FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 46

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

1071S.02P

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 115.151, 115.160, 115.960, 301.558, 306.030, and 307.380, RSMo, and to enact in lieu thereof seven new sections relating to transportation.

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

Section A. Sections 115.151, 115.160, 115.960, 301.558, 306.030, and 307.380, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 115.151, 115.160, 115.960, 301.558, 306.030, 307.380, and 1, to read as follows:

115.151. 1. Each qualified applicant who appears before the election authority shall be deemed registered as of the time the applicant's completed, signed and sworn registration application is witnessed by the election authority or deputy registration official.

2. Each applicant who registers by mail shall be deemed to be registered as of the date the application is postmarked, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service.

3. Each applicant who registers at a voter registration agency or the division of motor vehicle and

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
drivers licensing of the department of revenue shall be
deemed to be registered as of the date the application is
signed by the applicant, if such application is accepted and
not rejected by the election authority and the verification
notice required pursuant to section 115.155 is not returned
as undeliverable by the postal service. Voter registration
agencies [and the division of motor vehicle and drivers
licensing of the department of revenue] shall transmit voter
registration application forms to the appropriate election
authority not later than five business days after the form
is completed by the applicant. The division of motor
vehicle and drivers licensing of the department of revenue
shall transmit voter registration application forms to the
appropriate election authority not later than three business
days after the form is completed by the applicant.

115.160. 1. All Missouri driver's license applicants
shall receive a voter registration application form as a
simultaneous part of the application for a driver's license,
renewal of driver's license, change of address, duplicate
request and a nondriver's license. The director of revenue
shall utilize electronic voter registration application
forms and provide for secure electronic transfer of voter
registration information to election authorities. The
secretary of state and the director of revenue shall ensure
the confidentiality and integrity of the voter registration
data collected, maintained, received, or transmitted under
this section.

2. If a single application form is used, the voter
registration application portion of any application
described in subsection 1 of this section may not require
any information that duplicates information required in the
driver's license portion of the form, except a second
signature or other information required by law.

3. After conferring with the secretary of state as the
chief state election official responsible for overseeing of
the voter registration process, the director of revenue
shall adopt rules and regulations pertaining to the format
of the voter registration application used by the
department.

4. No information relating to the failure of an
applicant for a driver's license or nondriver's license to
sign a voter registration application may be used for any
purpose other than voter registration.

5. Any voter registration application received
pursuant to the provisions of this section shall be
forwarded, in a secure and electronic manner, to the
election authority located within that county or any city
not within a county, or if there is more than one election
authority within the county, then to the election authority
located nearest to the location where the driver's license
application was received. **Voter registration information,**
including an electronic image of the signature of the
applicant, shall be transmitted in a format compatible with
the Missouri voter registration system established in
section 115.158 which allows for review by the election
authority and does not require the election authority to
manually reenter the information, provided that the election
authority shall print out a paper copy of the information
and retain such information in the manner required by
section 115.145. The election authority receiving the
application forms shall review the applications and forward,
in a secure and electronic manner, any applications.
pertaining to a different election authority to that

election authority.

6. A completed voter registration application accepted
in the driver's licensing process shall be transmitted to
the election authority described in subsection 5 of this
section not later than five business days after the form is
completed by the applicant.

7. Any person registering to vote when applying for or
renewing a Missouri driver's license shall submit with the
application form a copy of a birth certificate, a Native
American tribal document, or other proof of United States
citizenship, a valid Missouri driver's license, or other
form of personal identification.

115.960. 1. An election authority is authorized to
accept voter registration applications with a signature
submitted to the election authority under the provisions of
sections 432.200 to 432.295 as provided in this section:

(1) Sections 432.200 to 432.295 shall only apply to
transactions between parties that have agreed to conduct
transactions by electronic means;

(2) Except as provided in subsection 2 of this
section, as used in this section and sections 432.200 to
432.295, the parties who agree to conduct voter registration
transactions by electronic means shall be the local election
authority who is required to accept or reject a voter
registration application and the prospective voter
submitting the application;

(3) A local election authority is authorized to
develop, maintain, and approve systems that transmit voter
registration applications electronically under sections
432.200 to 432.295;
(4) Except as provided in subsection 2 of this section and section 115.160, no officer, agency, or organization shall collect or submit a voter registration application with an electronic signature to an election authority without first obtaining approval of the data and signature format from the local election authority and the approval of the voter to collect and store the signature and data; and

(5) Local election authorities who maintain a voter registration application system shall direct voter registration applicants from other jurisdictions to the system used by the local election authority for that jurisdiction to accept voter registration applications electronically.

