

FIRST REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 49

101ST GENERAL ASSEMBLY

2021

0323H.04T

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## AN ACT

To repeal sections 301.550, 306.030, 306.221, and 307.380, RSMo, and to enact in lieu thereof five new sections relating to public safety, with a penalty provision.

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

Section A. Sections 301.550, 306.030, 306.221, and  
2 307.380, RSMo, are repealed and five new sections enacted in  
3 lieu thereof, to be known as sections 301.550, 306.030, 306.221,  
4 307.380, and 650.125, to read as follows:

301.550. 1. The definitions contained in section  
2 301.010 shall apply to sections 301.550 to 301.580, and in  
3 addition as used in sections 301.550 to 301.580, the  
4 following terms mean:

5 (1) "Boat dealer", any natural person, partnership, or  
6 corporation who, for a commission or with an intent to make  
7 a profit or gain of money or other thing of value, sells,  
8 barter, exchanges, leases or rents with the option to  
9 purchase, offers, attempts to sell, or negotiates the sale  
10 of any vessel or vessel trailer, whether or not the vessel  
11 or vessel trailer is owned by such person. The sale of six  
12 or more vessels or vessel trailers or both in any calendar  
13 year shall be required as evidence that such person is  
14 eligible for licensure as a boat dealer under sections

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

15 301.550 to 301.580; **except that, such sales requirements**  
16 **shall be waived for entities also licensed as boat**  
17 **manufacturers under section 301.559 who custom manufacture**  
18 **boats:**

19 (a) **For use with biological research and management**  
20 **equipment for fisheries; or**

21 (b) **For use with scientific sampling and for**  
22 **geological or chemistry purposes.**

23 The boat dealer shall demonstrate eligibility for renewal of  
24 his license by selling six or more vessels or vessel  
25 trailers or both in the prior calendar year while licensed  
26 as a boat dealer pursuant to sections 301.550 to 301.580;

27 (2) "Boat manufacturer", any person engaged in the  
28 manufacturing, assembling or modification of new vessels or  
29 vessel trailers as a regular business, including a person,  
30 partnership or corporation which acts for and is under the  
31 control of a manufacturer or assembly in connection with the  
32 distribution of vessels or vessel trailers;

33 (3) "Department", the Missouri department of revenue;

34 (4) "Director", the director of the Missouri  
35 department of revenue;

36 (5) "Emergency vehicles", motor vehicles used as  
37 ambulances, law enforcement vehicles, and fire fighting and  
38 assistance vehicles;

39 (6) "Manufacturer", any person engaged in the  
40 manufacturing, assembling or modification of new motor  
41 vehicles or trailers as a regular business, including a  
42 person, partnership or corporation which acts for and is  
43 under the control of a manufacturer or assembly in  
44 connection with the distribution of motor vehicles or  
45 accessories for motor vehicles;

46           (7) "Motor vehicle broker", a person who holds himself  
47 out through solicitation, advertisement, or otherwise as one  
48 who offers to arrange a transaction involving the retail  
49 sale of a motor vehicle, and who is not:

50           (a) A dealer, or any agent, or any employee of a  
51 dealer when acting on behalf of a dealer;

52           (b) A manufacturer, or any agent, or employee of a  
53 manufacturer when acting on behalf of a manufacturer;

54           (c) The owner of the vehicle involved in the  
55 transaction; or

56           (d) A public motor vehicle auction or wholesale motor  
57 vehicle auction where buyers are licensed dealers in this or  
58 any other jurisdiction;

59           (8) "Motor vehicle dealer" or "dealer", any person  
60 who, for commission or with an intent to make a profit or  
61 gain of money or other thing of value, sells, barter,  
62 exchanges, leases or rents with the option to purchase, or  
63 who offers or attempts to sell or negotiates the sale of  
64 motor vehicles or trailers whether or not the motor vehicles  
65 or trailers are owned by such person; provided, however, an  
66 individual auctioneer or auction conducted by an auctioneer  
67 licensed pursuant to chapter 343 shall not be included  
68 within the definition of a motor vehicle dealer. The sale  
69 of eight or more motor vehicles or trailers in any calendar  
70 year shall be required as evidence that such person is  
71 engaged in the motor vehicle business and is eligible for  
72 licensure as a motor vehicle dealer under sections 301.550  
73 to 301.580. Any licensed motor vehicle dealer failing to  
74 meet the minimum vehicle sales requirements as referenced in  
75 this subsection shall not be qualified to renew his or her  
76 license for one year. To be eligible for license renewal,

77 applicants shall meet the minimum requirement of eight sales  
78 per year;

