

SECOND REGULAR SESSION

SENATE BILL NO. 894

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Read 1st time March 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

6103S.011

AN ACT

To repeal sections 301.020 and 571.101, RSMo, and to enact in lieu thereof two new sections relating to applications for certain licenses and permits, with existing penalty provisions.

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

Section A. Sections 301.020 and 571.101, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 301.020 and 571.101, to read as follows:

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The **applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order**, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer; **and**

(4) **Whether any owner has been issued a concealed carry endorsement under chapter 571.**

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

18 2. If the vehicle is a motor vehicle primarily for business use as defined
19 in section 301.010 and if such vehicle is five years of age or less, the director of
20 revenue shall retain the odometer information provided in the vehicle inspection
21 report, and provide for prompt access to such information, together with the
22 vehicle identification number for the motor vehicle to which such information
23 pertains, for a period of five years after the receipt of such information. This
24 section shall not apply unless:

25 (1) The application for the vehicle's certificate of ownership was submitted
26 after July 1, 1989; and

27 (2) The certificate was issued pursuant to a manufacturer's statement of
28 origin.

29 3. If the vehicle is any motor vehicle other than a motor vehicle primarily
30 for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or
31 any commercial motor vehicle licensed for over twelve thousand pounds and if
32 such motor vehicle is five years of age or less, the director of revenue shall retain
33 the odometer information provided in the vehicle inspection report, and provide
34 for prompt access to such information, together with the vehicle identification
35 number for the motor vehicle to which such information pertains, for a period of
36 five years after the receipt of such information. This subsection shall not apply
37 unless:

38 (1) The application for the vehicle's certificate of ownership was submitted
39 after July 1, 1990; and

40 (2) The certificate was issued pursuant to a manufacturer's statement of
41 origin.

42 4. If the vehicle qualifies as a reconstructed motor vehicle, motor change
43 vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as
44 defined in section 301.010, or prior salvage as referenced in section 301.573, the
45 owner or lienholder shall surrender the certificate of ownership. The owner shall
46 make an application for a new certificate of ownership, pay the required title fee,
47 and obtain the vehicle examination certificate required pursuant to subsection 9
48 of section 301.190. If an insurance company pays a claim on a salvage vehicle as
49 defined in section 301.010 and the owner retains the vehicle, as prior salvage, the
50 vehicle shall only be required to meet the examination requirements under and
51 pursuant to subsection 10 of section 301.190. Notarized bills of sale along with
52 a copy of the front and back of the certificate of ownership for all major
53 component parts installed on the vehicle and invoices for all essential parts which

54 are not defined as major component parts shall accompany the application for a
55 new certificate of ownership. If the vehicle is a specially constructed motor
56 vehicle, as defined in section 301.010, two pictures of the vehicle shall be
57 submitted with the application. If the vehicle is a kit vehicle, the applicant shall
58 submit the invoice and the manufacturer's statement of origin on the kit. If the
59 vehicle requires the issuance of a special number by the director of revenue or a
60 replacement vehicle identification number, the applicant shall submit the
61 required application and application fee. All applications required under this
62 subsection shall be submitted with any applicable taxes which may be due on the
63 purchase of the vehicle or parts. The director of revenue shall appropriately
64 designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std
65 Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all
66 subsequent issues of the certificate of ownership of such vehicle.

67 5. Every insurance company that pays a claim for repair of a motor
68 vehicle which as the result of such repairs becomes a reconstructed motor vehicle
69 as defined in section 301.010 or that pays a claim on a salvage vehicle as defined
70 in section 301.010 and the owner is retaining the vehicle shall in writing notify
71 the owner of the vehicle, and in a first party claim, the lienholder if a lien is in
72 effect, that he is required to surrender the certificate of ownership, and the
73 documents and fees required pursuant to subsection 4 of this section to obtain a
74 prior salvage motor vehicle certificate of ownership or documents and fees as
75 otherwise required by law to obtain a salvage certificate of ownership, from the
76 director of revenue. The insurance company shall within thirty days of the
77 payment of such claims report to the director of revenue the name and address
78 of such owner, the year, make, model, vehicle identification number, and license
79 plate number of the vehicle, and the date of loss and payment.

80 6. Anyone who fails to comply with the requirements of this section shall
81 be guilty of a class B misdemeanor.

