

CCS HCS SCS SB 82 -- MOTOR VEHICLES

This bill changes the laws regarding motor vehicles.

TEMPORARY PERMITS

The bill removes references to the terms "plate" and "paper plate" from the temporary permit provision. The provision which requires the issuance of temporary permits to nonresidents is repealed.

IN TRANSIT PLACARDS

The provision which requires dealers to use an "In Transit" placard when moving a motor vehicle from one dealer to another or from the manufacturer is repealed.

OUT-OF-STATE CERTIFICATES OF OWNERSHIP

The absence of a prior designation on an out-of-state title that the vehicle is a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle will not relieve the transferor from exercising due diligence regarding the title prior to its transfer. If the transferor does this, he or she will not be liable even if the title was not properly designated.

SALES BY DEALERS

Dealers are required to have a certificate of ownership or proof that the dealer has applied for a certificate of ownership or that a prior lien has been satisfied by the dealer for every motor vehicle in the dealer's possession.

MOTOR VEHICLE DEALERS

Any motor vehicle dealer licensed before August 28, 2007, is required to sell six or more motor vehicles annually to continue to be eligible for licensure as a motor vehicle dealer if the dealer can prove that the business sold six or more vehicles per year in the preceding 24 months. If the dealer has been in business for less than 24 months, the sales must equal one for every two months that the dealer has been in business before August 28, 2007. Any licensed motor vehicle dealer failing to meet the minimum sales requirements will not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period must meet the six sales per year requirement.

The bill makes it unlawful for a person to sell six or more,

instead of the current seven or more, motor vehicles in a calendar year unless the person is licensed or meets other specified exceptions. The sale of six or more vehicles within a calendar year by a person without a license is considered as acting as a motor vehicle dealer without a license.

BONA FIDE ESTABLISHED PLACES OF BUSINESS

Motor vehicle dealer applications are required to include an annual certification that the applicant has a bona fide established place of business for the first three years and only every other year thereafter. A bona fide established place of business for any motor vehicle dealer, used motor vehicle dealer, powersport dealer, boat dealer, wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction, in addition to other current legal requirements, must be a permanent enclosed commercial building, which sells, barter, trades, services, or exchanges motor vehicles, boats, personal watercraft, or trailers. The photograph that accompanies a dealer application must not be any smaller than five by seven inches. Any dealer selling only emergency vehicles is exempt from having to maintain a bona fide place of business and the requirements for law enforcement certification and minimum yearly sales.

PROOF OF INSURANCE

Every applicant for a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, a trailer dealer, or a boat dealer must furnish a copy of a current dealer garage policy with the policy number and name of the insurer and the insured at the time of application.

ISSUANCE OF DEALER NUMBER PLATES

The Department of Revenue must issue to any new motor vehicle manufacturer and other dealers one distinctive dealer plate and may issue two additional number plates. The fee for the two additional number plates is \$21. The number of additional plates a new motor vehicle manufacturer may hold will be limited to no more than 347. New and used dealers are limited to one additional plate or certificate of number per 10-unit qualified transactions annually. New and used recreational vehicle dealers are limited to two additional plates or certificates of number per 10-unit qualified transactions annually for the first 50 transactions and one additional plate or certificate of number per 10-unit qualified transactions thereafter. Wholesale and public auctions will be issued a certificate of dealer registration in lieu of a dealer number plate. In order for a dealer to obtain number plates or certificates, a dealer must submit to the Department of Revenue a statement certifying, under

penalty of perjury, the dealer's number of sales during the period of July 1 to June 30.

USED MOTOR VEHICLE DEALER EDUCATIONAL SEMINARS

Public auto auctions and applicants currently holding a new or used dealer's license for a separate dealership will not be required to show proof of completing an educational seminar when applying for a used motor vehicle dealer's license. Current new motor vehicle franchise dealers and motor vehicle leasing agencies will not be subject to the educational seminar requirements.

MOTOR VEHICLE SHOWS

Motor vehicle dealers may participate in no more than two motor vehicle shows annually away from the dealer's licensed place of business if the event is conducted for not more than five consecutive days and the event does not require the dealer to pay an unreasonably prohibitive participation fee. If any show or sale includes a class of dealers or franchised new vehicle line-make that is also represented by a same class dealer or a dealer representing the same line-make outside the city or town limits and is within 10 miles of where the show or sale is to take place, the dealer outside the city or town limits must be invited to participate in the show or sale. The bill shortens the duration of off-site sales to five days instead of 10 days and increases the permit fee for off-site sales from \$250 to \$550. An out-of-state recreational vehicle show promoter may hold recreational vehicle shows within the state under certain conditions.

