

FIRST REGULAR SESSION

# HOUSE BILL NO. 340

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SOMMER.

0578H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 301.190, RSMo, and to enact in lieu thereof one new section relating to motor vehicle manufacturer recalls.

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

Section A. Section 301.190, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.190, to read as follows:

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 evidencing the lienholder's authorization to add or delete a name or names on an application for  
18 certificate of ownership.

19         2. The director of revenue shall use reasonable diligence in ascertaining whether the facts  
20 stated in such application are true and shall, to the extent possible without substantially delaying  
21 processing of the application, review any odometer information pertaining to such motor vehicle  
22 that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of  
23 such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the  
24 director shall thereupon issue an appropriate certificate over his signature and sealed with the  
25 seal of his office, procured and used for such purpose. The certificate shall contain on its face  
26 a complete description, vehicle identification number, and other evidence of identification of the  
27 motor vehicle or trailer, as the director of revenue may deem necessary, together with the  
28 odometer information required to be put on the face of the certificate pursuant to section  
29 407.536, a statement of any liens or encumbrances which the application may show to be  
30 thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the  
31 transferor's title and whether the transferor's odometer mileage statement executed pursuant to  
32 section 407.536 indicated that the true mileage is materially different from the number of miles  
33 shown on the odometer, or is unknown.

34         3. The director of revenue shall appropriately designate on the current and all subsequent  
35 issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle",  
36 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section  
37 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for  
38 motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print  
39 on the face thereof the following designation: "Annual odometer updates may be available from  
40 the department of revenue.". On any duplicate certificate, the director of revenue shall reprint  
41 on the face thereof the most recent of either:

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

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

46         4. The certificate of ownership issued by the director of revenue shall be manufactured  
47 in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge  
48 such certificate without ready detection. In order to carry out the requirements of this subsection,  
49 the director of revenue may contract with a nonprofit scientific or educational institution  
50 specializing in the analysis of secure documents to determine the most effective methods of  
51 rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

52           5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in  
53 addition to the fee for registration of such motor vehicle or trailer. If application for the  
54 certificate is not made within thirty days after the vehicle is acquired by the applicant, or where  
55 the motor vehicle was acquired under section 301.213 and the applicant fails to make application  
56 within thirty days after receiving title from the dealer, a delinquency penalty fee of twenty-five  
57 dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of  
58 delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be  
59 waived by the director for a good cause shown. If the director of revenue learns that any person  
60 has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer, or  
61 where the motor vehicle was acquired under section 301.213 and the applicant fails to make  
62 application within thirty days after receiving title from the dealer, or has sold a vehicle without  
63 obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of  
64 the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation  
65 will remain in force until the person pays the delinquency penalty fee provided in this section,  
66 together with all fees, charges and payments which the person should have paid in connection  
67 with the certificate of ownership and registration of the vehicle. The certificate shall be good for  
68 the life of the motor vehicle or trailer so long as the same is owned or held by the original holder  
69 of the certificate and shall not have to be renewed annually.

70           6. Any applicant for a certificate of ownership requesting the department of revenue to  
71 process an application for a certificate of ownership in an expeditious manner requiring special  
72 handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

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

76           8. Before an original Missouri certificate of ownership is issued, an inspection of the  
77 vehicle and a verification of vehicle identification numbers shall be made by the Missouri state  
78 highway patrol on vehicles for which there is a current title issued by another state if a Missouri  
79 salvage certificate of title has been issued for the same vehicle but no prior inspection and  
80 verification has been made in this state, except that if such vehicle has been inspected in another  
81 state by a law enforcement officer in a manner comparable to the inspection process in this state  
82 and the vehicle identification numbers have been so verified, the applicant shall not be liable for  
83 the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle  
84 identification number verification to the director of revenue at the time of the application. The  
85 applicant, who has such a title for a vehicle on which no prior inspection and verification have  
86 been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable

87 to the director of revenue at the time of the request for the application, which shall be deposited  
88 in the state treasury to the credit of the state highways and transportation department fund.