82 7. An applicant for registration may make a donation of one dollar to
83 promote a blindness education, screening and treatment program. The director
84 of revenue shall collect the donations and deposit all such donations in the state
85 treasury to the credit of the blindness education, screening and treatment
86 program fund established in section 192.935. Moneys in the blindness education,
87 screening and treatment program fund shall be used solely for the purposes
88 established in section 192.935, except that the department of revenue shall retain
89 no more than one percent for its administrative costs. The donation prescribed

90 in this subsection is voluntary and may be refused by the applicant for
91 registration at the time of issuance or renewal. The director shall inquire of each
92 applicant at the time the applicant presents the completed application to the
93 director whether the applicant is interested in making the one dollar donation
94 prescribed in this subsection.

95 8. An applicant for registration may make a donation of one dollar to
96 promote an organ donor program. The director of revenue shall collect the
97 donations and deposit all such donations in the state treasury to the credit of the
98 organ donor program fund as established in sections 194.297 to 194.304.
99 Moneys in the organ donor fund shall be used solely for the purposes established
100 in sections 194.297 to 194.304, except that the department of revenue shall retain
101 no more than one percent for its administrative costs. The donation prescribed
102 in this subsection is voluntary and may be refused by the applicant for
103 registration at the time of issuance or renewal. The director shall inquire of each
104 applicant at the time the applicant presents the completed application to the
105 director whether the applicant is interested in making the one dollar donation
106 prescribed in this subsection.

571.101. 1. All applicants for concealed carry endorsements issued
2 pursuant to subsection 7 of this section must satisfy the requirements of sections
3 571.101 to 571.121. If the said applicant can show qualification as provided by
4 sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of
5 qualification for a concealed carry endorsement. Upon receipt of such certificate,
6 the certificate holder shall apply for a driver's license or nondriver's license with
7 the director of revenue in order to obtain a concealed carry endorsement. Any
8 person who has been issued a concealed carry endorsement on a driver's license
9 or nondriver's license and such endorsement or license has not been suspended,
10 revoked, cancelled, or denied may carry concealed firearms on or about his or her
11 person or within a vehicle. A concealed carry endorsement shall be valid for a
12 period of three years from the date of issuance or renewal. The concealed carry
13 endorsement is valid throughout this state.

14 2. A certificate of qualification for a concealed carry endorsement issued
15 pursuant to subsection 7 of this section shall be issued by the sheriff or his or her
16 designee of the county or city in which the applicant resides, if the applicant:

17 (1) Is at least twenty-one years of age, is a citizen of the United States
18 and either:

19 (a) Has assumed residency in this state; or

20 (b) Is a member of the armed forces stationed in Missouri, or the spouse
21 of such member of the military;

22 (2) Has not pled guilty to or entered a plea of nolo contendere or been
23 convicted of a crime punishable by imprisonment for a term exceeding one year
24 under the laws of any state or of the United States other than a crime classified
25 as a misdemeanor under the laws of any state and punishable by a term of
26 imprisonment of one year or less that does not involve an explosive weapon,
27 firearm, firearm silencer or gas gun;

28 (3) Has not been convicted of, pled guilty to or entered a plea of nolo
29 contendere to one or more misdemeanor offenses involving crimes of violence
30 within a five-year period immediately preceding application for a certificate of
31 qualification for a concealed carry endorsement or if the applicant has not been
32 convicted of two or more misdemeanor offenses involving driving while under the
33 influence of intoxicating liquor or drugs or the possession or abuse of a controlled
34 substance within a five-year period immediately preceding application for a
35 certificate of qualification for a concealed carry endorsement;

36 (4) Is not a fugitive from justice or currently charged in an information
37 or indictment with the commission of a crime punishable by imprisonment for a
38 term exceeding one year under the laws of any state of the United States other
39 than a crime classified as a misdemeanor under the laws of any state and
40 punishable by a term of imprisonment of two years or less that does not involve
41 an explosive weapon, firearm, firearm silencer, or gas gun;

42 (5) Has not been discharged under dishonorable conditions from the
43 United States armed forces;

44 (6) Has not engaged in a pattern of behavior, documented in public
45 records, that causes the sheriff to have a reasonable belief that the applicant
46 presents a danger to himself or others;

47 (7) Is not adjudged mentally incompetent at the time of application or for
48 five years prior to application, or has not been committed to a mental health
49 facility, as defined in section 632.005, or a similar institution located in another
50 state following a hearing at which the defendant was represented by counsel or
51 a representative;

52 (8) Submits a completed application for a certificate of qualification as
53 described in subsection 3 of this section;

54 (9) Submits an affidavit attesting that the applicant complies with the
55 concealed carry safety training requirement pursuant to subsections 1 and 2 of

56 section 571.111;

57 (10) Is not the respondent of a valid full order of protection which is still
58 in effect.

