

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 269
95TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, April 9, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0862S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 301.190, 306.410, 430.082, and 700.320, RSMo, and to enact in lieu thereof four new sections relating to certificates of ownership, with penalty provisions.

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

Section A. Sections 301.190, 306.410, 430.082, and 700.320, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 301.190, 306.410, 430.082, and 700.320, to read as follows:

301.190. 1. No certificate of registration of any motor vehicle or trailer,
2 or number plate therefor, shall be issued by the director of revenue unless the
3 applicant therefor shall make application for and be granted a certificate of
4 ownership of such motor vehicle or trailer, or shall present satisfactory evidence
5 that such certificate has been previously issued to the applicant for such motor
6 vehicle or trailer. Application shall be made within thirty days after the
7 applicant acquires the motor vehicle or trailer upon a blank form furnished by the
8 director of revenue and shall contain the applicant's identification number, a full
9 description of the motor vehicle or trailer, the vehicle identification number, and
10 the mileage registered on the odometer at the time of transfer of ownership, as
11 required by section 407.536, RSMo, together with a statement of the applicant's
12 source of title and of any liens or encumbrances on the motor vehicle or trailer,
13 provided that for good cause shown the director of revenue may extend the period
14 of time for making such application. **When an owner wants to add or delete**
15 **a name or names on an application for certificate of ownership of a**
16 **motor vehicle or trailer that would cause it to be inconsistent with the**

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

17 **name or names listed on the notice of lien, the owner shall provide the**
18 **director with documentation evidencing the lienholder's authorization**
19 **to add or delete a name or names on an application for certificate of**
20 **ownership.**

21 2. The director of revenue shall use reasonable diligence in ascertaining
22 whether the facts stated in such application are true and shall, to the extent
23 possible without substantially delaying processing of the application, review any
24 odometer information pertaining to such motor vehicle that is accessible to the
25 director of revenue. If satisfied that the applicant is the lawful owner of such
26 motor vehicle or trailer, or otherwise entitled to have the same registered in his
27 name, the director shall thereupon issue an appropriate certificate over his
28 signature and sealed with the seal of his office, procured and used for such
29 purpose. The certificate shall contain on its face a complete description, vehicle
30 identification number, and other evidence of identification of the motor vehicle
31 or trailer, as the director of revenue may deem necessary, together with the
32 odometer information required to be put on the face of the certificate pursuant to
33 section 407.536, RSMo, a statement of any liens or encumbrances which the
34 application may show to be thereon, and, if ownership of the vehicle has been
35 transferred, the name of the state issuing the transferor's title and whether the
36 transferor's odometer mileage statement executed pursuant to section 407.536,
37 RSMo, indicated that the true mileage is materially different from the number of
38 miles shown on the odometer, or is unknown.

39 3. The director of revenue shall appropriately designate on the current
40 and all subsequent issues of the certificate the words "Reconstructed Motor
41 Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or
42 "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1,
43 1990, on all original and all subsequent issues of the certificate for motor vehicles
44 as referenced in subsections 2 and 3 of section 301.020, the director shall print
45 on the face thereof the following designation: "Annual odometer updates may be
46 available from the department of revenue.". On any duplicate certificate, the
47 director of revenue shall reprint on the face thereof the most recent of either:

48 (1) The mileage information included on the face of the immediately prior
49 certificate and the date of purchase or issuance of the immediately prior
50 certificate; or

51 (2) Any other mileage information provided to the director of revenue, and
52 the date the director obtained or recorded that information.

