

FIRST REGULAR SESSION

SENATE BILL NO. 370

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

1706S.011

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 301.192, 301.280, 302.755, 407.526, 407.536, and 407.556, RSMo, and to enact in lieu thereof six new sections relating to motor vehicles, with an emergency clause.

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

Section A. Sections 301.192, 301.280, 302.755, 407.526,
2 407.536, and 407.556, RSMo, are repealed and six new sections
3 enacted in lieu thereof, to be known as sections 301.192,
4 301.280, 302.755, 407.526, 407.536, and 407.556, to read as
5 follows:

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

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

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

16 (2) Presentation of all evidence of ownership in the
17 applicant's possession;

18 (3) Title verification from a state in which the
19 vehicle was previously titled or registered if known,
20 provided the vehicle was so previously titled or registered;

21 (4) A notarized lien release from any lienholder of
22 record;

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

33 (6) A statement certifying the odometer reading of the
34 motor vehicle if less than ~~[ten]~~ **twenty** years of age; and

35 (7) A surety bond or a suitable financial security
36 instrument in a form prescribed by the director of revenue
37 and executed by the applicant and a person authorized to
38 conduct surety business in this state. The bond shall be an
39 amount equal to two times the value of the vehicle as
40 determined by the Kelly Blue Book, NADA Used Car Guide or
41 two appraisals from a licensed motor vehicle dealer. The
42 bond shall be for a minimum of one hundred dollars and
43 conditioned to indemnify any prior owner or lienholder and
44 any subsequent purchaser of the vehicle or person acquiring
45 any security interest in it, and their respective successors
46 in interest, against any expense, loss or damage including
47 reasonable attorneys fees, by reason of the issuance of the

48 certificate of ownership of the vehicle or on account of any
49 defect in or undisclosed security interest upon the right,
50 title and interest of the applicant in and to the vehicle.
51 Any such interested person has a right of action to recover
52 on the bond for any breach of its conditions, but the
53 aggregate liability of the surety to all persons shall not
54 exceed the amount of the bond. The bond shall be returned
55 at the end of three years, unless the department has been
56 notified of the pendency of an action to recover on the bond.

57 2. Upon satisfaction with the genuineness of the
58 application and supporting documents, the director of
59 revenue shall issue a new certificate of ownership. The
60 certificate of ownership shall appropriately be designated
61 with the words "BONDED VEHICLE".

301.280. 1. Every motor vehicle dealer and boat
2 dealer shall make a monthly report to the department of
3 revenue, on blanks to be prescribed by the department of
4 revenue, giving the following information: date of the sale
5 of each motor vehicle, boat, trailer and all-terrain vehicle
6 sold; the name and address of the buyer; the name of the
7 manufacturer; year of manufacture; model of vehicle; vehicle
8 identification number; style of vehicle; odometer setting;
9 and it shall also state whether the motor vehicle, boat,
10 trailer or all-terrain vehicle is new or secondhand. Each
11 monthly sales report filed by a motor vehicle dealer who
12 collects sales tax under subsection 10 of section 144.070
13 shall also include the amount of state and local sales tax
14 collected for each motor vehicle sold if sales tax was due.
15 The odometer reading is not required when reporting the sale
16 of any motor vehicle that is [ten] **twenty** years old or
17 older, any motor vehicle having a gross vehicle weight
18 rating of more than sixteen thousand pounds, new vehicles

