

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 578

101ST GENERAL ASSEMBLY

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1437S.05C

ADRIANE D. CROUSE, Secretary

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## AN ACT

To repeal sections 301.147, 301.192, 301.280, 301.558, 302.755, 307.350, 307.380, 407.526, 407.536, 407.556, and 643.315, RSMo, and to enact in lieu thereof eleven new sections relating to motor vehicles, with an emergency clause for certain sections.

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

Section A. Sections 301.147, 301.192, 301.280, 301.558,  
2 302.755, 307.350, 307.380, 407.526, 407.536, 407.556, and  
3 643.315, RSMo, are repealed and eleven new sections enacted in  
4 lieu thereof, to be known as sections 301.147, 301.192, 301.280,  
5 301.558, 302.755, 307.350, 307.380, 407.526, 407.536, 407.556,  
6 and 643.315, to read as follows:

301.147. 1. Notwithstanding the provisions of section  
2 301.020 to the contrary, beginning July 1, 2000, the  
3 director of revenue may provide owners of motor vehicles,  
4 other than commercial motor vehicles licensed in excess of  
5 fifty-four thousand pounds gross weight, the option of  
6 biennially registering motor vehicles[. Any vehicle  
7 manufactured as an even-numbered model year vehicle shall be  
8 renewed each even-numbered calendar year and any such  
9 vehicle manufactured as an odd-numbered model year vehicle  
10 shall be renewed each odd-numbered calendar year], subject  
11 to the following requirements:

12 (1) The fee collected at the time of biennial  
13 registration shall include the annual registration fee plus

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

14 a pro rata amount for the additional twelve months of the  
15 biennial registration;

16 (2) Presentation of all documentation otherwise  
17 required by law for vehicle registration including, but not  
18 limited to, a personal property tax receipt or certified  
19 statement for the preceding year that no such taxes were due  
20 as set forth in section 301.025, proof of a motor vehicle  
21 safety inspection and any applicable emission inspection  
22 conducted within sixty days prior to the date of application  
23 and proof of insurance as required by section 303.026.

24 2. The director of revenue may prescribe rules and  
25 regulations for the effective administration of this  
26 section. The director is authorized to adopt those rules  
27 that are reasonable and necessary to accomplish the limited  
28 duties specifically delegated within this section. Any rule  
29 or portion of a rule, as that term is defined in section  
30 536.010, that is promulgated pursuant to the authority  
31 delegated in this section shall become effective only if it  
32 has been promulgated pursuant to the provisions of chapter  
33 536. This section and chapter 536 are nonseverable and if  
34 any of the powers vested with the general assembly pursuant  
35 to chapter 536 to review, to delay the effective date or to  
36 disapprove and annul a rule are subsequently held  
37 unconstitutional, then the grant of rulemaking authority and  
38 any rule proposed or adopted after July 1, 2000, shall be  
39 invalid and void.

40 3. The director of revenue shall have the authority to  
41 stagger the registration period of motor vehicles other than  
42 commercial motor vehicles licensed in excess of twelve  
43 thousand pounds gross weight. Once the owner of a motor  
44 vehicle chooses the option of biennial registration, such

45 registration must be maintained for the full twenty-four  
46 month period.

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;

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 **the motor vehicle has a model year of 2011**  
35 **or newer and is** less than [ten] **twenty** years of age; and

