

## SS SCS HB 487 -- MOTOR VEHICLES

This bill changes the laws regarding titling and registration of motor vehicles and the licensing of drivers.

### MISSOURI CAPITOL POLICE

The bill adds Missouri Capitol Police vehicles to the definition of "emergency vehicle" for purposes of the provisions of law regarding yielding the right-of-way and authorizes Capitol Police officers to investigate and arrest a person anywhere in Cole County when there is probable cause to believe the person committed a crime within their jurisdiction.

### SCHOOL BUS DRIVERS

School districts will be responsible for conducting criminal background checks for their school bus drivers. A driver may continue to operate a school bus pending the results of the background check. The Department of Revenue will no longer be responsible for obtaining criminal background checks or for collecting fingerprints from school bus drivers. The bill provides that each school district must annually have on file a statement from a medical examiner which indicates that the driver is physically qualified to operate a school bus for the purpose of transporting students. For new drivers, the statement must be on file prior to the driver's initial operation of a school bus. This provision applies to drivers employed or under contract with the school district. Each school district will annually provide at least eight hours of special instruction in school bus driving to each school bus driver employed or under contract with the school district. School bus examinations for drivers 70 years of age or older must be completed annually. An out-of-state resident will be exempt from Missouri's school bus endorsement requirements if the person possesses a valid driver's license and a school bus endorsement from his or her state of residence.

These provisions contain an emergency clause.

### FEE OFFICES

A fee office may charge \$2.50 for instruction permits, nondriver licenses, chauffeur licenses, and driver licenses issued for three years or less and \$5.00 for licenses or instruction permits exceeding three years. Currently, a fee office is allowed to impose a \$5.00 fee regardless of the length of the license.

### CREDIT FOR TRADE-INS

The bill specifies that a bill of sale which a person must submit

to the Department of Revenue to claim a trade-in sales tax exemption does not have to be notarized.

#### SALVAGE VEHICLES

If an insurance company pays a claim on a salvage vehicle and the insured is retaining ownership of the vehicle as prior salvage, the bill specifies that the vehicle will not be subject to the State Highway Patrol's examination in order to obtain a title.

#### PROOF OF PAYMENT OF PERSONAL PROPERTY TAXES

An applicant for a motor vehicle registration is allowed to prove payment of personal property taxes by submitting a statement certified by a county or township collector for the previous year that no taxes were assessed or due and the applicant has no unpaid taxes on the collector's tax roll for any subsequent year.

#### LICENSE PLATE DESIGN ADVISORY COMMITTEE

Currently, the License Plate Design Advisory Committee must meet prior to April 1, 2006, to develop a new license plate with the final design due on that date. The bill changes the deadline to January 1, 2008.

#### LICENSE PLATE TABS AND LICENSE PLATE REISSUANCE

Currently, the Department of Revenue must issue license plate tabs that include information to assure that the tabs match the plates by January 1, 2009. The bill changes this date to January 1, 2011.

Currently, new license plates are to be reissued between January 1, 2007, and December 31, 2009. The new reissuance period will be between January 1, 2010, and December 31, 2012. The Department of Corrections will no longer maintain tabs beginning January 1, 2011, instead of January 1, 2009.

#### REPOSSESSED TITLES

Currently, in order to obtain a repossessed title, a lienholder must submit an application describing the repossessed vehicle, an affidavit stating that the debtor defaulted, and a copy of the security agreement. Under the bill, the lienholder is not required to submit a copy of the security agreement but must state in the affidavit that the lienholder has obtained written consent of all lienholders of record to repossess the vehicle or has provided all lienholders with written notice of the repossession. The lienholder must also give the owner and lienholders a 10-day written notice that an application for a repossessed title will be made. Currently, if the application is

not accompanied by the written consent of lienholders, the Department of Revenue will not issue a repossessed title without first providing the parties with 10 days' notice. The bill places the burden upon the repossessing lienholder to notify the parties that the lienholder is seeking a repossessed title.

#### MOTOR VEHICLE TRANSACTIONS WITHOUT CONTEMPORANEOUS EXCHANGE OF TITLE

The bill allows a motor vehicle dealer to purchase, or accept as a trade in and later sell, a motor vehicle without a title from a seller under certain conditions. A vehicle dealer may obtain a duplicate or replacement title in the owner's name if the title has been lost, stolen, mutilated, or destroyed and is not available for assignment. The application to the Department of Revenue for the duplicate or replacement title must be accompanied by the executed power of attorney, or a copy, and the application will contain the appropriate mailing address of the dealer. Currently, only the lawful holder of the title may obtain a duplicate or replacement title.

A dealer may purchase, or accept as a trade in, a vehicle without a title and the sale or trade will be considered final if the seller provides the dealer:

- (1) A signed written contract between the licensed dealer and the owner of the vehicle;
- (2) The physical delivery of the vehicle to the licensed dealer; and
- (3) A power of attorney from the owner to the licensed dealer authorizing the licensed dealer to obtain a duplicate or replacement title in the owner's name and sign any title assignments on the owner's behalf.