53 4. The certificate of ownership issued by the director of revenue shall be
54 manufactured in a manner to prohibit as nearly as possible the ability to alter,
55 counterfeit, duplicate, or forge such certificate without ready detection. In order
56 to carry out the requirements of this subsection, the director of revenue may
57 contract with a nonprofit scientific or educational institution specializing in the
58 analysis of secure documents to determine the most effective methods of
59 rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

60 5. The fee for each original certificate so issued shall be eight dollars and
61 fifty cents, in addition to the fee for registration of such motor vehicle or trailer.
62 If application for the certificate is not made within thirty days after the vehicle
63 is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for
64 the first thirty days of delinquency and twenty-five dollars for each thirty days
65 of delinquency thereafter, not to exceed a total of two hundred dollars, but such
66 penalty may be waived by the director for a good cause shown. If the director of
67 revenue learns that any person has failed to obtain a certificate within thirty
68 days after acquiring a motor vehicle or trailer or has sold a vehicle without
69 obtaining a certificate, he shall cancel the registration of all vehicles registered
70 in the name of the person, either as sole owner or as a co-owner, and shall notify
71 the person that the cancellation will remain in force until the person pays the
72 delinquency penalty fee provided in this section, together with all fees, charges
73 and payments which the person should have paid in connection with the
74 certificate of ownership and registration of the vehicle. The certificate shall be
75 good for the life of the motor vehicle or trailer so long as the same is owned or
76 held by the original holder of the certificate and shall not have to be renewed
77 annually.

78 6. Any applicant for a certificate of ownership requesting the department
79 of revenue to process an application for a certificate of ownership in an
80 expeditious manner requiring special handling shall pay a fee of five dollars in
81 addition to the regular certificate of ownership fee.

82 7. It is unlawful for any person to operate in this state a motor vehicle or
83 trailer required to be registered under the provisions of the law unless a
84 certificate of ownership has been applied for as provided in this section.

85 8. Before an original Missouri certificate of ownership is issued, an
86 inspection of the vehicle and a verification of vehicle identification numbers shall
87 be made by the Missouri state highway patrol on vehicles for which there is a
88 current title issued by another state if a Missouri salvage certificate of title has

89 been issued for the same vehicle but no prior inspection and verification has been
90 made in this state, except that if such vehicle has been inspected in another state
91 by a law enforcement officer in a manner comparable to the inspection process in
92 this state and the vehicle identification numbers have been so verified, the
93 applicant shall not be liable for the twenty-five dollar inspection fee if such
94 applicant submits proof of inspection and vehicle identification number
95 verification to the director of revenue at the time of the application. The
96 applicant, who has such a title for a vehicle on which no prior inspection and
97 verification have been made, shall pay a fee of twenty-five dollars for such
98 verification and inspection, payable to the director of revenue at the time of the
99 request for the application, which shall be deposited in the state treasury to the
100 credit of the state highways and transportation department fund.

101 9. Each application for an original Missouri certificate of ownership for
102 a vehicle which is classified as a reconstructed motor vehicle, specially
103 constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor
104 vehicle, or other vehicle as required by the director of revenue shall be
105 accompanied by a vehicle examination certificate issued by the Missouri state
106 highway patrol, or other law enforcement agency as authorized by the director of
107 revenue. The vehicle examination shall include a verification of vehicle
108 identification numbers and a determination of the classification of the
109 vehicle. The owner of a vehicle which requires a vehicle examination certificate
110 shall present the vehicle for examination and obtain a completed vehicle
111 examination certificate prior to submitting an application for a certificate of
112 ownership to the director of revenue. The fee for the vehicle examination
113 application shall be twenty-five dollars and shall be collected by the director of
114 revenue at the time of the request for the application and shall be deposited in
115 the state treasury to the credit of the state highways and transportation
116 department fund. If the vehicle is also to be registered in Missouri, the safety
117 inspection required in chapter 307, RSMo, and the emissions inspection required
118 under chapter 643, RSMo, shall be completed and the fees required by section
119 307.365, RSMo, and section 643.315, RSMo, shall be charged to the owner.