59 3. The application for a certificate of qualification for a concealed carry
60 endorsement issued by the sheriff of the county of the applicant's residence shall
61 contain only the following information:

62 (1) The applicant's name, address, telephone number, gender, [and] date
63 and place of birth, **and the year, make, model, and vehicle identification**
64 **number of a vehicle owned by the applicant that is registered in**
65 **Missouri;**

66 (2) An affirmation that the applicant has assumed residency in Missouri
67 or is a member of the armed forces stationed in Missouri or the spouse of such a
68 member of the armed forces and is a citizen of the United States;

69 (3) An affirmation that the applicant is at least twenty-one years of age;

70 (4) An affirmation that the applicant has not pled guilty to or been
71 convicted of a crime punishable by imprisonment for a term exceeding one year
72 under the laws of any state or of the United States other than a crime classified
73 as a misdemeanor under the laws of any state and punishable by a term of
74 imprisonment of one year or less that does not involve an explosive weapon,
75 firearm, firearm silencer, or gas gun;

76 (5) An affirmation that the applicant has not been convicted of, pled guilty
77 to, or entered a plea of nolo contendere to one or more misdemeanor offenses
78 involving crimes of violence within a five-year period immediately preceding
79 application for a certificate of qualification to obtain a concealed carry
80 endorsement or if the applicant has not been convicted of two or more
81 misdemeanor offenses involving driving while under the influence of intoxicating
82 liquor or drugs or the possession or abuse of a controlled substance within a
83 five-year period immediately preceding application for a certificate of qualification
84 to obtain a concealed carry endorsement;

85 (6) An affirmation that the applicant is not a fugitive from justice or
86 currently charged in an information or indictment with the commission of a crime
87 punishable by imprisonment for a term exceeding one year under the laws of any
88 state or of the United States other than a crime classified as a misdemeanor
89 under the laws of any state and punishable by a term of imprisonment of two
90 years or less that does not involve an explosive weapon, firearm, firearm silencer
91 or gas gun;

92 (7) An affirmation that the applicant has not been discharged under
93 dishonorable conditions from the United States armed forces;

94 (8) An affirmation that the applicant is not adjudged mentally
95 incompetent at the time of application or for five years prior to application, or has
96 not been committed to a mental health facility, as defined in section 632.005, or
97 a similar institution located in another state, except that a person whose release
98 or discharge from a facility in this state pursuant to chapter 632, or a similar
99 discharge from a facility in another state, occurred more than five years ago
100 without subsequent recommitment may apply;

101 (9) An affirmation that the applicant has received firearms safety training
102 that meets the standards of applicant firearms safety training defined in
103 subsection 1 or 2 of section 571.111;

104 (10) An affirmation that the applicant, to the applicant's best knowledge
105 and belief, is not the respondent of a valid full order of protection which is still
106 in effect; and

107 (11) A conspicuous warning that false statements made by the applicant
108 will result in prosecution for perjury pursuant to the laws of the state of
109 Missouri.

110 4. An application for a certificate of qualification for a concealed carry
111 endorsement shall be made to the sheriff of the county or any city not within a
112 county in which the applicant resides. An application shall be filed in writing,
113 signed under oath and under the penalties of perjury, and shall state whether the
114 applicant complies with each of the requirements specified in subsection 2 of this
115 section. In addition to the completed application, the applicant for a certificate
116 of qualification for a concealed carry endorsement must also submit the following:

117 (1) A photocopy of a firearms safety training certificate of completion or
118 other evidence of completion of a firearms safety training course that meets the
119 standards established in subsection 1 or 2 of section 571.111; and

120 (2) A nonrefundable certificate of qualification fee as provided by
121 subsection 10 or 11 of this section.

122 5. Before an application for a certificate of qualification for a concealed
123 carry endorsement is approved, the sheriff shall make only such inquiries as he
124 or she deems necessary into the accuracy of the statements made in the
125 application. The sheriff may require that the applicant display a Missouri
126 driver's license or nondriver's license or military identification and orders
127 showing the person being stationed in Missouri. In order to determine the

128 applicant's suitability for a certificate of qualification for a concealed carry
129 endorsement, the applicant shall be fingerprinted. The sheriff shall request a
130 criminal background check through the appropriate law enforcement agency
131 within three working days after submission of the properly completed application
132 for a certificate of qualification for a concealed carry endorsement. If no
133 disqualifying record is identified by the fingerprint check at the state level, the
134 fingerprints shall be forwarded to the Federal Bureau of Investigation for a
135 national criminal history record check. Upon receipt of the completed background
136 check, the sheriff shall issue a certificate of qualification for a concealed carry
137 endorsement within three working days. The sheriff shall issue the certificate
138 within forty-five calendar days if the criminal background check has not been
139 received, provided that the sheriff shall revoke any such certificate and
140 endorsement within twenty-four hours of receipt of any background check that
141 results in a disqualifying record, and shall notify the department of revenue.

