

SECOND REGULAR SESSION

HOUSE BILL NO. 2151

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MEINERS.

Read 1st time March 31, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5645L.01I

AN ACT

To repeal sections 301.120, 301.130, and 301.144, RSMo, and to enact in lieu thereof three new sections relating to license plates.

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

Section A. Sections 301.120, 301.130, and 301.144, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 301.120, 301.130, and 301.144, to read as follows:

301.120. **1.** When the owner of a motor vehicle moves the vehicle to another state, [he] **the owner** shall return the license **plate or** plates to the director of revenue within ninety days or upon the expiration of the period of reciprocity granted by the new state of residence; or if the owner of a motor vehicle ceases to operate the vehicle in Missouri, [he] **the owner** shall return the license **plate or** plates to the director of revenue within ninety days.

2. For motor vehicles that require the issuance of only one license plate under section 301.130 after the effective date of this section, an owner whose motor vehicle has a front license plate on the effective date of this section shall surrender the front license plate to the department of revenue at the next renewal of registration for the motor vehicle.

301.130. 1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and [a set of license plates] **one license plate**, or other evidence of registration, as provided by this section, **except that a set of license plates shall be issued in the case of**

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

6 **personalized and specialty license plates.** Each [set of license plates] **license plate** shall bear
7 the name or abbreviated name of this state, the words "SHOW-ME STATE", the month and year
8 in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall
9 be assigned from year to year by the director of revenue. [The plates] **Each plate** shall also
10 contain fully reflective material with a common color scheme and design for each type of license
11 plate issued pursuant to this chapter. [The plates] **Each plate** shall be clearly visible at night,
12 and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the
13 "DISABLED VETERAN" wording on the license [plates] **plate** in preference to the words
14 "SHOW-ME STATE" and special plates for members of the national guard will have the
15 "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

16 2. The arrangement of letters and numbers of license plates shall be uniform throughout
17 each classification of registration. The director may provide for the arrangement of the numbers
18 in groups or otherwise, and for other distinguishing marks on the plates.

19 3. All property-carrying commercial motor vehicles to be registered at a gross weight in
20 excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local
21 transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and
22 driveaway vehicles shall be registered with the director of revenue as provided for in subsection
23 3 of section 301.030, or with the state highways and transportation commission as otherwise
24 provided in this chapter, [but] **and** only one license plate shall be issued for each such vehicle
25 [except as provided in this subsection. The applicant for registration of any property-carrying
26 commercial motor vehicle may request and be issued two license plates for such vehicle, and if
27 such plates are issued the director of revenue may assess and collect an additional charge from
28 the applicant in an amount not to exceed the fee prescribed for personalized license plates in
29 subsection 1 of section 301.144].

30 4. The plates issued to manufacturers and dealers shall bear the letter "D" preceding the
31 number, and the director may place upon the plates other letters or marks to distinguish
32 commercial motor vehicles and trailers and other types of motor vehicles.

33 5. No motor vehicle or trailer shall be operated on any highway of this state unless it
34 shall have displayed thereon the license plate [or set of license plates] issued by the director of
35 revenue or the state highways and transportation commission and authorized by section 301.140.
36 Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts
37 thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not
38 impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck
39 tractors or truck-tractors licensed in excess of twelve thousand pounds on the [front and] rear of
40 such vehicles not less than eight nor more than forty-eight inches above the ground, with the
41 letters and numbers thereon right side up. The license plates on trailers, motorcycles,

42 motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters
43 and numbers thereon right side up. The license plate on buses, other than school buses, and on
44 trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall
45 be displayed on the front of such vehicles not less than eight nor more than forty-eight inches
46 above the ground, with the letters and numbers thereon right side up [or if two plates are issued
47 for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front
48 and rear of such vehicles]. The license plate [or plates] authorized by section 301.140, when
49 properly attached, shall be prima facie evidence that the required fees have been paid.

50 6. (1) The director of revenue shall issue annually or biennially a tab [or set of tabs] as
51 provided by law as evidence of the annual payment of registration fees and the current
52 registration of a vehicle in lieu of the [set of plates] **plate**. Beginning January 1, 2010, the
53 director may prescribe any additional information recorded on the tab [or tabs] to ensure that the
54 tab [or tabs] positively correlate with the license plate [or plates] issued by the department of
55 revenue for such vehicle. Such tabs shall be produced in each license bureau office.