36 (7) A surety bond or a suitable financial security  
37 instrument in a form prescribed by the director of revenue  
38 and executed by the applicant and a person authorized to  
39 conduct surety business in this state. The bond shall be an  
40 amount equal to two times the value of the vehicle as  
41 determined by the Kelly Blue Book, NADA Used Car Guide or  
42 two appraisals from a licensed motor vehicle dealer. The  
43 bond shall be for a minimum of one hundred dollars and  
44 conditioned to indemnify any prior owner or lienholder and  
45 any subsequent purchaser of the vehicle or person acquiring  
46 any security interest in it, and their respective successors  
47 in interest, against any expense, loss or damage including  
48 reasonable attorneys fees, by reason of the issuance of the  
49 certificate of ownership of the vehicle or on account of any  
50 defect in or undisclosed security interest upon the right,  
51 title and interest of the applicant in and to the vehicle.  
52 Any such interested person has a right of action to recover  
53 on the bond for any breach of its conditions, but the  
54 aggregate liability of the surety to all persons shall not  
55 exceed the amount of the bond. The bond shall be returned  
56 at the end of three years, unless the department has been  
57 notified of the pendency of an action to recover on the bond.

58 2. Upon satisfaction with the genuineness of the  
59 application and supporting documents, the director of  
60 revenue shall issue a new certificate of ownership. The  
61 certificate of ownership shall appropriately be designated  
62 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 **with a model year prior to 2011, any**  
17 **motor vehicle** that is [ten] **twenty** years old or older, any  
18 motor vehicle having a gross vehicle weight rating of more  
19 than sixteen thousand pounds, new vehicles that are  
20 transferred on a manufacturer's statement of origin between  
21 one franchised motor vehicle dealer and another, or boats,  
22 all-terrain vehicles or trailers. The sale of all temporary  
23 permits shall be recorded in the appropriate space on the  
24 dealer's monthly sales report, unless the sale of the  
25 temporary permit is already recorded by electronic means as  
26 determined by the department. The monthly sales report  
27 shall include a statement of motor vehicles or trailers sold  
28 during the month under subsection 5 of section 301.210. The  
29 monthly sales report shall be completed in full and signed  
30 by an officer, partner, or owner of the dealership, and  
31 actually received by the department of revenue on or before  
32 the fifteenth day of the month succeeding the month for

33 which the sales are being reported. If no sales occur in  
34 any given month, a report shall be submitted for that month  
35 indicating no sales. Any vehicle dealer who fails to file a  
36 monthly report or who fails to file a timely report shall be  
37 subject to disciplinary action as prescribed in section  
38 301.562 or a penalty assessed by the director not to exceed  
39 three hundred dollars per violation. Every motor vehicle  
40 and boat dealer shall retain copies of the monthly sales  
41 report as part of the records to be maintained at the  
42 dealership location and shall hold them available for  
43 inspection by appropriate law enforcement officials and  
44 officials of the department of revenue. Every vehicle  
45 dealer selling twenty or more vehicles a month shall file  
46 the monthly sales report with the department in an  
47 electronic format. Any dealer filing a monthly sales report  
48 in an electronic format shall be exempt from filing the  
49 notice of transfer required by section 301.196. For any  
50 dealer not filing electronically, the notice of transfer  
51 required by section 301.196 shall be submitted with the  
52 monthly sales report as prescribed by the director.

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

65 the Missouri highway patrol, and persons, agencies and  
66 officials designated by the director of revenue.

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

80 4. The director of revenue shall maintain  
81 appropriately indexed cumulative records of unclaimed  
82 vehicles reported to the director. Such records shall be  
83 kept open to public inspection during reasonable business  
84 hours.

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

95 6. Any person who knowingly makes a false statement or  
96 omission of a material fact in a monthly sales report to the

97 department of revenue, as described in subsection 1 of this  
98 section, shall be deemed guilty of a class A misdemeanor.