142 6. The sheriff may refuse to approve an application for a certificate of
143 qualification for a concealed carry endorsement if he or she determines that any
144 of the requirements specified in subsection 2 of this section have not been met,
145 or if he or she has a substantial and demonstrable reason to believe that the
146 applicant has rendered a false statement regarding any of the provisions of
147 sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff
148 is required to deny the application, and notify the applicant in writing, stating
149 the grounds for denial and informing the applicant of the right to submit, within
150 thirty days, any additional documentation relating to the grounds of the
151 denial. Upon receiving any additional documentation, the sheriff shall reconsider
152 his or her decision and inform the applicant within thirty days of the result of the
153 reconsideration. The applicant shall further be informed in writing of the right
154 to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section
155 571.114. After two additional reviews and denials by the sheriff, the person
156 submitting the application shall appeal the denial pursuant to subsections 2, 3,
157 4, and 5 of section 571.114.

158 7. If the application is approved, the sheriff shall issue a certificate of
159 qualification for a concealed carry endorsement to the applicant within a period
160 not to exceed three working days after his or her approval of the application. The
161 applicant shall sign the certificate of qualification in the presence of the sheriff
162 or his or her designee and shall within seven days of receipt of the certificate of
163 qualification take the certificate of qualification to the department of

164 revenue. Upon verification of the certificate of qualification and completion of a
165 driver's license or nondriver's license application pursuant to chapter 302, the
166 director of revenue shall issue a new driver's license or nondriver's license with
167 an endorsement which identifies that the applicant has received a certificate of
168 qualification to carry concealed weapons issued pursuant to sections 571.101 to
169 571.121 if the applicant is otherwise qualified to receive such driver's license or
170 nondriver's license. Notwithstanding any other provision of chapter 302, a
171 nondriver's license with a concealed carry endorsement shall expire three years
172 from the date the certificate of qualification was issued pursuant to this
173 section. The requirements for the director of revenue to issue a concealed carry
174 endorsement pursuant to this subsection shall not be effective until July 1, 2004,
175 and the certificate of qualification issued by a county sheriff pursuant to
176 subsection 1 of this section shall allow the person issued such certificate to carry
177 a concealed weapon pursuant to the requirements of subsection 1 of section
178 571.107 in lieu of the concealed carry endorsement issued by the director of
179 revenue from October 11, 2003, until the concealed carry endorsement is issued
180 by the director of revenue on or after July 1, 2004, unless such certificate of
181 qualification has been suspended or revoked for cause.

182 8. The sheriff shall keep a record of all applications for a certificate of
183 qualification for a concealed carry endorsement and his or her action
184 thereon. The sheriff shall report the issuance of a certificate of qualification to
185 the Missouri uniform law enforcement system. All information on any such
186 certificate that is protected information on any driver's or nondriver's license
187 shall have the same personal protection for purposes of sections 571.101 to
188 571.121. An applicant's status as a holder of a certificate of qualification or a
189 concealed carry endorsement shall not be public information and shall be
190 considered personal protected information. Any person who violates the
191 provisions of this subsection by disclosing protected information shall be guilty
192 of a class A misdemeanor.

193 9. Information regarding any holder of a certificate of qualification or a
194 concealed carry endorsement is a closed record.

195 10. For processing an application for a certificate of qualification for a
196 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff
197 in each county shall charge a nonrefundable fee not to exceed one hundred dollars
198 which shall be paid to the treasury of the county to the credit of the sheriff's
199 revolving fund.

200 11. For processing a renewal for a certificate of qualification for a
201 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff
202 in each county shall charge a nonrefundable fee not to exceed fifty dollars which
203 shall be paid to the treasury of the county to the credit of the sheriff's revolving
204 fund.

205 12. For the purposes of sections 571.101 to 571.121, the term "sheriff"
206 shall include the sheriff of any county or city not within a county or his or her
207 designee and in counties of the first classification the sheriff may designate the
208 chief of police of any city, town, or municipality within such county.

Unofficial ✓

Bill

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