120 10. When an application is made for an original Missouri certificate of
121 ownership for a motor vehicle previously registered or titled in a state other than
122 Missouri or as required by section 301.020, it shall be accompanied by a current
123 inspection form certified by a duly authorized official inspection station as
124 described in chapter 307, RSMo. The completed form shall certify that the

125 manufacturer's identification number for the vehicle has been inspected, that it
126 is correctly displayed on the vehicle and shall certify the reading shown on the
127 odometer at the time of inspection. The inspection station shall collect the same
128 fee as authorized in section 307.365, RSMo, for making the inspection, and the
129 fee shall be deposited in the same manner as provided in section 307.365, RSMo.
130 If the vehicle is also to be registered in Missouri, the safety inspection required
131 in chapter 307, RSMo, and the emissions inspection required under chapter 643,
132 RSMo, shall be completed and only the fees required by section 307.365, RSMo,
133 and section 643.315, RSMo, shall be charged to the owner. This section shall not
134 apply to vehicles being transferred on a manufacturer's statement of origin.

135 11. Motor vehicles brought into this state in a wrecked or damaged
136 condition or after being towed as an abandoned vehicle pursuant to another
137 state's abandoned motor vehicle procedures shall, in lieu of the inspection
138 required by subsection 10 of this section, be inspected by the Missouri state
139 highway patrol in accordance with subsection 9 of this section. If the inspection
140 reveals the vehicle to be in a salvage or junk condition, the director shall so
141 indicate on any Missouri certificate of ownership issued for such vehicle. Any
142 salvage designation shall be carried forward on all subsequently issued
143 certificates of title for the motor vehicle.

144 12. When an application is made for an original Missouri certificate of
145 ownership for a motor vehicle previously registered or titled in a state other than
146 Missouri, and the certificate of ownership has been appropriately designated by
147 the issuing state as a reconstructed motor vehicle, motor change vehicle, specially
148 constructed motor vehicle, or prior salvage vehicle, the director of revenue shall
149 appropriately designate on the current Missouri and all subsequent issues of the
150 certificate of ownership the name of the issuing state and such prior
151 designation. The absence of any prior designation shall not relieve a transferor
152 of the duty to exercise due diligence with regard to such certificate of ownership
153 prior to the transfer of a certificate. If a transferor exercises any due diligence
154 with regard to a certificate of ownership, the legal transfer of a certificate of
155 ownership without any designation that is subsequently discovered to have or
156 should have had a designation shall be a transfer free and clear of any liabilities
157 of the transferor associated with the missing designation.

158 13. When an application is made for an original Missouri certificate of
159 ownership for a motor vehicle previously registered or titled in a state other than
160 Missouri, and the certificate of ownership has been appropriately designated by

161 the issuing state as non-USA-std motor vehicle, the director of revenue shall
162 appropriately designate on the current Missouri and all subsequent issues of the
163 certificate of ownership the words "Non-USA-Std Motor Vehicle".

164 14. The director of revenue and the superintendent of the Missouri state
165 highway patrol shall make and enforce rules for the administration of the
166 inspections required by this section.

167 15. Each application for an original Missouri certificate of ownership for
168 a vehicle which is classified as a reconstructed motor vehicle, manufactured forty
169 or more years prior to the current model year, and which has a value of three
170 thousand dollars or less shall be accompanied by:

171 (1) A proper affidavit submitted by the owner explaining how the motor
172 vehicle or trailer was acquired and, if applicable, the reasons a valid certificate
173 of ownership cannot be furnished;

174 (2) Photocopies of receipts, bills of sale establishing ownership, or titles,
175 and the source of all major component parts used to rebuild the vehicle;

176 (3) A fee of one hundred fifty dollars in addition to the fees described in
177 subsection 5 of this section. Such fee shall be deposited in the state treasury to
178 the credit of the state highways and transportation department fund; and

179 (4) An inspection certificate, other than a motor vehicle examination
180 certificate required under subsection 9 of this section, completed and issued by
181 the Missouri state highway patrol, or other law enforcement agency as authorized
182 by the director of revenue. The inspection performed by the highway patrol or
183 other authorized local law enforcement agency shall include a check for stolen
184 vehicles. The department of revenue shall issue the owner a certificate of
185 ownership designated with the words "Reconstructed Motor Vehicle" and deliver
186 such certificate of ownership in accordance with the provisions of this
187 chapter. Notwithstanding subsection 9 of this section, no owner of a
188 reconstructed motor vehicle described in this subsection shall be required to
189 obtain a vehicle examination certificate issued by the Missouri state highway
190 patrol.