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

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

16 3. **(1) Ten percent of any fee authorized under this**  
17 **section and charged by motor vehicle dealers shall be**  
18 **remitted to the motor vehicle administration technology fund**  
19 **established in this subsection, for the development of the**  
20 **system specified in this subsection. Following the**  
21 **development of the system specified in this subsection, the**  
22 **director of the department of revenue shall notify motor**  
23 **vehicle dealers and implement the system, and the percentage**  
24 **of any fee authorized under this section required to be**  
25 **remitted to the fund shall be reduced to one percent, which**  
26 **shall be used for maintenance of the system. This**  
27 **subsection shall expire on January 1, 2037.**

28 **(2) There is hereby created in the state treasury the**  
29 **"Motor Vehicle Administration Technology Fund", which shall**  
30 **consist of money collected as specified in this subsection.**

31 The state treasurer shall be custodian of the fund. In  
32 accordance with sections 30.170 and 30.180, the state  
33 treasurer may approve disbursements. The fund shall be a  
34 dedicated fund and money in the fund shall be used solely by  
35 the department of revenue for the purpose of development and  
36 maintenance of a modernized, integrated system for the  
37 titling of vehicles, issuance and renewal of vehicle  
38 registrations, issuance and renewal of driver's licenses and  
39 identification cards, and perfection and release of liens  
40 and encumbrances on vehicles.

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

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

49 4. No motor vehicle dealer, boat dealer, or powersport  
50 dealer that sells or leases new or used motor vehicles,  
51 vessels, or vessel trailers and imposes an administrative  
52 fee of [less than two] **five** hundred dollars **or less** in  
53 connection with the sale or lease of a new or used vehicle,  
54 vessel, or vessel trailer for the storage of documents or  
55 any other administrative or clerical services shall be  
56 deemed to be engaging in the unauthorized practice of law.  
57 **The maximum administrative fee permitted under this**  
58 **subsection shall be increased annually by an amount equal to**  
59 **the percentage change in the annual average of the Consumer**  
60 **Price Index for All Urban Consumers or its successor index,**  
61 **as reported by the federal Bureau of Labor Statistics or its**  
62 **successor agency, or by zero, whichever is greater. The**

63 director of the department of revenue shall annually furnish  
64 the maximum administrative fee determined under this section  
65 to the secretary of state, who shall publish such value in  
66 the Missouri register as soon as practicable after January  
67 fourteenth of each year.

68 [4.] 5. If an administrative fee is charged under this  
69 section, the **same** administrative fee shall be charged to all  
70 retail customers [and] **unless the fee is limited by the**  
71 **dealer's franchise agreement to certain classes of**  
72 **customers. The fee shall be** disclosed on the retail buyer's  
73 order form as a separate itemized charge.

74 [5.] 6. A preliminary worksheet on which a sale price  
75 is computed and that is shown to the purchaser, a retail  
76 buyer's order form from the purchaser, or a retail  
77 installment contract shall include, in reasonable proximity  
78 to the place on the document where the administrative fee  
79 authorized by this section is disclosed, the amount of the  
80 administrative fee and the following notice in type that is  
81 boldfaced, capitalized, underlined, or otherwise  
82 conspicuously set out from the surrounding written material:

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

91 [6.] 7. The general assembly believes that an  
92 administrative fee charged in compliance with this section  
93 is not the unauthorized practice of law or the unauthorized  
94 business of law so long as the activity or service for which

95 the fee is charged is in compliance with the provisions of  
96 this section and does not result in the waiver of any rights  
97 or remedies. Recognizing, however, that the judiciary is  
98 the sole arbitrator of what constitutes the practice of law,  
99 in the event that a court determines that an administrative  
100 fee charged in compliance with this section, and that does  
101 not waive any rights or remedies of the buyer, is the  
102 unauthorized practice of law or the unauthorized business of  
103 law, then no person who paid that administrative fee may  
104 recover said fee or treble damages, as permitted under  
105 section 484.020, and no person who charged that fee shall be  
106 guilty of a misdemeanor, as provided under section 484.020.

