

SECOND REGULAR SESSION

SENATE BILL NO. 1462

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

6208S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 301.190 and 307.380, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle inspections.

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

Section A. Sections 301.190 and 307.380, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 301.190 and 307.380, to read as follows:

301.190. 1. No certificate of registration of any
2 motor vehicle or trailer, or number plate therefor, shall be
3 issued by the director of revenue unless the applicant
4 therefor shall make application for and be granted a
5 certificate of ownership of such motor vehicle or trailer,
6 or shall present satisfactory evidence that such certificate
7 has been previously issued to the applicant for such motor
8 vehicle or trailer. Application shall be made within thirty
9 days after the applicant acquires the motor vehicle or
10 trailer, unless the motor vehicle was acquired under section
11 301.213 or subsection 5 of section 301.210 in which case the
12 applicant shall make application within thirty days after
13 receiving title from the dealer, upon a blank form furnished
14 by the director of revenue and shall contain the applicant's
15 identification number, a full description of the motor
16 vehicle or trailer, the vehicle identification number, and
17 the mileage registered on the odometer at the time of

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

transfer of ownership, as required by section 407.536, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application. When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of ownership.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, a statement of any liens or encumbrances which the application may show to be thereon, and, if

ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536 indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership 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. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing

82 in the analysis of secure documents to determine the most
83 effective methods of rendering Missouri certificates of
84 ownership nonalterable or noncounterfeitable.

85 5. The fee for each original certificate so issued
86 shall be eight dollars and fifty cents, in addition to the
87 fee for registration of such motor vehicle or trailer. If
88 application for the certificate is not made within thirty
89 days after the vehicle is acquired by the applicant, or
90 where the motor vehicle was acquired under section 301.213
91 or subsection 5 of section 301.210 and the applicant fails
92 to make application within thirty days after receiving title
93 from the dealer, a delinquency penalty fee of twenty-five
94 dollars for the first thirty days of delinquency and twenty-
95 five dollars for each thirty days of delinquency thereafter,
96 not to exceed a total of two hundred dollars, but such
97 penalty may be waived by the director for a good cause
98 shown. If the director of revenue learns that any person
99 has failed to obtain a certificate within thirty days after
100 acquiring a motor vehicle or trailer, or where the motor
101 vehicle was acquired under section 301.213 or subsection 5
102 of section 301.210 and the applicant fails to make
103 application within thirty days after receiving title from
104 the dealer, or has sold a vehicle without obtaining a
105 certificate, he shall cancel the registration of all
106 vehicles registered in the name of the person, either as
107 sole owner or as a co-owner, and shall notify the person
108 that the cancellation will remain in force until the person
109 pays the delinquency penalty fee provided in this section,
110 together with all fees, charges and payments which the
111 person should have paid in connection with the certificate
112 of ownership and registration of the vehicle. The
113 certificate shall be good for the life of the motor vehicle

114 or trailer so long as the same is owned or held by the
115 original holder of the certificate and shall not have to be
116 renewed annually.

117 6. Any applicant for a certificate of ownership
118 requesting the department of revenue to process an
119 application for a certificate of ownership in an expeditious
120 manner requiring special handling shall pay a fee of five
121 dollars in addition to the regular certificate of ownership
122 fee.

123 7. It is unlawful for any person to operate in this
124 state a motor vehicle or trailer required to be registered
125 under the provisions of the law unless a certificate of
126 ownership has been applied for as provided in this section.

127 8. Before an original Missouri certificate of
128 ownership is issued, an inspection of the vehicle and a
129 verification of vehicle identification numbers shall be made
130 by the Missouri state highway patrol on vehicles for which
131 there is a current title issued by another state if a
132 Missouri salvage certificate of title has been issued for
133 the same vehicle but no prior inspection and verification
134 has been made in this state, except that if such vehicle has
135 been inspected in another state by a law enforcement officer
136 in a manner comparable to the inspection process in this
137 state and the vehicle identification numbers have been so
138 verified, the applicant shall not be liable for the twenty-
139 five dollar inspection fee if such applicant submits proof
140 of inspection and vehicle identification number verification
141 to the director of revenue at the time of the application.
142 The applicant, who has such a title for a vehicle on which
143 no prior inspection and verification have been made, shall
144 pay a fee of twenty-five dollars for such verification and
145 inspection, payable to the director of revenue at the time

of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. Notwithstanding any provision of the law to the contrary, an owner presenting a motor vehicle which has been issued a salvage title and which is ten years of age or older to a vehicle examination described in this subsection in order to obtain a certificate of ownership with the designation prior salvage motor vehicle shall not be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to

be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and the fees required by section 307.365 and section 643.315 shall be charged to the owner.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri or as required by section 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307, **except that such inspection may be completed by an employee of a licensed new or used motor vehicle dealer for a motor vehicle sold to a person who lives outside of this state and intends to register the vehicle outside of this state or for a motor vehicle having less than thirty thousand miles for the three-year period following the model year of manufacture.** The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station **or, in the case of a motor vehicle sold to a person who lives outside of this state and intends to register the vehicle outside of this state or a motor vehicle having less than thirty thousand miles for the three-year period following the model year of manufacture, the licensed new or used motor vehicle dealer** shall collect the same fee as authorized in section 307.365 for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and

the emissions inspection required under chapter 643 shall be completed and only the fees required by section 307.365 and section 643.315 shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a