2. A system maintained by the secretary of state's office shall be used to accept voter registration applications electronically subsequent to approval from the committee formed as set forth in this subsection:

(1) Within thirty days of, but in no event prior to January 1, 2017, the president of the Missouri Association of County Clerks and Election Authorities shall appoint fourteen of its members to serve on a committee to approve and develop uniform standards, systems, and modifications that shall be used by the secretary of state in any electronic voter registration application system offered by that office. The committee may also make recommendations regarding the purchase, maintenance, integration, and operation of electronic databases, software, and hardware used by local election authorities and the secretary of state's office including, but not limited to, systems used for military and overseas voting and for building and conducting election operations. The committee shall have fourteen local election authorities, including
representatives of each classification of counties, a representative from an election board, and at least one member who has experience processing online voter registration transactions. In addition, one representative appointed by the secretary of state's office shall serve on the committee;

(2) The committee shall immediately meet to approve electronic signature formats and a minimum set of data collection standards for use in a voter registration application system maintained by the secretary of state;

(3) Once the format and data collection standards are approved by the committee and implemented for the system maintained by the secretary of state, local election authorities shall accept the transmission of voter registration applications submitted to the approved system under the provisions of sections 432.200 to 432.295;

(4) The secretary of state's office shall direct eligible voters to a local election authority's system to accept voter registration applications electronically if the local election authority has a system in place as of August 28, 2016, or implements a system that meets the same standards and format that has been approved by the committee for the secretary of state's system;

(5) The committee shall meet not less than semiannually through June 30, 2019, to recommend and approve changes and enhancements proposed by the secretary of state or election authorities to the electronic voter registration application system. Vacancies that occur on the committee shall be filled by the president of the Missouri Association of County Clerks and Election Authorities at the time of the vacancy;
(6) To improve the accuracy of voter registration application data and reduce costs for local election authorities, the system maintained by the secretary of state shall, as soon as is practical, provide a method where the data entered by the voter registration applicant does not have to be re-entered by the election authority to the state voter registration database.

3. Each applicant who registers using an approved electronic voter registration application system shall be deemed to be registered as of the date the signed application is submitted to the system, if such application is accepted and not rejected by the election authority and the verification notice required under section 115.155 is not returned as undeliverable by the postal service.

4. This section shall not apply to voter registration and absentee records submitted by voters authorized under federal law, section 115.291, or sections 115.900 to 115.936 to submit electronic records and signatures.

5. High quality copies, including electronic copies, of signatures made on paper documents may be used for petition signature verification purposes and retained as records.

6. Any signature required for petition submission under chapter 116 shall be handwritten on a paper document.

7. [Notwithstanding the provisions of section 432.230] Except as provided under sections 115.160 and 432.230, nothing in this section shall require the election authority to accept voter registration records or signatures created, generated, sent, communicated, received, stored, or otherwise processed, or used by electronic means or in electronic form from any officer, agency, or organization not authorized under subsection 2 of this section without
prior approval from the election authority. \textit{Election authorities shall accept and process voter registration records, including electronic images of applicant signatures, transmitted electronically by the division of motor vehicle and drivers licensing of the department of revenue under section 115.160.} Except as provided in subsection 2 of this section and section 115.160, no officer, agency, or organization shall give the voter the opportunity to submit a voter registration application with an electronic signature without first obtaining the approval of the local election authority.

8. An election authority that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means.

9. No election authority or the secretary of state shall furnish to any member of the public any data collected under a voter registration application system except as authorized in subsections 1 to 5 of section 115.157.

10. Nothing in this section shall be construed to require the secretary of state to cease operating a voter registration application in place as of the effective date of this act.

301.558. 1. A motor vehicle dealer, boat dealer, or powersport dealer may fill in the blanks on standardized forms in connection with the sale or lease of a new or used motor vehicle, vessel, or vessel trailer if the motor vehicle dealer, boat dealer, or powersport dealer does not charge for the services of filling in the blanks or otherwise charge for preparing documents.

2. A motor vehicle dealer, boat dealer, or powersport dealer may charge an administrative fee in connection with the sale or lease of a new or used motor vehicle, vessel, or
vessel trailer for the storage of documents or any other administrative or clerical services not prohibited by this section. A portion of the administrative fee may result in profit to the motor vehicle dealer, boat dealer, or powersport dealer.

3. (1) Ten percent of any fee authorized under this section and charged by motor vehicle dealers shall be remitted to the motor vehicle administration technology fund established in this subsection, for the development of the system specified in this subsection. Following the development of the system specified in this subsection, the director of the department of revenue shall notify motor vehicle dealers and implement the system, and the percentage of any fee authorized under this section required to be remitted to the fund shall be reduced to one percent, which shall be used for maintenance of the system. This subsection shall expire on January 1, 2037.

(2) There is hereby created in the state treasury the "Motor Vehicle Administration Technology Fund", which shall consist of money collected as specified in this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of revenue for the purpose of development and maintenance of a modernized, integrated system for the titling of vehicles, issuance and renewal of vehicle registrations, issuance and renewal of driver's licenses and identification cards, and perfection and release of liens and encumbrances on vehicles.