89 9. Each application for an original Missouri certificate of ownership for a vehicle which  
90 is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle,  
91 motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director  
92 of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state  
93 highway patrol, or other law enforcement agency as authorized by the director of revenue. The  
94 vehicle examination shall include a verification of vehicle identification numbers and a  
95 determination of the classification of the vehicle. The owner of a vehicle which requires a  
96 vehicle examination certificate shall present the vehicle for examination and obtain a completed  
97 vehicle examination certificate prior to submitting an application for a certificate of ownership  
98 to the director of revenue. Notwithstanding any provision of the law to the contrary, an owner  
99 presenting a motor vehicle which has been issued a salvage title and which is ten years of age  
100 or older to a vehicle examination described in this subsection in order to obtain a certificate of  
101 ownership with the designation prior salvage motor vehicle shall not be required to repair or  
102 restore the vehicle to its original appearance in order to pass or complete the vehicle  
103 examination. The fee for the vehicle examination application shall be twenty-five dollars and  
104 shall be collected by the director of revenue at the time of the request for the application and  
105 shall be deposited in the state treasury to the credit of the state highways and transportation  
106 department fund. If the vehicle is also to be registered in Missouri, the safety inspection required  
107 in chapter 307 and the emissions inspection required under chapter 643 shall be completed and  
108 the fees required by section 307.365 and section 643.315 shall be charged to the owner.

109 10. When an application is made for an original Missouri certificate of ownership for a  
110 motor vehicle previously registered or titled in a state other than Missouri or as required by  
111 section 301.020, it shall be accompanied by a current inspection form certified by a duly  
112 authorized official inspection station as described in chapter 307. The completed form shall  
113 certify that the manufacturer's identification number for the vehicle has been inspected, that it  
114 is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the  
115 time of inspection. The inspection station shall collect the same fee as authorized in section  
116 307.365 for making the inspection, and the fee shall be deposited in the same manner as provided  
117 in section 307.365. If the vehicle is also to be registered in Missouri, the safety inspection  
118 required in chapter 307 and the emissions inspection required under chapter 643 shall be  
119 completed and only the fees required by section 307.365 and section 643.315 shall be charged  
120 to the owner. This section shall not apply to vehicles being transferred on a manufacturer's  
121 statement of origin.

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

129           12. When an application is made for an original Missouri certificate of ownership for a  
130 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of  
131 ownership has been appropriately designated by the issuing state as a reconstructed motor  
132 vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the  
133 director of revenue shall appropriately designate on the current Missouri and all subsequent  
134 issues of the certificate of ownership the name of the issuing state and such prior designation.  
135 The absence of any prior designation shall not relieve a transferor of the duty to exercise due  
136 diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a  
137 transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer  
138 of a certificate of ownership without any designation that is subsequently discovered to have or  
139 should have had a designation shall be a transfer free and clear of any liabilities of the transferor  
140 associated with the missing designation.

141           13. When an application is made for an original Missouri certificate of ownership for a  
142 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of  
143 ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle,  
144 the director of revenue shall appropriately designate on the current Missouri and all subsequent  
145 issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

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

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

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

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

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

159 (4) An inspection certificate, other than a motor vehicle examination certificate required  
160 under subsection 9 of this section, completed and issued by the Missouri state highway patrol,  
161 or other law enforcement agency as authorized by the director of revenue. The inspection  
162 performed by the highway patrol or other authorized local law enforcement agency shall include  
163 a check for stolen vehicles.

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165 The department of revenue shall issue the owner a certificate of ownership designated with the  
166 words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance  
167 with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of  
168 a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle  
169 examination certificate issued by the Missouri state highway patrol.

170 **16. Notwithstanding any other provision of law, any person or entity selling a used**  
171 **motor vehicle shall check to see if there have been any manufacturer's recalls on the motor**  
172 **vehicle being sold and shall either make the repairs that are the subject of the**  
173 **manufacturer's recall prior to the sale of the vehicle or notify the purchaser, in writing, of**  
174 **any manufacturer's recalls applicable to the motor vehicle being purchased. In addition**  
175 **to providing written notice to the purchaser, the seller of the used vehicle shall notify the**  
176 **department of revenue that the vehicle being sold is subject to a manufacturer's recall and**  
177 **is being sold without any repairs. The department shall make a notation on the vehicle's**  
178 **certificate of ownership indicating that there is a manufacturer's recall on the vehicle and**  
179 **that the deficiency has not been remedied.**

180 **17. The department of revenue may promulgate all necessary rules and regulations**  
181 **for the administration of this section. Any rule or portion of a rule, as that term is defined**  
182 **in section 536.010, that is created under the authority delegated in this section shall become**  
183 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**  
184 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**  
185 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**  
186 **the effective date, or to disapprove and annul a rule are subsequently held**  
187 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
188 **after August 28, 2019, shall be invalid and void.**

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