

FIRST REGULAR SESSION

# HOUSE BILL NO. 167

## 94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOSKINS.

Pre-filed December 19, 2006 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0657L.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Section A. Sections 301.120, 301.130, and 301.144, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 301.120, 301.130, and 301.144, to read as follows: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. Each [set of license plates] **license plate** shall bear the name or

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

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

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

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

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

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

49       6. (1) The director of revenue shall issue annually or biennially a tab [or set of tabs] as  
50 provided by law as evidence of the annual payment of registration fees and the current  
51 registration of a vehicle in lieu of the [set of plates] **plate**. Beginning January 1, 2010, the  
52 director may prescribe any additional information recorded on the tab [or tabs] to ensure that the  
53 tab [or tabs] positively correlate with the license plate [or plates] issued by the department of  
54 revenue for such vehicle. Such tabs shall be produced in each license bureau office.

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

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

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

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

75       (6) Upon the sale or disposal of any vehicle permanently registered under this section,  
76 or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued  
77 for such vehicle shall be returned to the highways and transportation commission and shall not

78 be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle  
79 when the owner files a supplemental application with the Missouri highways and transportation  
80 commission for the registration of such replacement vehicle. If a vehicle which is permanently  
81 registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated,  
82 the registrant shall be given credit for any unused portion of the annual registration fee when the  
83 vehicle is replaced by the purchase or lease of another vehicle during the registration year.

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

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

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

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

301.144. 1. The director of revenue shall establish and issue special personalized license  
2 plates containing letters or numbers or combinations of letters and numbers. Such license plates  
3 shall be made with fully reflective material with a common color scheme and design, shall be  
4 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.  
5 Any person desiring to obtain a special personalized license plate for any motor vehicle the  
6 person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial  
7 motor vehicle licensed in excess of eighteen thousand pounds gross weight shall apply to the

8 director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in  
9 addition to the regular registration fees. The director of revenue shall issue rules and regulations  
10 setting the standards and establishing the procedure for application for and issuance of the special  
11 personalized license plates and shall provide a deadline each year for the applications. Any rule  
12 or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the  
13 authority delegated in this section shall become effective only if it complies with and is subject  
14 to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This  
15 section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the  
16 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to  
17 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
18 authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. No  
19 two owners shall be issued identical plates. An owner shall make a new application and pay a  
20 new fee each year such owner desires to obtain or retain special personalized license plates;  
21 however, notwithstanding the provisions of subsection 8 of section 301.130 to the contrary, the  
22 director shall allow the special personalized license plates to be replaced with new plates every  
23 three years without any additional charge, above the fee established in this section, to the renewal  
24 applicant. Any person currently in possession of an approved personalized license plate shall  
25 have first priority on that particular plate for each of the following years that timely and  
26 appropriate application is made.

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

31       3. No personalized license plates shall be issued containing any letters, numbers or  
32 combination of letters and numbers which are obscene, profane, patently offensive or  
33 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present  
34 an unreasonable danger to the health or safety of the applicant, of other users of streets and  
35 highways, or of the public in any location where the vehicle with such a plate may be found. The  
36 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

standards established pursuant to this section. The director shall not apply the provisions of this statute in a way that violates the Missouri or United States Constitutions as interpreted by the courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle licence plates is to identify motor vehicles. Nothing in the issuance of a personalized license plate creates a designated or limited public forum. Nothing contained in this subsection shall be interpreted to prohibit the use of license plates, which are no longer valid for registration purposes, as collector's items or for decorative purposes.

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

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

6. Notwithstanding any other provision to the contrary, any business that repossesses motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard displaying the word "Repossessed", provided such business pays the fees presently required of a manufacturer, distributor, or dealer in subsection 1 of section 301.253. Such placard shall bear a number and shall be in such form as the director of revenue shall determine, and shall be only used for demonstrations when displayed substantially as provided for number plates on the rear of the motor vehicle or trailer.

7. Notwithstanding any provision of law to the contrary, any person who has retired from 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 license plates issued under this section.**

✓