79 (9) "New motor vehicle", any motor vehicle being  
80 transferred for the first time from a manufacturer,  
81 distributor or new vehicle dealer which has not been  
82 registered or titled in this state or any other state and  
83 which is offered for sale, barter or exchange by a dealer  
84 who is franchised to sell, barter or exchange that  
85 particular make of motor vehicle. The term "new motor  
86 vehicle" shall not include manufactured homes, as defined in  
87 section 700.010;

88 (10) "New motor vehicle franchise dealer", any motor  
89 vehicle dealer who has been franchised to deal in a certain  
90 make of motor vehicle by the manufacturer or distributor of  
91 that make and motor vehicle and who may, in line with  
92 conducting his business as a franchise dealer, sell, barter  
93 or exchange used motor vehicles;

94 (11) "Person" includes an individual, a partnership,  
95 corporation, an unincorporated society or association, joint  
96 venture or any other entity;

97 (12) "Powersport dealer", any motor vehicle dealer who  
98 sells, either pursuant to a franchise agreement or  
99 otherwise, primarily motor vehicles including but not  
100 limited to motorcycles, all-terrain vehicles, and personal  
101 watercraft, as those terms are defined in this chapter and  
102 chapter 306;

103 (13) "Public motor vehicle auction", any person, firm  
104 or corporation who takes possession of a motor vehicle  
105 whether by consignment, bailment or any other arrangement,  
106 except by title, for the purpose of selling motor vehicles  
107 at a public auction by a licensed auctioneer;

108           (14) "Recreational motor vehicle dealer", a dealer of  
109 new or used motor vehicles designed, constructed or  
110 substantially modified for use as temporary housing  
111 quarters, including sleeping and eating facilities which are  
112 either permanently attached to the motor vehicle or attached  
113 to a unit which is securely attached to the motor vehicle;

114           (15) "Storage lot", an area within the same city or  
115 county where a dealer may store excess vehicle inventory;

116           (16) "Trailer dealer", any person selling, either  
117 exclusively or otherwise, trailers as defined in section  
118 301.010. A trailer dealer may acquire a motor vehicle for  
119 resale only as a trade-in for a trailer. Notwithstanding  
120 the provisions of section 301.010 and section 301.069,  
121 trailer dealers may purchase one driveaway license plate to  
122 display such motor vehicle for demonstration purposes. The  
123 sale of six or more trailers in any calendar year shall be  
124 required as evidence that such person is engaged in the  
125 trailer business and is eligible for licensure as a trailer  
126 dealer under sections 301.550 to 301.580. Any licensed  
127 trailer dealer failing to meet the minimum trailer and  
128 vehicle sales requirements as referenced in this subsection  
129 shall not be qualified to renew his or her license for one  
130 year. Applicants who reapply after the one-year period  
131 shall meet the requirement of six sales per year;

132           (17) "Used motor vehicle", any motor vehicle which is  
133 not a new motor vehicle, as defined in sections 301.550 to  
134 301.580, and which has been sold, bartered, exchanged or  
135 given away or which may have had a title issued in this  
136 state or any other state, or a motor vehicle so used as to  
137 be what is commonly known as a secondhand motor vehicle. In  
138 the event of an assignment of the statement of origin from  
139 an original franchise dealer to any individual or other

140 motor vehicle dealer other than a new motor vehicle  
141 franchise dealer of the same make, the vehicle so assigned  
142 shall be deemed to be a used motor vehicle and a certificate  
143 of ownership shall be obtained in the assignee's name. The  
144 term "used motor vehicle" shall not include manufactured  
145 homes, as defined in section 700.010;

146 (18) "Used motor vehicle dealer", any motor vehicle  
147 dealer who is not a new motor vehicle franchise dealer;

148 (19) "Vessel", every boat and watercraft defined as a  
149 vessel in section 306.010;

150 (20) "Vessel trailer", any trailer, as defined by  
151 section 301.010 which is designed and manufactured for the  
152 purposes of transporting vessels;

153 (21) "Wholesale motor vehicle auction", any person,  
154 firm or corporation in the business of providing auction  
155 services solely in wholesale transactions at its established  
156 place of business in which the purchasers are motor vehicle  
157 dealers licensed by this or any other jurisdiction, and  
158 which neither buys, sells nor owns the motor vehicles it  
159 auctions in the ordinary course of its business. Except as  
160 required by law with regard to the auction sale of a  
161 government-owned motor vehicle, a wholesale motor vehicle  
162 auction shall not provide auction services in connection  
163 with the retail sale of a motor vehicle;

164 (22) "Wholesale motor vehicle dealer", a motor vehicle  
165 dealer who sells motor vehicles only to other new motor  
166 vehicle franchise dealers or used motor vehicle dealers or  
167 via auctions limited to other dealers of any class.