242 certificate of ownership, the legal transfer of a
243 certificate of ownership without any designation that is
244 subsequently discovered to have or should have had a
245 designation shall be a transfer free and clear of any
246 liabilities of the transferor associated with the missing
247 designation.

248 13. When an application is made for an original
249 Missouri certificate of ownership for a motor vehicle
250 previously registered or titled in a state other than
251 Missouri, and the certificate of ownership has been
252 appropriately designated by the issuing state as non-USA-std
253 motor vehicle, the director of revenue shall appropriately
254 designate on the current Missouri and all subsequent issues
255 of the certificate of ownership the words "Non-USA-Std Motor
256 Vehicle".

257 14. The director of revenue and the superintendent of
258 the Missouri state highway patrol shall make and enforce
259 rules for the administration of the inspections required by
260 this section.

261 15. Each application for an original Missouri
262 certificate of ownership for a vehicle which is classified
263 as a reconstructed motor vehicle, manufactured forty or more
264 years prior to the current model year, and which has a value
265 of three thousand dollars or less shall be accompanied by:

266 (1) A proper affidavit submitted by the owner
267 explaining how the motor vehicle or trailer was acquired
268 and, if applicable, the reasons a valid certificate of
269 ownership cannot be furnished;

270 (2) Photocopies of receipts, bills of sale
271 establishing ownership, or titles, and the source of all
272 major component parts used to rebuild the vehicle;

273 (3) A fee of one hundred fifty dollars in addition to
274 the fees described in subsection 5 of this section. Such
275 fee shall be deposited in the state treasury to the credit
276 of the state highways and transportation department fund; and

277 (4) An inspection certificate, other than a motor
278 vehicle examination certificate required under subsection 9
279 of this section, completed and issued by the Missouri state
280 highway patrol, or other law enforcement agency as
281 authorized by the director of revenue. The inspection
282 performed by the highway patrol or other authorized local
283 law enforcement agency shall include a check for stolen
284 vehicles.

285 The department of revenue shall issue the owner a
286 certificate of ownership designated with the words
287 "Reconstructed Motor Vehicle" and deliver such certificate
288 of ownership in accordance with the provisions of this
289 chapter. Notwithstanding subsection 9 of this section, no
290 owner of a reconstructed motor vehicle described in this
291 subsection shall be required to obtain a vehicle examination
292 certificate issued by the Missouri state highway patrol.

307.380. 1. Every vehicle of the type required to be
2 inspected upon having been involved in an accident and when
3 so directed by a police officer must be inspected and an
4 official certificate of inspection and approval, sticker,
5 seal or other device be obtained for such vehicle before it
6 is again operated on the highways of this state. [At the
7 seller's expense every used motor vehicle of the type
8 required to be inspected by section 307.350 shall
9 immediately prior to sale be fully inspected regardless of
10 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. At the seller's expense, every used motor vehicle of the type required to be inspected by section 307.350 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 no more than sixty days prior to the date of sale, except that such inspection shall not be required for a motor vehicle sold to a person who lives outside of this state and intends to register the vehicle outside of this state or for a motor vehicle having less than thirty thousand miles for the three-year period following the model year of manufacture when:

- (1) Sold by a private seller; or
- (2) Sold by a licensed new or used motor vehicle dealer, provided that such dealer has sold at least two hundred motor vehicles in the previous calendar year.

The seller of a motor vehicle required to be inspected under this subsection shall present the certificate of inspection and approval to the buyer at the point of sale and the buyer shall be required to submit the certificate of inspection when applying for registration of the vehicle.

3. 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

42 to the seller an affidavit, on a form prescribed by the
43 superintendent of the Missouri state highway patrol, stating
44 that the vehicle is being purchased for one of the reasons
45 stated herein. No vehicle of the type required to be
46 inspected by section 307.350 which is purchased as junk,
47 salvage, or for rebuilding shall again be registered in this
48 state until the owner has submitted the vehicle for
49 inspection and obtained an official certificate of
50 inspection and approval, sticker, seal or other device for
51 such vehicle.

52 [3.] 4. Notwithstanding the provisions of section
53 307.390, violation of this section shall be deemed an
54 infraction.

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