56 (2) The vehicle owner to whom a tab [or set of tabs] is issued shall affix and display such
57 tab [or tabs] in the designated area of the license plate, no more than one per plate.

58 (3) A tab [or set of tabs] issued by the director of revenue when attached to a vehicle in
59 the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has
60 been paid.

61 (4) Except as otherwise provided in this section, the director of revenue shall issue plates
62 for a period of at least six years.

63 (5) For those commercial motor vehicles and trailers registered pursuant to section
64 301.041, the plate issued by the highways and transportation commission shall be a permanent
65 nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve
66 the owner of any vehicle permanently registered pursuant to this section from the obligation to
67 pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall
68 be returned to the highways and transportation commission upon the sale or disposal of the
69 vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may
70 be transferred to a replacement commercial motor vehicle when the owner files a supplemental
71 application with the Missouri highways and transportation commission for the registration of
72 such replacement commercial motor vehicle. Upon payment of the annual registration fee, the
73 highways and transportation commission shall issue a certificate of registration or other suitable
74 evidence of payment of the annual fee, and such evidence of payment shall be carried at all times
75 in the vehicle for which it is issued.

76 (6) Upon the sale or disposal of any vehicle permanently registered under this section,
77 or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued

78 for such vehicle shall be returned to the highways and transportation commission and shall not
79 be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle
80 when the owner files a supplemental application with the Missouri highways and transportation
81 commission for the registration of such replacement vehicle. If a vehicle which is permanently
82 registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated,
83 the registrant shall be given credit for any unused portion of the annual registration fee when the
84 vehicle is replaced by the purchase or lease of another vehicle during the registration year.

85 7. The director of revenue and the highways and transportation commission may
86 prescribe rules and regulations for the effective administration of this section. No rule or portion
87 of a rule promulgated under the authority of this section shall become effective unless it has been
88 promulgated pursuant to the provisions of section 536.024, RSMo.

89 8. Notwithstanding the provisions of any other law to the contrary, owners of motor
90 vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess
91 of eighteen thousand pounds gross weight may apply for special personalized license plates.
92 Vehicles licensed for eighteen thousand pounds that display special personalized license plates
93 shall be subject to the provisions of subsections 1 and 2 of section 301.030.

94 9. Commencing January 1, 2009, the director of revenue shall cause to be reissued new
95 license plates of such design as directed by the director consistent with the terms, conditions, and
96 provisions of this section and this chapter. Except as otherwise provided in this section, in
97 addition to all other fees required by law, applicants for registration of vehicles with license
98 plates that expire between January 1, 2009, and December 31, 2011, applicants for registration
99 of trailers or semitrailers with license plates that expire between January 1, 2009, and December
100 31, 2011, and applicants for registration of vehicles that are to be issued new license plates shall
101 pay an additional fee, based on the actual cost of the reissuance, to cover the cost of the newly
102 reissued plates required by this subsection. The additional fee prescribed in this subsection shall
103 not be charged to persons receiving special license plates issued under section 301.073 or
104 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and
105 specialized license plates are exempt from the provisions of this subsection.

106 **10. The provisions of this section regarding the issuance of only one license plate**
107 **for a motor vehicle shall not apply to the issuance of personalized or specialty license**
108 **plates.**

109 **11. For motor vehicles that require the issuance of only one license plate under this**
110 **section, an owner whose motor vehicle has a front license plate on the effective date of this**
111 **section shall surrender the front license plate to the department of revenue at the next**
112 **renewal of registration for the motor vehicle or submit a statement explaining that the**
113 **plate is lost, stolen, mutilated, or destroyed.**

301.144. 1. The director of revenue shall establish and issue special personalized license plates containing letters or numbers or combinations of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Any person desiring to obtain a special personalized license plate for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight shall apply to the director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in addition to the regular registration fees. The director of revenue shall issue rules and regulations setting the standards and establishing the procedure for application for and issuance of the special personalized license plates and shall provide a deadline each year for the applications. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. No two owners shall be issued identical plates. An owner shall make a new application and pay a new fee each year such owner desires to obtain or retain special personalized license plates; however, notwithstanding the provisions of subsection 8 of section 301.130 to the contrary, the director shall allow the special personalized license plates to be replaced with new plates every three years without any additional charge, above the fee established in this section, to the renewal applicant. Any person currently in possession of an approved personalized license plate shall have first priority on that particular plate for each of the following years that timely and appropriate application is made.