If a licensed dealer purchases the vehicle from the seller in conformance with the bill, the licensed dealer may sell the vehicle prior to receiving and assigning to the purchaser the certificate of title. The sale of the vehicle to the purchaser will be considered final if:

- (1) All outstanding liens created on the vehicle have been paid in full;
- (2) The dealer has obtained proof or other evidence from the Department of Revenue confirming that no outstanding child support liens exist upon the vehicle at the time of sale;
- (3) The dealer has obtained proof or other evidence from the

department confirming that all applicable state sales tax has been satisfied on the sale of the vehicle to the owner; and

(4) The dealer has signed and submitted an application for duplicate or replacement title for the vehicle.

A licensed dealer will, within five business days of obtaining a vehicle without a title, apply for a duplicate or replacement title. Upon receipt of a duplicate or replacement title, the dealer must assign and deliver the certificate of title to the purchaser of the vehicle within five business days.

If the dealer fails to comply with the provisions of the bill, the dealer will be liable to the purchaser for actual damages, plus court costs and reasonable attorney fees. If the dealer fails to assign and deliver the duplicate or replacement certificate of title to the purchaser, the purchaser may deliver to the department director a copy of the contract for sale of the vehicle and a copy of the application provided by the dealer. The director must notify the dealer that any prior certificate of title issued to the dealer on the vehicle will be canceled and a certificate of title will be issued in the name of the purchaser, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle. The dealer, within 10 business days from the date of the notice, must file a written objection to the director who will not take any further action without an order from a court of competent jurisdiction. However, if the dealer does not timely file a written objection, the director will cancel the prior certificate of title issued to the dealer and issue a certificate of title to the purchaser of the vehicle, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle.

If a seller fraudulently misrepresents to the dealer that he or she is the owner of the vehicle, the seller will be liable to the dealer or subsequent purchaser for any damages resulting from the misrepresentation. Prior to seeking court costs or attorney fees authorized under the bill, the aggrieved party must deliver an itemized written demand of its actual damages to the party from whom damages are sought and the party from whom damages are sought has not satisfied the written demand within 30 days after its receipt.

#### DRIVER LICENSES

The bill clarifies the laws regarding the issuance of a six-year and a three-year driver license, the respective fees, and the expiration on the applicant's birthday unless licensed for a shorter period due to other requirements of law. A commercial driver's license (CDL) issued to a 21 to 69-year-old individual will expire on the sixth year after issuance unless it must be

issued for a shorter period due to other requirements of law or for the staggering of work. For an individual younger than 18 years of age or for a person 70 years of age or older, the license will expire the third year after issuance unless it must be issued for a shorter period due to other requirements of law. A CDL containing some hazardous materials endorsement issued to a person 70 years of age or older will not be issued for a period exceeding three years.

These provisions contain an emergency clause.

#### JURISDICTION OF REGIONAL TAXICAB COMMISSION

The Regional Taxicab Commission is allowed to exercise jurisdiction over any person who engages in the business of transporting passengers in commerce, wholly within the regional taxicab district, in any motor vehicle designed or used to transport not more than eight passengers including the driver. The jurisdiction of the commission will not apply to:

- (1) Operators who are required to be licensed, supervised, and regulated by the Highways and Transportation Commission including motor vehicles transporting passengers within the district in interstate commerce and are subject to the powers of the Highways and Transportation Commission;
- (2) Motor vehicles that are operated exclusively by not-for-profit corporations or governmental entities, whose operations within the regional taxicab district are subsidized, wholly or in part, with federal or state funding; and
- (3) Vehicles that transport one or more passengers upon the public highways in a continuous journey from a place within the regional taxicab district to a destination outside the district or from a place outside the district to a destination within the district, either with or without a return trip to the point of origin.

Every person, partnership, or corporation who becomes subject to the jurisdiction of the Regional Taxicab Commission which was previously under the jurisdiction, through permit or certificate, of the Highways and Transportation Commission is deemed to be licensed, permitted, and authorized by the Regional Taxicab Commission; and the vehicles and drivers used by the motor carriers are deemed to be licensed, permitted, and authorized by the Regional Taxicab Commission to operate and engage in the transportation of passengers within the regional taxicab district to the same extent as they were licensed, permitted, and authorized by the Highways and Transportation Commission on August 27, 2005. Motor carriers, drivers, and vehicles are exempt from applying for any license, certificate, permit, or

other credential issued or required by the Regional Taxicab Commission, except that the Regional Taxicab Commission may after December 31, 2005, require motor carriers and drivers to apply and pay the regular fees for annual renewals of licenses, permits, certificates, or other credentials, pursuant to uniform requirements applicable to all motor carriers, vehicles, and drivers operating within the regional taxicab district.

These provisions contain an emergency clause.

#### MOTOR VEHICLE DEALER ADVERTISEMENTS

The bill allows motor vehicle dealers, when advertising by broadcast or print media, to provide disclaimers and disclosures by referring to an Internet web page or a toll-free number containing the information required to be disclosed by law.