(3) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end
of the biennium shall not revert to the credit of the
general revenue fund.

(4) The state treasurer shall invest moneys in the
fund in the same manner as other funds are invested. Any
interest and moneys earned on such investments shall be
credited to the fund.

4. No motor vehicle dealer, boat dealer, or powersport
dealer that sells or leases new or used motor vehicles,
vessels, or vessel trailers and imposes an administrative
fee of [less than two] five hundred dollars or less in
connection with the sale or lease of a new or used vehicle,
vessel, or vessel trailer for the storage of documents or
any other administrative or clerical services shall be
deemed to be engaging in the unauthorized practice of law.
The maximum administrative fee permitted under this
subsection shall be increased annually by an amount equal to
the percentage change in the annual average of the Consumer
Price Index for All Urban Consumers or its successor index,
as reported by the federal Bureau of Labor Statistics or its
successor agency, or by zero, whichever is greater. The
director of the department of revenue shall annually furnish
the maximum administrative fee determined under this section
to the secretary of state, who shall publish such value in
the Missouri register as soon as practicable after January
fourteenth of each year.

[4.] 5. If an administrative fee is charged under this
section, the same administrative fee shall be charged to all
retail customers [and] unless the fee is limited by the
dealer's franchise agreement to certain classes of
customers. The fee shall be disclosed on the retail buyer's
order form as a separate itemized charge.
[5.] 6. A preliminary worksheet on which a sale price is computed and that is shown to the purchaser, a retail buyer's order form from the purchaser, or a retail installment contract shall include, in reasonable proximity to the place on the document where the administrative fee authorized by this section is disclosed, the amount of the administrative fee and the following notice in type that is boldfaced, capitalized, underlined, or otherwise conspicuously set out from the surrounding written material:

"AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN A PROFIT TO DEALER. NO PORTION OF THIS ADMINISTRATIVE FEE IS FOR THE DRAFTING, PREPARATION, OR COMPLETION OF DOCUMENTS OR THE PROVIDING OF LEGAL ADVICE. THIS NOTICE IS REQUIRED BY LAW."

[6.] 7. The general assembly believes that an administrative fee charged in compliance with this section is not the unauthorized practice of law or the unauthorized business of law so long as the activity or service for which the fee is charged is in compliance with the provisions of this section and does not result in the waiver of any rights or remedies. Recognizing, however, that the judiciary is the sole arbitrator of what constitutes the practice of law, in the event that a court determines that an administrative fee charged in compliance with this section, and that does not waive any rights or remedies of the buyer, is the unauthorized practice of law or the unauthorized business of law, then no person who paid that administrative fee may recover said fee or treble damages, as permitted under
section 484.020, and no person who charged that fee shall be

306.030. 1. The owner of each vessel requiring
numbering by this state shall file an application for number
with the department of revenue on forms provided by it. The
application shall contain a full description of the vessel,
factory number or serial number, together with a statement
of the applicant's source of title and of any liens or
encumbrances on the vessel. For good cause shown the
director of revenue may extend the period of time for making
such application. The director of revenue shall use
reasonable diligence in ascertaining whether the facts
stated in such application are true, and, if satisfied that
the applicant is the lawful owner of such vessel, or
otherwise entitled to have the same registered in his or her
name, shall thereupon issue an appropriate certificate of
title over the director's signature and sealed with the seal
of the director's office, procured and used for such
purpose, and a certificate of number stating the number
awarded to the vessel. The application shall include a
provision stating that the applicant will consent to any
inspection necessary to determine compliance with the
provisions of this chapter and shall be signed by the owner
of the vessel and shall be accompanied by the fee specified
in subsection 10 of this section. The owner shall paint on
or attach to each side of the bow of the vessel the
identification number in a manner as may be prescribed by
rules and regulations of the division of water safety in
order that it may be clearly visible. The number shall be
maintained in legible condition. The certificate of number
shall be pocket size and shall be available at all times for
inspection on the vessel for which issued, whenever the
vessel is in operation. The operator of a vessel in which such certificate of number is not available for inspection by the water patrol division or, if the operator cannot be determined, the person who is the registered owner of the vessel shall be subject to the penalties provided in section 306.210. Vessels owned by the state or a political subdivision shall be registered but no fee shall be assessed for such registration.

2. Each new vessel sold in this state after January 1, 1970, shall have die stamped on or within three feet of the transom or stern a factory number or serial number.

3. The owner of any vessel already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state shall record the number prior to operating the vessel on the waters of this state in excess of the sixty-day reciprocity period provided for in section 306.080. The recordation and payment of registration fee shall be in the manner and pursuant to the procedure required for the award of a number under subsection 1 of this section. No additional or substitute number shall be issued unless the number is a duplicate of an existing Missouri number.