2. Upon application for a personalized plate by the owner of a motor vehicle for which the owner has no registration plate available for transfer as prescribed by section 301.140, the director shall issue a temporary permit authorizing the operation of the motor vehicle until the personalized plate is issued.

3. No personalized license plates shall be issued containing any letters, numbers or combination of letters and numbers which are obscene, profane, patently offensive or contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present an unreasonable danger to the health or safety of the applicant, of other users of streets and highways, or of the public in any location where the vehicle with such a plate may be found. The director may recall any personalized license plates, including those issued prior to August 28,

37 1992, if the director determines that the plates are obscene, profane, patently offensive or
38 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
39 an unreasonable danger to the health or safety of the applicant, of other users of streets and
40 highways, or of the public in any location where the vehicle with such a plate may be found.
41 Where the director recalls such plates pursuant to the provisions of this subsection, the director
42 shall reissue personalized license plates to the owner of the motor vehicle for which they were
43 issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the
44 standards established pursuant to this section. The director shall not apply the provisions of this
45 statute in a way that violates the Missouri or United States Constitutions as interpreted by the
46 courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle
47 licence plates is to identify motor vehicles. Nothing in the issuance of a personalized license
48 plate creates a designated or limited public forum. Nothing contained in this subsection shall be
49 interpreted to prohibit the use of license plates, which are no longer valid for registration
50 purposes, as collector's items or for decorative purposes.

51 4. The director may also establish categories of special license plates from which license
52 plates may be issued. Any such person, other than a person exempted from the additional fee
53 pursuant to subsection 7 of this section, that desires a personalized special license plate from any
54 such category shall pay the same additional fee and make the same kind of application as that
55 required by subsection 1 of this section, and the director shall issue such plates in the same
56 manner as other personalized special license plates are issued.

57 5. The director of revenue shall issue to residents of the state of Missouri who hold an
58 unrevoked and unexpired official amateur radio license issued by the Federal Communications
59 Commission, upon application and upon payment of the additional fee specified in subsection
60 1 of this section, except for a person exempted from the additional fee pursuant to subsection 7
61 of this section, personalized special license plates bearing the official amateur radio call letters
62 assigned by the Federal Communications Commission to the applicant with the words
63 "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The application shall be
64 accompanied by a statement stating that the applicant has an unrevoked and unexpired amateur
65 radio license issued by the Federal Communications Commission and the official radio call
66 letters assigned by the Federal Communications Commission to the applicant. An owner making
67 a new application and paying a new fee to retain an amateur radio plate may request a
68 replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME
69 STATE". If application is made to retain a plate that is three years old or older, the replacement
70 plate shall be issued upon the payment of required fees.

71 6. Notwithstanding any other provision to the contrary, any business that repossesses
72 motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard

73 displaying the word "Repossessed", provided such business pays the fees presently required of
74 a manufacturer, distributor, or dealer in subsection 1 of section 301.253. Such placard shall bear
75 a number and shall be in such form as the director of revenue shall determine, and shall be only
76 used for demonstrations when displayed substantially as provided for number plates on the rear
77 of the motor vehicle or trailer.

78 7. Notwithstanding any provision of law to the contrary, any person who has retired from
79 any branch of the United States armed forces or reserves, the United States Coast Guard or
80 reserve, the United States Merchant Marines or reserve, the National Guard, or any subdivision
81 of any such services shall be exempt from the additional fee required for personalized license
82 plates issued pursuant to section 301.441. As used in this subsection, "retired" means having
83 served twenty or more years in the appropriate branch of service and having received an
84 honorable discharge.

85 **8. The provisions of section 301.130 regarding the issuance of only one license plate**
86 **for a motor vehicle shall not apply to personalized or specialty license plates issued under**
87 **this section.**

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