

SECOND REGULAR SESSION

HOUSE BILL NO. 1536

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FISCHER (107) (Sponsor), ROORDA, ENGLUND,
TALBOY AND CARTER (Co-sponsors).

3898L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 301.190, RSMo, and to enact in lieu thereof one new section relating to motor vehicle certificates of ownership.

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

Section A. Section 301.190, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.190, to read as follows:

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

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.

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

32 3. The director of revenue shall appropriately designate on the current and all subsequent
33 issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle",
34 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section
35 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for
36 motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print
37 on the face thereof the following designation: "Annual odometer updates may be available from
38 the department of revenue.". On any duplicate certificate, the director of revenue shall reprint
39 on the face thereof the most recent of either:

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

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

44 4. The certificate of ownership issued by the director of revenue shall be manufactured
45 **with a watermark reading "Harry S Truman" and** in a manner to prohibit as nearly as
46 possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready
47 detection. In order to carry out the requirements of this subsection, the director of revenue may
48 contract with a nonprofit scientific or educational institution specializing in the analysis of secure
49 documents to determine the most effective methods of rendering Missouri certificates of
50 ownership nonalterable or noncounterfeitable.

51 5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in
52 addition to the fee for registration of such motor vehicle or trailer. If application for the

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

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

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

72 8. Before an original Missouri certificate of ownership is issued, an inspection of the
73 vehicle and a verification of vehicle identification numbers shall be made by the Missouri state
74 highway patrol on vehicles for which there is a current title issued by another state if a Missouri
75 salvage certificate of title has been issued for the same vehicle but no prior inspection and
76 verification has been made in this state, except that if such vehicle has been inspected in another
77 state by a law enforcement officer in a manner comparable to the inspection process in this state
78 and the vehicle identification numbers have been so verified, the applicant shall not be liable for
79 the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle
80 identification number verification to the director of revenue at the time of the application. The
81 applicant, who has such a title for a vehicle on which no prior inspection and verification have
82 been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable
83 to the director of revenue at the time of the request for the application, which shall be deposited
84 in the state treasury to the credit of the state highways and transportation department fund.

85 9. Each application for an original Missouri certificate of ownership for a vehicle which
86 is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle,
87 motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director
88 of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state

89 highway patrol, or other law enforcement agency as authorized by the director of revenue. The
90 vehicle examination shall include a verification of vehicle identification numbers and a
91 determination of the classification of the vehicle. The owner of a vehicle which requires a
92 vehicle examination certificate shall present the vehicle for examination and obtain a completed
93 vehicle examination certificate prior to submitting an application for a certificate of ownership
94 to the director of revenue. The fee for the vehicle examination application shall be twenty-five
95 dollars and shall be collected by the director of revenue at the time of the request for the
96 application and shall be deposited in the state treasury to the credit of the state highways and
97 transportation department fund. If the vehicle is also to be registered in Missouri, the safety
98 inspection required in chapter 307, RSMo, and the emissions inspection required under chapter
99 643, RSMo, shall be completed and the fees required by section 307.365, RSMo, and section
100 643.315, RSMo, shall be charged to the owner.

101 10. When an application is made for an original Missouri certificate of ownership for a
102 motor vehicle previously registered or titled in a state other than Missouri or as required by
103 section 301.020, it shall be accompanied by a current inspection form certified by a duly
104 authorized official inspection station as described in chapter 307, RSMo. The completed form
105 shall certify that the manufacturer's identification number for the vehicle has been inspected, that
106 it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the
107 time of inspection. The inspection station shall collect the same fee as authorized in section
108 307.365, RSMo, for making the inspection, and the fee shall be deposited in the same manner
109 as provided in section 307.365, RSMo. If the vehicle is also to be registered in Missouri, the
110 safety inspection required in chapter 307, RSMo, and the emissions inspection required under
111 chapter 643, RSMo, shall be completed and only the fees required by section 307.365, RSMo,
112 and section 643.315, RSMo, shall be charged to the owner. This section shall not apply to
113 vehicles being transferred on a manufacturer's statement of origin.

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

121 12. When an application is made for an original Missouri certificate of ownership for a
122 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of
123 ownership has been appropriately designated by the issuing state as a reconstructed motor
124 vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the

125 director of revenue shall appropriately designate on the current Missouri and all subsequent
126 issues of the certificate of ownership the name of the issuing state and such prior designation.
127 The absence of any prior designation shall not relieve a transferor of the duty to exercise due
128 diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a
129 transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer
130 of a certificate of ownership without any designation that is subsequently discovered to have or
131 should have had a designation shall be a transfer free and clear of any liabilities of the transferor
132 associated with the missing designation.

133 13. When an application is made for an original Missouri certificate of ownership for a
134 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of
135 ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle,
136 the director of revenue shall appropriately designate on the current Missouri and all subsequent
137 issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

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

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

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

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

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

150 (4) An inspection certificate, other than a motor vehicle examination certificate required
151 under subsection 9 of this section, completed and issued by the Missouri state highway patrol,
152 or other law enforcement agency as authorized by the director of revenue. The inspection
153 performed by the highway patrol or other authorized local law enforcement agency shall include
154 a check for stolen vehicles. The department of revenue shall issue the owner a certificate of
155 ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate
156 of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9
157 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be
158 required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

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