168 2. For purposes of sections 301.550 to 301.580,  
169 neither the term motor vehicle nor the term trailer shall  
170 include manufactured homes, as defined in section 700.010.

171 3. Dealers shall be divided into classes as follows:

- 172 (1) Boat dealers;
- 173 (2) Franchised new motor vehicle dealers;
- 174 (3) Used motor vehicle dealers;
- 175 (4) Wholesale motor vehicle dealers;
- 176 (5) Recreational motor vehicle dealers;
- 177 (6) Historic motor vehicle dealers;
- 178 (7) Classic motor vehicle dealers;
- 179 (8) Powersport dealers; and
- 180 (9) Trailer dealers.

306.030. 1. The owner of each vessel requiring  
2 numbering by this state shall file an application for number  
3 with the department of revenue on forms provided by it. The  
4 application shall contain a full description of the vessel,  
5 factory number or serial number, together with a statement  
6 of the applicant's source of title and of any liens or  
7 encumbrances on the vessel. For good cause shown the  
8 director of revenue may extend the period of time for making  
9 such application. The director of revenue shall use  
10 reasonable diligence in ascertaining whether the facts  
11 stated in such application are true, and, if satisfied that  
12 the applicant is the lawful owner of such vessel, or  
13 otherwise entitled to have the same registered in his or her  
14 name, shall thereupon issue an appropriate certificate of  
15 title over the director's signature and sealed with the seal  
16 of the director's office, procured and used for such  
17 purpose, and a certificate of number stating the number  
18 awarded to the vessel. The application shall include a  
19 provision stating that the applicant will consent to any  
20 inspection necessary to determine compliance with the  
21 provisions of this chapter and shall be signed by the owner  
22 of the vessel and shall be accompanied by the fee specified  
23 in subsection 10 of this section. The owner shall paint on

24 or attach to each side of the bow of the vessel the  
25 identification number in a manner as may be prescribed by  
26 rules and regulations of the division of water safety in  
27 order that it may be clearly visible. The number shall be  
28 maintained in legible condition. The certificate of number  
29 shall be pocket size and shall be available at all times for  
30 inspection on the vessel for which issued, whenever the  
31 vessel is in operation. The operator of a vessel in which  
32 such certificate of number is not available for inspection  
33 by the water patrol division or, if the operator cannot be  
34 determined, the person who is the registered owner of the  
35 vessel shall be subject to the penalties provided in section  
36 306.210. Vessels owned by the state or a political  
37 subdivision shall be registered but no fee shall be assessed  
38 for such registration.

39 2. Each new vessel sold in this state after January 1,  
40 1970, shall have die stamped on or within three feet of the  
41 transom or stern a factory number or serial number.

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

54 4. In the event that an agency of the United States  
55 government shall have in force an overall system of



56 identification numbering for vessels within the United  
57 States, the numbering system employed pursuant to this  
58 chapter by the department of revenue shall be in conformity  
59 therewith.

60 5. All records of the department of revenue made and  
61 kept pursuant to this section shall be public records.

62 6. **A permanent certificate of number may be issued**  
63 **upon application and payment of three times the fee**  
64 **specified for the vessel under this section and three times**  
65 **any processing fee applicable to a three-year certificate of**  
66 **number for the vessel. Permanent certificates of number**  
67 **shall not be transferred to any other person or vessel, or**  
68 **displayed on any vessel other than the vessel for which it**  
69 **was issued, and shall continue in force and effect until**  
70 **terminated or discontinued in accordance with the provisions**  
71 **of this chapter.** Every **other** certificate of number awarded  
72 pursuant to this chapter shall continue in force and effect  
73 for a period of three years unless sooner terminated or  
74 discontinued in accordance with the provisions of this  
75 chapter. Certificates of number may be renewed by the owner  
76 in the same manner provided for in the initial securing of  
77 the same or in accordance with the provisions of sections  
78 306.010 to 306.030.

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

85 8. When applying for or renewing a vessel's  
86 certificate of number, the owner shall submit a paid  
87 personal property tax receipt for the tax year which

88 immediately precedes the year in which the application is  
 89 made or the year in which the renewal is due and which  
 90 reflects that the vessel being renewed is listed as personal  
 91 property and that all personal property taxes, including  
 92 delinquent taxes from prior years, have been paid, or a  
 93 statement certified by the county or township in which the  
 94 owner's property was assessed showing that the state and  
 95 county tangible personal property taxes for such previous  
 96 tax year and all delinquent taxes due have been paid by the  
 97 applicant or that no such taxes were due.

