance of an original title the
99 director shall remove any indication of the negotiable
100 salvage title previously issued to the insurance company
101 from the department's electronic records.

102 9. Notwithstanding subsection 4 of this section or any
103 other provision of the law to the contrary, if a motor
104 vehicle is inoperable and is at least ten model years old,
105 or the parts are from a motor vehicle that is inoperable and
106 is at least ten model years old, a scrap metal operator may
107 purchase or acquire such motor vehicle or parts without
108 receiving the original certificate of ownership, salvage
109 certificate of title, or junking certificate from the seller
110 of the vehicle or parts, provided the scrap metal operator
111 verifies with the department of revenue, via the
112 department's online record access, that the motor vehicle is
113 not subject to any recorded security interest or lien and
114 the scrap metal operator complies with the requirements of
115 this subsection. In lieu of forwarding certificates of
116 title or ownership for such motor vehicles as required by
117 subsection 5 of this section, the scrap metal operator shall
118 forward a copy of the seller's state identification card
119 along with a bill of sale to the department of revenue. The
120 bill of sale form shall be designed by the director and such
121 form shall include, but not be limited to, a certification
122 that the motor vehicle is at least ten model years old, is
123 inoperable, is not subject to any recorded security interest
124 or lien, and a certification by the seller that the seller
125 has the legal authority to sell or otherwise transfer the
126 seller's interest in the motor vehicle or parts. Upon

127 receipt of the information required by this subsection, the
128 department of revenue shall cancel any certificate of title
129 or ownership and registration for the motor vehicle. If the
130 motor vehicle is inoperable and at least twenty model years
131 old, then the scrap metal operator shall not be required to
132 verify with the department of revenue whether the motor
133 vehicle is subject to any recorded security interests or
134 liens. As used in this subsection, the term "inoperable"
135 means a motor vehicle that is in a rusted, wrecked,
136 discarded, worn out, extensively damaged, dismantled, and
137 mechanically inoperative condition and the vehicle's highest
138 and best use is for scrap purposes. The director of the
139 department of revenue is directed to promulgate rules and
140 regulations to implement and administer the provisions of
141 this section, including but not limited to, the development
142 of a uniform bill of sale. Any rule or portion of a rule,
143 as that term is defined in section 536.010, that is created
144 under the authority delegated in this section shall become
145 effective only if it complies with and is subject to all of
146 the provisions of chapter 536 and, if applicable, section
147 536.028. This section and chapter 536 are nonseverable and
148 if any of the powers vested with the general assembly
149 pursuant to chapter 536 to review, to delay the effective
150 date, or to disapprove and annul a rule are subsequently
151 held unconstitutional, then the grant of rulemaking
152 authority and any rule proposed or adopted after August 28,
153 2012, shall be invalid and void.

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