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.**

307.350. 1. The owner of every motor vehicle as  
2 defined in section 301.010 which is required to be  
3 registered in this state, except:

4 (1) Motor vehicles having less than one hundred fifty  
5 thousand miles, for the ten-year period following their  
6 model year of manufacture, excluding prior salvage vehicles  
7 immediately following a rebuilding process and vehicles  
8 subject to the provisions of section 307.380;

9 (2) Those motor vehicles which are engaged in  
10 interstate commerce and are proportionately registered in  
11 this state with the Missouri highway reciprocity commission,  
12 although the owner may request that such vehicle be  
13 inspected by an official inspection station, and a peace  
14 officer may stop and inspect such vehicles to determine  
15 whether the mechanical condition is in compliance with the  
16 safety regulations established by the United States  
17 Department of Transportation; and

18           (3) Historic motor vehicles registered pursuant to  
19 section 301.131;

20           (4) Vehicles registered in excess of twenty-four  
21 thousand pounds for a period of less than twelve months;

22 shall submit such vehicles to a biennial inspection of their  
23 mechanism and equipment in accordance with the provisions of  
24 sections 307.350 to 307.390 and obtain a certificate of  
25 inspection and approval and a sticker, seal, or other device  
26 from a duly authorized official inspection station. The  
27 inspection, except the inspection of school buses which  
28 shall be made at the time provided in section 307.375, shall  
29 be made at the time prescribed in the rules and regulations  
30 issued by the superintendent of the Missouri state highway  
31 patrol; but the inspection of a vehicle shall not be made  
32 more than sixty days prior to the date of application for  
33 registration or within sixty days of when a vehicle's  
34 registration is transferred; however, if a vehicle was  
35 purchased from a motor vehicle dealer and a valid inspection  
36 had been made within sixty days of the purchase date, the  
37 new owner shall be able to utilize an inspection performed  
38 within ninety days prior to the application for registration  
39 or transfer. [Any vehicle manufactured as an even-numbered  
40 model year vehicle shall be inspected and approved pursuant  
41 to the safety inspection program established pursuant to  
42 sections 307.350 to 307.390 in each even-numbered calendar  
43 year and any such vehicle manufactured as an odd-numbered  
44 model year vehicle shall be inspected and approved pursuant  
45 to sections 307.350 to 307.390 in each odd-numbered year.]  
46 The certificate of inspection and approval shall be a  
47 sticker, seal, or other device or combination thereof, as  
48 the superintendent of the Missouri state highway patrol

49 prescribes by regulation and shall be displayed upon the  
50 motor vehicle or trailer as prescribed by the regulations  
51 established by him. The replacement of certificates of  
52 inspection and approval which are lost or destroyed shall be  
53 made by the superintendent of the Missouri state highway  
54 patrol under regulations prescribed by him.

55 2. For the purpose of obtaining an inspection only, it  
56 shall be lawful to operate a vehicle over the most direct  
57 route between the owner's usual place of residence and an  
58 inspection station of such owner's choice, notwithstanding  
59 the fact that the vehicle does not have a current state  
60 registration license. It shall also be lawful to operate  
61 such a vehicle from an inspection station to another place  
62 where repairs may be made and to return the vehicle to the  
63 inspection station notwithstanding the absence of a current  
64 state registration license.

65 3. No person whose motor vehicle was duly inspected  
66 and approved as provided in this section shall be required  
67 to have the same motor vehicle again inspected and approved  
68 for the sole reason that such person wishes to obtain a set  
69 of any special personalized license plates available  
70 pursuant to section 301.144 or a set of any license plates  
71 available pursuant to section 301.142, prior to the  
72 expiration date of such motor vehicle's current registration.

73 4. Notwithstanding the provisions of section 307.390,  
74 violation of this section shall be deemed an infraction.

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[, whether new or  
9 used,] shall immediately prior to sale be fully inspected  
10 regardless of any current certificate of inspection and  
11 approval, and an appropriate new certificate of inspection  
12 and approval, sticker, seal or other device shall be  
13 obtained.

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

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

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  
4 **with a model year of 2011 or newer** on any street or highway  
5 knowing that the odometer of the motor vehicle is  
6 disconnected or not functioning.

7           2. Odometer fraud in the third degree is a class C  
8 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 **with a model year prior to 2011,**  
13 **or any motor vehicle** that is [ten] **twenty** years old 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.