19 that are transferred on a manufacturer's statement of origin
20 between one franchised motor vehicle dealer and another, or
21 boats, all-terrain vehicles or trailers. The sale of all
22 temporary permits shall be recorded in the appropriate space
23 on the dealer's monthly sales report, unless the sale of the
24 temporary permit is already recorded by electronic means as
25 determined by the department. The monthly sales report
26 shall include a statement of motor vehicles or trailers sold
27 during the month under subsection 5 of section 301.210. The
28 monthly sales report shall be completed in full and signed
29 by an officer, partner, or owner of the dealership, and
30 actually received by the department of revenue on or before
31 the fifteenth day of the month succeeding the month for
32 which the sales are being reported. If no sales occur in
33 any given month, a report shall be submitted for that month
34 indicating no sales. Any vehicle dealer who fails to file a
35 monthly report or who fails to file a timely report shall be
36 subject to disciplinary action as prescribed in section
37 301.562 or a penalty assessed by the director not to exceed
38 three hundred dollars per violation. Every motor vehicle
39 and boat dealer shall retain copies of the monthly sales
40 report as part of the records to be maintained at the
41 dealership location and shall hold them available for
42 inspection by appropriate law enforcement officials and
43 officials of the department of revenue. Every vehicle
44 dealer selling twenty or more vehicles a month shall file
45 the monthly sales report with the department in an
46 electronic format. Any dealer filing a monthly sales report
47 in an electronic format shall be exempt from filing the
48 notice of transfer required by section 301.196. For any
49 dealer not filing electronically, the notice of transfer

50 required by section 301.196 shall be submitted with the
51 monthly sales report as prescribed by the director.

52 2. Every dealer and every person operating a public
53 garage shall keep a correct record of the vehicle
54 identification number, odometer setting, manufacturer's name
55 of all motor vehicles or trailers accepted by him for the
56 purpose of sale, rental, storage, repair or repainting,
57 together with the name and address of the person delivering
58 such motor vehicle or trailer to the dealer or public garage
59 keeper, and the person delivering such motor vehicle or
60 trailer shall record such information in a file kept by the
61 dealer or garage keeper. The record shall be kept for five
62 years and be open for inspection by law enforcement
63 officials, members or authorized or designated employees of
64 the Missouri highway patrol, and persons, agencies and
65 officials designated by the director of revenue.

66 3. Every dealer and every person operating a public
67 garage in which a motor vehicle remains unclaimed for a
68 period of fifteen days shall, within five days after the
69 expiration of that period, report the motor vehicle as
70 unclaimed to the director of revenue. Such report shall be
71 on a form prescribed by the director of revenue. A motor
72 vehicle left by its owner whose name and address are known
73 to the dealer or his employee or person operating a public
74 garage or his employee is not considered unclaimed. Any
75 dealer or person operating a public garage who fails to
76 report a motor vehicle as unclaimed as herein required
77 forfeits all claims and liens for its garaging, parking or
78 storing.

79 4. The director of revenue shall maintain
80 appropriately indexed cumulative records of unclaimed
81 vehicles reported to the director. Such records shall be

82 kept open to public inspection during reasonable business
83 hours.

84 5. The alteration or obliteration of the vehicle
85 identification number on any such motor vehicle shall be
86 prima facie evidence of larceny, and the dealer or person
87 operating such public garage shall upon the discovery of
88 such obliteration or alteration immediately notify the
89 highway patrol, sheriff, marshal, constable or chief of
90 police of the municipality where the dealer or garage keeper
91 has his place of business, and shall hold such motor vehicle
92 or trailer for a period of forty-eight hours for the purpose
93 of an investigation by the officer so notified.

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

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

4 (1) Driving a motor vehicle under the influence of
5 alcohol or a controlled substance, or of an alcohol-related
6 enforcement contact as defined in subsection 3 of section
7 302.525;

8 (2) Driving a commercial motor vehicle which causes a
9 fatality through the negligent operation of the commercial
10 motor vehicle, including but not limited to the offenses of
11 vehicular manslaughter, homicide by motor vehicle, and
12 negligent homicide;

13 (3) Driving a commercial motor vehicle while revoked
14 pursuant to section 302.727;

15 (4) Leaving the scene of an accident involving a
16 commercial or noncommercial motor vehicle operated by the
17 person;

18 (5) Using a commercial or noncommercial motor vehicle
19 in the commission of any felony, as defined in section
20 302.700, except a felony as provided in subsection 4 of this
21 section.