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

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

113	For vessels under 16 feet in length	\$25.00
114	For vessels at least 16 feet in length	\$55.00
115	but less than 26 feet in length	
116	For vessels at least 26 feet in length	\$100.00
117	but less than 40 feet in length	
118	For vessels at least 40 feet and over	\$150.00

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

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

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

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

          306.221. 1. No person shall operate or otherwise  
2 position a vessel or other object or any person in such  
3 manner as to obstruct or impede the normal flow of traffic  
4 on the waters of this state.

5           2. **No person shall anchor a vessel positioned within**  
6 **one hundred feet of a permitted boat dock on the waters of**

7 this state in a manner that obstructs ingress or egress of  
8 watercraft to or from the dock, unless authorized by the  
9 boat dock permit holder.

10 3. No person shall secure a vessel to or enter upon a  
11 private permitted boat dock on the waters of this state  
12 unless authorized to do so by the boat dock permit holder.  
13 The provisions of this subsection shall not apply during  
14 inclement weather conditions or other emergencies, or  
15 actions taken to prevent an unsecured vessel from becoming a  
16 navigational hazard.

17 4. Any person who violates [subsection 1 of] this  
18 section is guilty [upon the first conviction of a class C  
19 misdemeanor and upon the second and any subsequent  
20 conviction of a class B misdemeanor] **of 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.

**650.125. 1. The provisions of this section shall be  
2 known and may be cited as the "Missouri Cybersecurity Act".**

3 **2. There is hereby established within the department  
4 of public safety the "Missouri Cybersecurity Commission".  
5 The commission shall have as its purpose identifying risk to  
6 and vulnerability of the state and critical infrastructure  
7 with regard to cyber attacks of any nature from within or  
8 outside the United States and advising the governor on such  
9 matters. The commission shall consist of the following  
10 members:**

11 **(1) Eight members to be appointed by the governor, one  
12 from each congressional district, with four members from  
13 each party;**

14 **(2) The state chief information officer as designated  
15 by the governor and commissioner of the office of  
16 administration;**

17 **(3) One representative of the Missouri state highway  
18 patrol, ex officio;**

19           (4) One representative of the state emergency  
20 management agency, *ex officio*; and

21           (5) One representative of the Missouri national guard,  
22 *ex officio*.

23 No more than five of the nine members appointed by the  
24 governor shall be of the same political party. To be  
25 eligible for appointment by the governor, a person shall  
26 have demonstrated expertise in cybersecurity or experience  
27 in a field that directly correlates to a need of the state  
28 relating to cyber defense. The membership of the commission  
29 shall reflect both private sector and public sector  
30 expertise and experience in cybersecurity. Appointed  
31 members of the commission shall serve three-year terms,  
32 except that of the initial appointments made by the  
33 governor, three shall be for one-year terms, three shall be  
34 for two-year terms, and three shall be for three-year  
35 terms. No appointed member of the commission shall serve  
36 more than six years total. Any vacancy on the commission  
37 shall be filled in the same manner as the original  
38 appointment.

39           3. The members of the commission shall serve without  
40 compensation, but shall be reimbursed for the actual and  
41 necessary expenses incurred in the discharge of the members'  
42 official duties.

43           4. A chair of the commission shall be selected by the  
44 members of the commission.

45           5. The department of public safety shall furnish  
46 administrative support and staff for the effective operation  
47 of the commission.

48           6. The commission shall meet at least quarterly and at  
49 such other times as the chair deems necessary.

50           7. The commission shall be funded by an appropriation  
51 limited to that purpose. Any expenditure constituting more  
52 than ten percent of the commission's annual appropriation  
53 shall be based on a competitive bid process.

54           8. The commission shall:

55           (1) Advise the governor on the state of cybersecurity  
56 in the state of Missouri;

57           (2) Solicit data from state agencies, political  
58 subdivisions of the state, public institutions of higher  
59 education, and public schools relating to cybersecurity;

60           (3) Make recommendations to reduce the state's risk of  
61 cyber attack and to identify best practices for the state to  
62 work offensively against cyber threats.

63           9. State agencies, public institutions of higher  
64 education, and public schools shall provide any data  
65 requested by the commission under this section unless such  
66 information is protected from disclosure under chapter 610  
67 or is required to be kept confidential under a code of  
68 ethics from a profession licensed in the state. The  
69 provisions of this section shall not be construed to compel  
70 private sector organizations to provide information or data  
71 to the commission.

72           10. The commission shall prepare and present an annual  
73 report to the governor by December thirty-first of each  
74 year. Any content from the report protected under section  
75 610.021, including any cybersecurity vulnerabilities  
76 identified by the commission, shall be held confidential.

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