643.315. 1. Except as provided in sections 643.300 to  
2 643.355, all motor vehicles which are domiciled, registered  
3 or primarily operated in an area for which the commission  
4 has established a motor vehicle emissions inspection program  
5 pursuant to sections 643.300 to 643.355 shall be inspected  
6 and approved prior to sale or transfer; provided that, if  
7 such vehicle is inspected and approved prior to sale or  
8 transfer, such vehicle shall not be subject to another  
9 emissions inspection for ninety days after the date of sale  
10 or transfer of such vehicle. [In addition, any such vehicle  
11 manufactured as an even-numbered model year vehicle shall be  
12 inspected and approved under the emissions inspection  
13 program established pursuant to sections 643.300 to 643.355  
14 in each even-numbered calendar year and any such vehicle

15 manufactured as an odd-numbered model year vehicle shall be  
16 inspected and approved under the emissions inspection  
17 program established pursuant to sections 643.300 to 643.355  
18 in each odd-numbered calendar year.] All motor vehicles  
19 subject to the inspection requirements of sections 643.300  
20 to 643.355 shall display a valid emissions inspection  
21 sticker, and when applicable, a valid emissions inspection  
22 certificate shall be presented at the time of registration,  
23 or **at least biennially for** registration renewal, of such  
24 motor vehicle. The department of revenue shall require  
25 evidence of the safety and emission inspection and approval  
26 required by this section in issuing the motor vehicle  
27 [annual] registration in conformity with the procedure  
28 required by sections 307.350 to 307.390 and sections 643.300  
29 to 643.355. The director of revenue may verify that a  
30 successful safety and emissions inspection was completed via  
31 electronic means.

32 2. The inspection requirement of subsection 1 of this  
33 section shall apply to all motor vehicles except:

34 (1) Motor vehicles with a manufacturer's gross vehicle  
35 weight rating in excess of eight thousand five hundred  
36 pounds;

37 (2) Motorcycles and motortricycles if such vehicles  
38 are exempted from the motor vehicle emissions inspection  
39 under federal regulation and approved by the commission by  
40 rule;

41 (3) Model year vehicles manufactured prior to 1996;

42 (4) Vehicles which are powered exclusively by electric  
43 or hydrogen power or by fuels other than gasoline which are  
44 exempted from the motor vehicle emissions inspection under  
45 federal regulation and approved by the commission by rule;

46           (5) Motor vehicles registered in an area subject to  
47 the inspection requirements of sections 643.300 to 643.355  
48 which are domiciled and operated exclusively in an area of  
49 the state not subject to the inspection requirements of  
50 sections 643.300 to 643.355, but only if the owner of such  
51 vehicle presents to the department an affidavit that the  
52 vehicle will be operated exclusively in an area of the state  
53 not subject to the inspection requirements of sections  
54 643.300 to 643.355 for the next twenty-four months, and the  
55 owner applies for and receives a waiver which shall be  
56 presented at the time of registration or registration  
57 renewal;

58           (6) New and unused motor vehicles, of model years of  
59 the current calendar year and of any calendar year within  
60 two years of such calendar year, which have an odometer  
61 reading of less than six thousand miles at the time of  
62 original sale by a motor vehicle manufacturer or licensed  
63 motor vehicle dealer to the first user;

64           (7) Historic motor vehicles registered pursuant to  
65 section 301.131;

66           (8) School buses;

67           (9) Heavy-duty diesel-powered vehicles with a gross  
68 vehicle weight rating in excess of eight thousand five  
69 hundred pounds;

70           (10) New motor vehicles that have not been previously  
71 titled and registered, for the four-year period following  
72 their model year of manufacture, provided the odometer  
73 reading for such motor vehicles are under forty thousand  
74 miles at their first required biennial safety inspection  
75 conducted under sections 307.350 to 307.390; otherwise such  
76 motor vehicles shall be subject to the emissions inspection