22 2. If any of the violations described in subsection 1
23 of this section occur while transporting a hazardous
24 material the person is disqualified for a period of not less
25 than three years.

26 3. Any person is disqualified from operating a
27 commercial motor vehicle for life if convicted of two or
28 more violations of any of the offenses specified in
29 subsection 1 of this section, or any combination of those
30 offenses, arising from two or more separate incidents. The
31 director may issue rules and regulations, in accordance with
32 guidelines established by the Secretary, under which a
33 disqualification for life under this section may be reduced
34 to a period of not less than ten years.

35 4. Any person is disqualified from driving a
36 commercial motor vehicle for life who uses a commercial or
37 noncommercial motor vehicle in the commission of any felony
38 involving the manufacture, distribution, or dispensing of a
39 controlled substance, or possession with intent to
40 manufacture, distribute, or dispense a controlled substance.

41 5. Any person is disqualified from operating a
42 commercial motor vehicle for a period of not less than sixty
43 days if convicted of two serious traffic violations or one
44 hundred twenty days if convicted of three serious traffic
45 violations, arising from separate incidents occurring within
46 a three-year period.

47 6. Any person found to be operating a commercial motor
48 vehicle while having any measurable alcohol concentration
49 shall immediately be issued a continuous twenty-four-hour
50 out-of-service order by a law enforcement officer in this
51 state.

52 7. Any person who is convicted of operating a
53 commercial motor vehicle beginning at the time of issuance
54 of the out-of-service order until its expiration is guilty
55 of a class A misdemeanor.

56 8. Any person convicted for the first time of driving
57 while out of service shall be disqualified from driving a
58 commercial motor vehicle in the manner prescribed in 49 CFR
59 383, or as amended by the Secretary.

60 9. Any person convicted of driving while out of
61 service on a second occasion during any ten-year period,
62 involving separate incidents, shall be disqualified in the
63 manner prescribed in 49 CFR 383, or as amended by the
64 Secretary.

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

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

74 12. Any person convicted of any subsequent violation
75 of an out-of-service order in a separate incident within ten
76 years after a previous violation, while transporting
77 hazardous materials or while operating a motor vehicle

78 designed to transport fifteen passengers, including the
79 driver, is disqualified for a period of three years.

80 13. Any person convicted of any other offense as
81 specified by regulations promulgated by the Secretary of
82 Transportation shall be disqualified in accordance with such
83 regulations.

84 14. After suspending, revoking, cancelling, or
85 disqualifying a driver, the director shall update records to
86 reflect such action and notify a nonresident's licensing
87 authority and the commercial driver's license information
88 system within ten days in the manner prescribed in 49 CFR
89 384, or as amended by the Secretary.

90 15. Any person disqualified from operating a
91 commercial motor vehicle pursuant to subsection 1, 2, 3 or 4
92 of this section shall have such commercial driver's license
93 cancelled, and upon conclusion of the period of
94 disqualification shall take the written and driving tests
95 and meet all other requirements of sections 302.700 to
96 302.780. Such disqualification and cancellation shall not
97 be withdrawn by the director until such person reapplies for
98 a commercial driver's license in this or any other state
99 after meeting all requirements of sections 302.700 to
100 302.780.

101 16. The director shall disqualify a driver upon
102 receipt of notification that the Secretary has determined a
103 driver to be an imminent hazard pursuant to 49 CFR 383.52.
104 Due process of a disqualification determined by the
105 Secretary pursuant to this section shall be held in
106 accordance with regulations promulgated by the Secretary.
107 The period of disqualification determined by the Secretary
108 pursuant to this section shall be served concurrently to any
109 other period of disqualification which may be imposed by the

110 director pursuant to this section. Both disqualifications
111 shall appear on the driving record of the driver.