306.410. 1. If an owner creates a lien or encumbrance on an outboard
2 motor, motorboat, vessel, or watercraft:

3 (1) The owner shall immediately execute the application, either in the
4 space provided therefor on the certificate of title or on a separate form the
5 director of revenue prescribes, to name the lienholder on the certificate of title,
6 showing the name and address of the lienholder and the date of his or her

7 security agreement, and shall cause the certificate of title, the application and the
8 required fee to be mailed or delivered to the director of revenue. Failure of the
9 owner to do so is a class A misdemeanor;

10 (2) The lienholder or an authorized agent licensed pursuant to sections
11 301.112 to 301.119, RSMo, shall deliver to the director of revenue a notice of lien
12 as prescribed by the director accompanied by all other necessary documentation
13 to perfect a lien pursuant to section 306.400;

14 (3) To perfect a lien for a subordinate lienholder when a transfer of
15 ownership occurs, the subordinate lienholder shall either mail or deliver, or cause
16 to be mailed or delivered, a completed notice of lien to the department of revenue,
17 accompanied by authorization from the first lienholder. The owner shall ensure
18 the subordinate lienholder is recorded on the application for title at the time the
19 application is made to the department of revenue. To perfect a lien for a
20 subordinate lienholder when there is no transfer of ownership, the owner or
21 lienholder in possession of the certificate shall either mail or deliver, or cause to
22 be mailed or delivered, the owner's application for title, certificate, notice of lien,
23 authorization from the first lienholder and title fee to the department of
24 revenue. The delivery of the certificate and executing a notice of authorization
25 to add a subordinate lien does not affect the rights of the first lienholder under
26 the security agreement;

27 (4) Upon receipt of the documents and fee required in subdivision (3) of
28 this section, the director of revenue shall issue a new certificate of title
29 containing the name and address of the new lienholder, and mail the certificate
30 of title to the owner named in it or if a lienholder has elected to have the director
31 of revenue retain possession of an electronic certificate of title, the lienholder
32 shall either mail or deliver to the director a notice of authorization for the
33 director to add a subordinate lienholder to the existing certificate as prescribed
34 in section 306.405. Upon receipt of such authorization and a notice of lien from
35 a subordinate lienholder, the director shall add the subordinate lienholder to the
36 certificate of title being electronically retained by the director and provide
37 confirmation of the addition to both lienholders.

38 **2. When an owner wants to add or delete a name or names on an**
39 **application for certificates of title of an outboard motor, motorboat,**
40 **vessel, or watercraft that would cause it to be inconsistent with the**
41 **name or names listed on the notice of lien, the owner shall provide the**
42 **director with documentation evidencing the lienholder's authorization**

43 **to add or delete a name or names on an application for certificate of**
44 **title.**

430.082. 1. Every person expending labor, services, skill or material upon
2 any motor vehicle or trailer, as defined in chapter 301, RSMo, vessel, as defined
3 in chapter 306, RSMo, outboard motor or aircraft at a written request of its
4 owner, authorized agent of the owner, or person in lawful possession thereof, or
5 who provides storage for a motor vehicle, trailer, outboard motor or vessel, at the
6 written request of its owner, authorized agent of the owner, or person in lawful
7 possession thereof, or at the written request of a peace officer in lieu of the owner
8 or owner's agent, where such owner or agent is not available to request storage
9 thereof, shall, where the maximum amount to be charged for labor, services, skill
10 or material has been stated as part of the written request or the daily charge for
11 storage has been stated as part of the written request, have a lien upon the
12 chattel beginning upon the date of commencement of the expenditure of labor,
13 services, skill, materials or storage for the actual value of all the expenditure of
14 labor, services, skill, materials or storage until the possession of that chattel is
15 voluntarily relinquished to the owner, authorized agent, or one entitled to
16 possession thereof. The person furnishing labor, services, skill or material may
17 retain the lien after surrendering possession of the aircraft or part or equipment
18 thereof by filing a statement in the office of the county recorder of the county
19 where the owner of the aircraft or part or equipment thereof resides, if known to
20 the claimant, and in the office of the county recorder of the county where the
21 claimant performed the services. Such statement shall be filed within thirty days
22 after surrendering possession of the aircraft or part or equipment thereof and
23 shall state the claimant's name and address, the items on account, the name of
24 the owner and a description of the property, and shall not bind a bona fide
25 purchaser unless the lien has also been filed with the Federal Aviation
26 Administration Aircraft Registry.