77 requirements of subsection 1 of this section during the same  
78 period that the biennial safety inspection is conducted;

79 (11) Motor vehicles that are driven fewer than twelve  
80 thousand miles between biennial safety inspections; and

81 (12) Qualified plug-in electric drive vehicles. For  
82 the purposes of this section, "qualified plug-in electric  
83 drive vehicle" shall mean a plug-in electric drive vehicle  
84 that is made by a manufacturer, has not been modified from  
85 original manufacturer specifications, and can operate solely  
86 on electric power and is capable of recharging its battery  
87 from an on-board generation source and an off-board  
88 electricity source.

89 3. The commission may, by rule, allow inspection  
90 reciprocity with other states having equivalent or more  
91 stringent testing and waiver requirements than those  
92 established pursuant to sections 643.300 to 643.355.

93 4. (1) At the time of sale, a licensed motor vehicle  
94 dealer, as defined in section 301.550, may choose to sell a  
95 motor vehicle subject to the inspection requirements of  
96 sections 643.300 to 643.355 either:

97 (a) With prior inspection and approval as provided in  
98 subdivision (2) of this subsection; or

99 (b) Without prior inspection and approval as provided  
100 in subdivision (3) of this subsection.

101 (2) If the dealer chooses to sell the vehicle with  
102 prior inspection and approval, the dealer shall disclose, in  
103 writing, prior to sale, whether the vehicle obtained  
104 approval by meeting the emissions standards established  
105 pursuant to sections 643.300 to 643.355 or by obtaining a  
106 waiver pursuant to section 643.335. A vehicle sold pursuant  
107 to this subdivision by a licensed motor vehicle dealer shall  
108 be inspected and approved within the one hundred twenty days

109 immediately preceding the date of sale, and, for the purpose  
110 of registration of such vehicle, such inspection shall be  
111 considered timely.

112 (3) If the dealer chooses to sell the vehicle without  
113 prior inspection and approval, the purchaser may return the  
114 vehicle within ten days of the date of purchase, provided  
115 that the vehicle has no more than one thousand additional  
116 miles since the time of sale, if the vehicle fails, upon  
117 inspection, to meet the emissions standards specified by the  
118 commission and the dealer shall have the vehicle inspected  
119 and approved without the option for a waiver of the  
120 emissions standard and return the vehicle to the purchaser  
121 with a valid emissions certificate and sticker within five  
122 working days or the purchaser and dealer may enter into any  
123 other mutually acceptable agreement. If the dealer chooses  
124 to sell the vehicle without prior inspection and approval,  
125 the dealer shall disclose conspicuously on the sales  
126 contract and bill of sale that the purchaser has the option  
127 to return the vehicle within ten days, provided that the  
128 vehicle has no more than one thousand additional miles since  
129 the time of sale, to have the dealer repair the vehicle and  
130 provide an emissions certificate and sticker within five  
131 working days if the vehicle fails, upon inspection, to meet  
132 the emissions standards established by the commission, or  
133 enter into any mutually acceptable agreement with the  
134 dealer. A violation of this subdivision shall be an  
135 unlawful practice as defined in section 407.020. No  
136 emissions inspection shall be required pursuant to sections  
137 643.300 to 643.360 for the sale of any motor vehicle which  
138 may be sold without a certificate of inspection and  
139 approval, as provided pursuant to subsection 2 of section  
140 307.380.

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, the repeal and reenactment  
5 of sections 301.192, 301.280, 302.755, 407.526, 407.536, and  
6 407.556 of this act is deemed necessary for the immediate  
7 preservation of the public health, welfare, peace, and  
8 safety, and is hereby declared to be an emergency act within  
9 the meaning of the constitution, and the repeal and  
10 reenactment of sections 301.192, 301.280, 302.755, 407.526,  
11 407.536, and 407.556 of this act shall be in full force and  
12 effect upon its passage and approval.

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