112 17. The director shall disqualify a commercial license
113 holder or operator of a commercial motor vehicle from
114 operation of any commercial motor vehicle upon receipt of a
115 conviction for an offense of failure to appear or pay, and
116 such disqualification shall remain in effect until the
117 director receives notice that the person has complied with
118 the requirement to appear or pay.

119 18. The disqualification period must be in addition to
120 any other previous periods of disqualification in the manner
121 prescribed in 49 CFR 383, or as amended by the Secretary,
122 except when the major or serious violations are a result of
123 the same incident.

124 **19. Any person is disqualified from driving a**
125 **commercial motor vehicle for life for being convicted of**
126 **using a commercial motor vehicle in the commission of a**
127 **felony involving an act or practice of severe forms of**
128 **trafficking in persons, as defined in U.S.C. 7102(11). A**
129 **disqualification for life under this subsection shall not be**
130 **reduced.**

407.526. 1. A person commits the crime of odometer
2 fraud in the third degree if, with the intent to defraud, he
3 operates a motor vehicle less than ~~[ten]~~ **twenty** years old on
4 any street or highway knowing that the odometer of the motor
5 vehicle is disconnected or not functioning.

6 2. Odometer fraud in the third degree is a class C
7 misdemeanor.

407.536. 1. Any person transferring ownership of a
2 motor vehicle previously titled in this or any other state
3 shall do so by assignment of title and shall place the
4 mileage registered on the odometer at the time of transfer

5 above the signature of the transferor. The signature of the
6 transferor below the mileage shall constitute an odometer
7 mileage statement. The transferee shall sign such odometer
8 mileage statement before an application for certificate of
9 ownership may be made. If the true mileage is known to the
10 transferor to be different from the number of miles shown on
11 the odometer or the true mileage is unknown, a statement
12 from the transferor shall accompany the assignment of title
13 which shall contain all facts known by the transferor
14 concerning the true mileage of the motor vehicle. That
15 statement shall become a part of the permanent record of the
16 motor vehicle with the Missouri department of revenue. The
17 department of revenue shall place on all new titles issued
18 after September 28, 1977, a box titled "mileage at the time
19 of transfer".

20 2. Any person transferring the ownership of a motor
21 vehicle previously untitled in this or any other state to
22 another person shall give an odometer mileage statement to
23 the transferee. The statement shall include above the
24 signature of the transferor and transferee the cumulative
25 mileage registered on the odometer at the time of transfer.
26 If the true mileage is known to the transferor to be
27 different from the number of miles shown on the odometer or
28 the true mileage is unknown, a statement from the transferor
29 shall accompany the assignment of title which shall contain
30 all facts known by the transferor concerning the true
31 mileage of the motor vehicle. That statement shall become a
32 permanent part of the records of the Missouri department of
33 revenue.

34 3. If, upon receiving an application for registration
35 or for a certificate of ownership of a motor vehicle, the
36 director of revenue has credible evidence that the odometer

37 reading provided by a transferor is materially inaccurate,
38 he may place an asterisk on the face of the title document
39 issued by the Missouri department of revenue, provided that
40 the process required thereby does not interfere with his
41 obligations under subdivision (2) of subsection 3 of section
42 301.190. The asterisk shall refer to a statement on the
43 face and at the bottom of the title document which shall
44 read as follows: "This may not be the true and accurate
45 mileage of this motor vehicle. Consult the documents on
46 file with the Missouri department of revenue for an
47 explanation of the inaccuracy.". Nothing in this section
48 shall prevent any person from challenging the determination
49 by the director of revenue in the circuit courts of the
50 state of Missouri. The burden of proof shall be on the
51 director of the department of revenue in all such
52 proceedings.