27 2. If the chattel is not redeemed within [three months] **forty-five days**
28 of the completion of the requested labor, services, skill or material, the lienholder
29 may apply to the director of revenue for a certificate of ownership or certificate
30 of title.

31 3. If the charges are for storage or the service of towing the motor vehicle,
32 trailer, outboard motor or vessel, and the chattel has not been redeemed [three
33 months] **within forty-five days** after the charges for storage commenced, the
34 lienholder shall notify by certified mail, postage prepaid, the owner and any

35 lienholders of record other than the person making the notification, at the
36 person's last known address that application for a lien title will be made unless
37 the owner or lienholder within [forty-five] **thirty** days makes satisfactory
38 arrangements with the person holding the chattel for payment of storage or
39 service towing charges, if any, or makes satisfactory arrangements with the
40 lienholder for paying such charges or for continued storage of the chattel if
41 desired. [Forty-five] **Thirty** days after the notification has been mailed and the
42 chattel is unredeemed, **or the notice has been returned marked "not**
43 **fowardable" or "addressee unknown"**, and no satisfactory arrangement has
44 been made with the lienholder for payment or continued storage, the lienholder
45 may apply to the director of revenue for a certificate of ownership or certificate
46 of title as provided in this section.

47 4. The application shall be accompanied by:

48 (1) The original or a conformed or photostatic copy of the written request
49 of the owner or the owner's agent or of a peace officer with the maximum amount
50 to be charged stated therein;

51 (2) An affidavit [of the] **from the** lienholder that **written notice was**
52 **provided to all owners and lienholders of the applicants' intent to apply**
53 **for a certificate of ownership and** the owner has defaulted on payment of
54 labor, services, skill or material and that payment is [three months] **forty-five**
55 **days** past due, or that owner has defaulted on payment or has failed to make
56 satisfactory arrangements for continued storage of the chattel for [forty-five]
57 **thirty** days since notification of intent to make application for a certificate of
58 ownership or certificate of title. **The affidavit shall be accompanied by a**
59 **copy of the thirty-day notice given by certified mail to any owner and**
60 **person holding a valid security interest and a copy of the certified mail**
61 **receipt indicating that the owner and lienholder of record was sent a**
62 **notice as required in this section;**

63 (3) A statement of the actual value of the expenditure of labor, services,
64 skill or material, or the amount of storage due on the date of application for a
65 certificate of ownership or certificate of title, and the amount which is unpaid;
66 and

67 (4) A fee of ten dollars.

68 5. If the director is satisfied with the genuineness of the application,
69 **proof of lienholder notification in the form of a certified mail receipt,**
70 and supporting documents, [the director shall notify by certified mail, postage

71 prepaid, the owner and any lienholders of record, other than the applicant, at
72 their last known address that application has been made for a lien title on the
73 chattel.

74 6. Thirty days after notification of the owner and lienholders,] **and** if no
75 lienholder or the owner has redeemed the chattel or no satisfactory arrangement
76 has been made concerning payment or continuation of storage [and the
77 application has not been withdrawn], and if no owner or lienholder has informed
78 the director that the owner or lienholder demands a hearing [and enforcement of
79 the lien] as provided in [section 430.160] **this section**, the director shall issue,
80 in the same manner as a repossessed title is issued, a certificate of ownership or
81 certificate of title to the applicant which shall clearly be captioned "Lien Title".

82 [7.] **6.** Upon receipt of a lien title, the holder shall within ten days begin
83 proceedings to sell the chattel as prescribed in section 430.100.