ADVERTISING STANDARDS

The terms "invoice price" and "\$....below/over invoice" cannot be used in advertisements as is currently allowed, and the prohibition on advertisements that offer to match or better a competitor's price is removed.

SALVAGE VEHICLES

The definition of "salvage vehicle" is revised to include a later model year vehicle that is damaged during a year no more than six years after the manufacturer's model year designation which is damaged to the extent that the total cost of repairs to rebuild it exceeds 80% of the value of the vehicle prior to it being damaged. In determining salvage value, the total cost of repairs cannot include the cost of repairing hail damage. The bill also requires purchasers of salvage vehicles no more than six years past the manufacturer's model year designation to apply for a

salvage title. On any salvage vehicle purchased during a year more than six years past the manufacturer's model year designation, the application for a salvage title is optional.

MOTOR VEHICLE FRANCHISE PRACTICES ACT

The definition for "motor vehicle" contained in the Motor Vehicle Franchise Practices Act is revised to include any engine, transmission, or rear axle that is manufactured for installation in any vehicle with a gross vehicle weight rating over 16,000 pounds, regardless of whether the part is attached to a vehicle chassis.

RENTAL VEHICLES

Currently, any additional charges other than the sales tax which customers must pay when renting a vehicle must be clearly disclosed in the advertised price. The bill requires that the additional charges must be clearly disclosed on the rental agreement. When a rental rate is advertised, the maximum daily amount of additional charges must also be quoted.

EMERGENCY VEHICLES

Currently, drivers must yield the right-of-way upon the immediate approach of certain emergency vehicles with an audible siren or with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of 500 feet or a flashing blue light as authorized by Section 307.175, RSMo. The bill adds any vehicle operated by a conservation agent as an emergency vehicle for which drivers must yield the right-of-way.

MOTOR VEHICLE LIENS

A lienholder is required to release a motor vehicle lien within five business days after the lien has been satisfied. Currently, a lienholder has 10 business days. A lienholder must also notify the department within five business days after the release if the certificate of ownership is in its possession. Any lienholder who fails to timely release a satisfied lien is subject to a fine of up to \$2,500 depending on the number of days of noncompliance.

DISTINCTIVE DEALER PLATES

The bill creates the dealer license number designations of RV-0 through RV-9999 for new and used recreational vehicles. The commercial motor vehicle designation for plates D-1000 through D-1999 has been changed for use by new motorcycle franchise dealers and powersport dealers. The bill expands the number of dealer plates for wholesale motor vehicle dealers and boat

dealers.

DRIVEAWAY SADDLEMOUNT COMBINATIONS

The maximum length for a driveaway saddlemount combination is increased from 75 feet to 97 feet when operated on any interstate highway.

SPECIAL LICENSE PLATES

Provisions authorizing the designation of a special firefighter license plate for any person employed with a fire department, fire protection district, or voluntary fire protection association are reinstated.

The department is allowed to deny a special license plate if no applications are received within five years from the effective date of the bill authorizing the plate.

LICENSES OF MILITARY MEMBERS

The bill allows a driver's license application to be signed by an individual with power of attorney for another individual deployed with the United States Armed Forces. The bill authorizes the department director to waive the driving skills test required for a commercial driver's license for any qualified military applicant who is currently licensed at the time of application and to accept alternative requirements for satisfaction of the skills test. The applicant must not have had any license suspension, revocation, or cancellation within two years of the application.

SALVAGE POOL SALES

Salvage pool sales are restricted to only individuals engaged in the salvage business and holding salvage dealer licenses, licensed motor vehicle dealers, and individuals from foreign countries who are purchasing vehicles for export. Any vehicle sold to a non-United States resident for export must have the title marked with the words "FOR EXPORT ONLY."

TRUCK WIDTHS

The maximum width limit for vehicles on all highways of the state is increased from 96 inches to 102 inches.

LOCAL LOG TRUCKS

The area in which local log trucks and tractors can operate is expanded from 50 to 100 miles from a forested site.

DISABLED LICENSE PLATES AND PLACARDS

Any person 75 years of age or older is exempt from providing a physician's statement when renewing a disabled license plate or placard. The renewal period for disabled windshield placards is extended from two to four years.

TOW TRUCK ORDINANCE VIOLATIONS

A tow truck operator is prohibited from proceeding to the scene of an accident without permission or request by a party involved in the accident or a public safety officer. Any violation of this provision will be a 4-point assessment on the operator's driver's license.

The provisions regarding the bona fide place of business, proof of insurance of a current dealer garage policy, the number of additional plates a new motor vehicle dealer and manufacturer may hold, educational seminar requirements, the renewal period for disabled plates and placards, and the exemption for persons older than 75 years of age become effective January 1, 2008.