53 4. The mileage disclosed by the odometer mileage
54 statement for a new or used motor vehicle as described in
55 subsections 1 and 2 of this section shall be placed by the
56 transferor on any title or document evidencing ownership.
57 Additional statements shall be placed on the title document
58 as follows:

59 (1) If the transferor states that to the best of his
60 knowledge the mileage disclosed is the actual mileage of the
61 motor vehicle, an asterisk shall follow the mileage on the
62 face of the title or document of ownership issued by the
63 Missouri department of revenue. The asterisk shall
64 reference to a statement on the face and bottom of the title
65 document which shall read as follows: "Actual Mileage";

66 (2) Where the transferor has submitted an explanation
67 why this mileage is incorrect, an asterisk shall follow the
68 mileage on the face of the title or document of ownership

69 issued by the Missouri department of revenue. The asterisk
70 shall reference to a statement on the face and at the bottom
71 of the title document which shall read as follows: "This is
72 not the true and accurate mileage of this motor vehicle.
73 Consult the documents on file with the Missouri department
74 of revenue for an explanation of the inaccuracy.". Further
75 wording shall be included as follows:

76 (a) If the transferor states that the odometer
77 reflects the amount of mileage in excess of the designed
78 mechanical odometer limit, the above statement on the face
79 of the title document shall be followed by the words:

80 "Mileage exceeds the mechanical limits";

81 (b) If the transferor states that the odometer reading
82 differs from the mileage and that the difference is greater
83 than that caused by odometer calibration error and the
84 odometer reading does not reflect the actual mileage and
85 should not be relied upon, the above statement on the face
86 of the title document shall be preceded by the words:

87 "Warning Odometer Discrepancy".

88 5. The department of revenue shall notify all motor
89 vehicle ownership transferees of the civil and criminal
90 penalties involving odometer fraud.

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

94 7. The granting or creation of a security interest or
95 lien shall not be considered a change of ownership for the
96 purpose of this section, and the grantor of such lien or
97 security interest shall not be required to make an odometer
98 mileage statement. The release of a lien by a mortgage
99 holder shall not be considered a change of ownership of the
100 motor vehicle for the purposes of this section. The

101 mortgage holder or lienholder shall not be required to make
102 an odometer disclosure statement or state the current
103 odometer setting at the time of the release of the lien
104 where there is no change of ownership.

105 8. For the purposes of the mileage disclosure
106 requirements of this section, if a certificate of ownership
107 is held by a lienholder, if the transferor makes application
108 for a duplicate certificate of ownership, or as otherwise
109 provided in the federal Motor Vehicle Information and Cost
110 Savings Act and related federal regulations, the transferor
111 may execute a written power of attorney authorizing a
112 transfer of ownership. The person granted such power of
113 attorney shall restate exactly on the assignment of title
114 the actual mileage disclosed at the time of transfer. The
115 power of attorney shall accompany the certificate of
116 ownership and the original power of attorney and a copy of
117 the certificate of ownership shall be returned to the
118 issuing state in the manner prescribed by the director of
119 revenue, unless otherwise provided by federal law, rule or
120 regulation. The department of revenue may prescribe a
121 secure document for use in executing a written power of
122 attorney, **and may allow electronic signatures on such**
123 **document.** The department shall collect a fee for each form
124 issued, not to exceed the cost of procuring the form.

 407.556. 1. A violation of the provisions of sections
2 407.511 to 407.556 by any person licensed or registered as a
3 manufacturer or dealer pursuant to the provisions of chapter
4 301, shall be considered a violation of the provisions of
5 that chapter, subjecting that person to revocation or
6 suspension of any license issued pursuant to the provisions
7 of that chapter.

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

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

12 (2) Any motor vehicle that is [~~ten~~] **twenty** years old
13 or older;

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

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

 Section B. Because of the importance of combating
2 human trafficking, and because of the importance of securing
3 federal highway funding to maintain a safe and adequate
4 system of highways in this state, section A of this act is
5 deemed necessary for the immediate preservation of the
6 public health, welfare, peace, and safety, and is hereby
7 declared to be an emergency act within the meaning of the
8 constitution, and section A of this act shall be in full
9 force and effect upon its passage and approval.

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