84 [8.] **7.** The provisions of section 430.110 shall apply to the disposition of
85 proceeds, and the lienholder shall also be entitled to any actual and necessary
86 expenses incurred in obtaining the lien title, including, but not limited to, court
87 costs and reasonable attorney's fees.

 700.320. 1. The owner of any new or used manufactured home, as defined
2 in section 700.010, shall make application to the director of revenue for an official
3 certificate of title to such manufactured home in the manner prescribed by law
4 for the acquisition of certificates of title to motor vehicles, and the rules
5 promulgated pursuant thereto. All fees required by section 301.190, RSMo, for
6 the titling of motor vehicles and all penalties provided by law for the failure to
7 title motor vehicles shall apply to persons required to make application for an
8 official certificate of title by this subsection. In case there is any duplication in
9 serial numbers assigned any manufactured homes, or no serial number has been
10 assigned by the manufacturer, the director shall assign the serial numbers for the
11 manufactured homes involved.

12 2. At the time the owner of any new manufactured home, as defined in
13 section 700.010, which was acquired in a transaction subject to sales tax under
14 the Missouri sales tax law makes application to the director of revenue for an
15 official certificate of title for such manufactured home, he shall present to the
16 director of revenue evidence satisfactory to the director of revenue showing the
17 purchase price exclusive of any charge incident to the extension of credit paid by
18 or charged to the applicant in the acquisition of the manufactured home, or that
19 no sales tax was incurred in its acquisition, and if sales tax was incurred in its

20 acquisition, the applicant shall pay or cause to be paid to the director of revenue
21 the sales tax provided by the Missouri sales tax law in addition to the
22 registration fees now or hereafter required according to law, and the director of
23 revenue shall not issue a certificate of title for any new manufactured home
24 subject to sales tax as provided in the Missouri sales tax law until the tax levied
25 for the sale of the same under sections 144.010 to 144.510, RSMo, has been paid
26 as provided in this section. As used in this subsection, the term "purchase price"
27 shall mean the total amount of the contract price agreed upon between the seller
28 and the applicant in the acquisition of the new manufactured home regardless of
29 the medium of payment therefor. In the event that the purchase price is
30 unknown or undisclosed, or that the evidence thereof is not satisfactory to the
31 director of revenue, the same shall be fixed by appraisement by the director. The
32 director of the department of revenue shall endorse upon the official certificate
33 of title issued by him upon such application an entry showing that such sales tax
34 has been paid or that the manufactured home represented by the certificate is
35 exempt from sales tax and state the ground for such exemption.

36 3. A certificate of title for a manufactured home issued in the names of
37 two or more persons that does not show on the face of the certificate that the
38 persons hold their interest in the manufactured home as tenants in common, on
39 death of one of the named persons, may be transferred to the surviving owner or
40 owners. On proof of death of one of the persons in whose names the certificate
41 was issued, surrender of the outstanding certificate of title, and on application
42 and payment of the fee for an original certificate of title, the director of revenue
43 shall issue a new certificate of title for the manufactured home to the surviving
44 owner or owners; and the current valid certificate of number shall be so
45 transferred.

46 4. A certificate of title for a manufactured home issued in the names of
47 two or more persons that shows on its face that the persons hold their interest in
48 the manufactured home as tenants in common, on death of one of the named
49 persons, may be transferred by the director of revenue on application by the
50 surviving owners and the personal representative or successors of the deceased
51 owner. Upon being presented proof of death of one of the persons in whose names
52 the certificate of title was issued, surrender of the outstanding certificate of title,
53 and on application and payment of the fee for an original certificate of title, the
54 director of revenue shall issue a new certificate of title for the manufactured
55 home to the surviving owners and personal representative or successors of the

56 deceased owner; and the current valid certificate of number shall be so
57 transferred.

58 **5. When an owner wants to add or delete a name or names on an**
59 **application for certificate of title to a manufactured home that would**
60 **cause it to be inconsistent with the name or names listed on the notice**
61 **of lien, the owner shall provide the director with documentation**
62 **evidencing the lienholder's authorization to add or delete a name or**
63 **names on an application for certificate of title.**

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