4. In the event that an agency of the United States government shall have in force an overall system of identification numbering for vessels within the United States, the numbering system employed pursuant to this chapter by the department of revenue shall be in conformity therewith.

5. All records of the department of revenue made and kept pursuant to this section shall be public records.
6. A permanent certificate of number may be issued upon application and payment of three times the fee specified for the vessel under this section and three times any processing fee applicable to a three-year certificate of number for the vessel. Permanent certificates of number shall not be transferred to any other person or vessel, or displayed on any vessel other than the vessel for which it was issued, and shall continue in force and effect until terminated or discontinued in accordance with the provisions of this chapter. Every other certificate of number awarded pursuant to this chapter shall continue in force and effect for a period of three years unless sooner terminated or discontinued in accordance with the provisions of this chapter. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same or in accordance with the provisions of sections 306.010 to 306.030.

7. The department of revenue shall fix the days and months of the year on which certificates of number due to expire during the calendar year shall lapse and no longer be of any force and effect unless renewed pursuant to this chapter and may stagger such dates in order to distribute the workload.

8. When applying for or renewing a vessel's certificate of number, the owner shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the year in which the renewal is due and which reflects that the vessel being renewed is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the
owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

9. When applying for or renewing a certificate of registration for a vessel documented with the United States Coast Guard under section 306.016, owners of vessels shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the renewal is due and which reflects that the vessel is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

10. The fee to accompany each application for a certificate of number is:

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>For vessels under 16 feet in length</td>
<td>$25.00</td>
</tr>
<tr>
<td>For vessels at least 16 feet in length but less than 26 feet in length</td>
<td>$55.00</td>
</tr>
<tr>
<td>For vessels at least 26 feet in length but less than 40 feet in length</td>
<td>$100.00</td>
</tr>
<tr>
<td>For vessels at least 40 feet and over</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

11. The certificate of title and certificate of number issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to
alter, counterfeit, duplicate, or forge such certificate without ready detection.

12. For fiscal years ending before July 1, 2019, the first two million dollars collected annually under the provisions of this section shall be deposited into the state general revenue fund. All fees collected under the provisions of this section in excess of two million dollars annually shall be deposited in the water patrol division fund and shall be used exclusively for the water patrol division.

13. Beginning July 1, 2019, the first one million dollars collected annually under the provisions of this section shall be deposited into the state general revenue fund. All fees collected under the provisions of this section in excess of one million dollars annually shall be deposited in the water patrol division fund and shall be used exclusively for the water patrol division.

14. Notwithstanding the provisions of subsection 10 of this section, vessels at least sixteen feet in length but less than twenty-eight feet in length, that are homemade, constructed out of wood, and have a beam of five feet or less, shall pay a fee of fifty-five dollars which shall accompany each application for a certification number.

307.380. 1. Every vehicle of the type required to be inspected upon having been involved in an accident and when so directed by a police officer must be inspected and an official certificate of inspection and approval, sticker, seal or other device be obtained for such vehicle before it is again operated on the highways of this state. At the seller's expense every used motor vehicle of the type required to be inspected by section 307.350[, whether new or used,] shall immediately prior to sale be fully inspected
regardless of any current certificate of inspection and
approval, and an appropriate new certificate of inspection
and approval, sticker, seal or other device shall be
obtained.

2. Nothing contained in the provisions of this section
shall be construed to prohibit a dealer or any other person
from selling a vehicle without a certificate of inspection
and approval if the vehicle is sold for junk, salvage, or
for rebuilding, or for vehicles sold at public auction or
from dealer to dealer. The purchaser of any vehicle which
is purchased for junk, salvage, or for rebuilding, shall
give to the seller an affidavit, on a form prescribed by the
superintendent of the Missouri state highway patrol, stating
that the vehicle is being purchased for one of the reasons
stated herein. No vehicle of the type required to be
inspected by section 307.350 which is purchased as junk,
salvage, or for rebuilding shall again be registered in this
state until the owner has submitted the vehicle for
inspection and obtained an official certificate of
inspection and approval, sticker, seal or other device for
such vehicle.

3. Notwithstanding the provisions of section 307.390,
violation of this section shall be deemed an infraction.

Section 1. No entity in this state shall require
documentation of an individual having received a vaccination
against any disease in order for the individual to access
transportation systems or services, including but not
limited to buses, air travel, rail travel, taxicab or
limousine services, prearranged rides as defined in section
387.400, other public transportation, or any public
transportation facilities, including but not limited to bus
and airport facilities.
Section B. If any provision of section A of this act or the application thereof to anyone or to any circumstance is held invalid, the remainder of those sections and the application of such provisions to others or other circumstances shall not be affected thereby.