

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2111

AN ACT

To repeal sections 226.095 and 230.220, section 301.064 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 301.064 as enacted by house bill no. 769, eighty-ninth general assembly, first regular session, and sections 227.313, 301.002, 301.003, 301.010, 301.032, 301.069, 301.120, 301.130, 301.142, 301.144, 301.196, 301.218, 301.280, 301.290, 301.560, 301.561, 301.562, 301.567, 301.570, 301.2998, 301.3150, 302.183, 302.220, 302.230, 302.341, 303.025, 303.080, 304.705, and 304.820, RSMo, and to enact in lieu thereof thirty-nine new sections relating to transportation, with penalty provisions for certain sections and an effective date for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 226.095 and 230.220, section 301.064 as
2 enacted by house committee substitute for senate substitute for
3 senate bill no. 3, eighty-eighth general assembly, first regular
4 session, and section 301.064 as enacted by house bill no. 769,
5 eighty-ninth general assembly, first regular session, and
6 sections 227.313, 301.002, 301.003, 301.010, 301.032, 301.069,
7 301.120, 301.130, 301.142, 301.144, 301.196, 301.218, 301.280,
8 301.290, 301.560, 301.561, 301.562, 301.567, 301.570, 301.2998,
9 301.3150, 302.183, 302.220, 302.230, 302.341, 303.025, 303.080,
10 304.705, and 304.820, RSMo, are repealed and thirty-nine new
11 sections enacted in lieu thereof, to be known as sections

226.195, 227.313, 230.220, 301.002, 301.010, 301.032, 301.064,
301.069, 301.120, 301.130, 301.142, 301.144, 301.196, 301.218,
301.280, 301.290, 301.423, 301.477, 301.560, 301.561, 301.562,
301.567, 301.570, 301.572, 301.580, 301.2998, 301.3150, 301.3158,
301.3160, 301.4020, 302.183, 302.220, 302.230, 302.341, 303.025,
303.080, 304.161, 304.705, and 304.820, to read as follows:

226.195. 1. As used in this section, the following terms
mean:

(1) "Commission", the Missouri highways and transportation
commission;

(2) "Department", the Missouri department of
transportation;

(3) "Public mass transportation service provider", a city,
a city transit authority, a city utilities board, or an
interstate transportation authority as such terms are defined in
section 94.600, an intrastate transportation authority, or an
agency receiving funding from either the federal transit
administration urban or nonurban formula transit program.

2. There is hereby created the Missouri state transit
assistance program. The purpose of this program is to provide
state financial assistance to defray the operating and capital
costs incurred by public mass transportation service providers.

3. Funds appropriated to the Missouri state transit
assistance program shall be appropriated to the department and
administered by the department on behalf of the commission. The
distribution of funds to public mass transportation service
providers shall be determined by evaluating factors including but
not limited to the following:

- (1) Population;
- (2) Ridership;
- (3) Cost and efficiency of the program;
- (4) Availability of alternative transportation in the area;
- (5) Local effort or tax support.

4. The commission shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, 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 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 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, 2010, shall be invalid and void.

227.313. The portion of Missouri Highway 266 located in Greene County from [North Missouri Road AB] Airport Boulevard to one mile east shall be designated as the "Dr. Martin Luther King Jr. Memorial Mile". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs for such designation to be paid for by private donations.

230.220. 1. In each county adopting it, the county highway commission established by sections 230.200 to 230.260 shall be composed of the three commissioners of the county commission and one person elected from the unincorporated area of each of the two county commission districts. Except that the presiding

1 commissioner and one of the associate commissioners by process of
2 election may reside in the same township, not more than one
3 member of the county highway commission shall be a resident of
4 the same township of the county. The county commission shall
5 designate one county commission district as district A and the
6 other as district B. The member of the county highway commission
7 first elected from district A shall serve a term of two years.
8 The member first elected from district B shall serve a term of
9 four years. Upon the expiration of the term of each such member,
10 his successors shall be elected for a term of four years. The
11 commissioners of the county commission shall serve as members of
12 the county highway commission during their term as county
13 commissioners.

14 2. The elected members of the county highway commission
15 shall be nominated at the primary election and elected at the
16 general election next following the adoption of the proposition
17 for the alternative county highway commission by the voters of
18 the county. Candidates shall file and the election shall be
19 conducted in the same manner as for the nomination and election
20 of candidates for county office. Within thirty days after the
21 adoption of an alternative county highway commission by the
22 voters of any county as provided in sections 230.200 to 230.260,
23 the governor shall appoint a county highway commissioner from
24 each district from which a member will be elected at the next
25 following general election. The commissioners so appointed shall
26 hold their office until their successors are elected at the
27 following general election. Appointments shall be made by naming
28 one member from each of the two political parties casting the

1 highest number of votes in the preceding general election.

2 3. Members of the county highway commission [shall receive
3 as compensation for their services fifteen dollars per day for
4 the first meeting each month and five dollars for each meeting
5 thereafter during the month. The members shall also receive a
6 mileage allowance of eight cents per mile actually and
7 necessarily traveled in the performance of their duties. The
8 compensation and mileage allowance of the members of the
9 commission shall be paid out of the road and bridge fund of the
10 county] who are not also members of the county's governing body
11 shall receive an attendance fee in an amount per meeting as set
12 by the county's governing body and a mileage allowance for miles
13 actually and necessarily traveled in the performance of their
14 duties in the same amount per mile received by the members of the
15 county's governing body to be paid out of the road and bridge
16 fund of the county.

17 4. If a vacancy occurs among the elected members of the
18 county highway commission, the members of the county highway
19 commission shall select a successor who shall serve until the
20 next regular election.

21 301.002. [No rule or portion of a rule promulgated under
22 the authority of this chapter shall become effective unless it
23 has been promulgated pursuant to the provisions of section
24 536.024, RSMo.] 1. The director is authorized to issue rules,
25 regulations, and orders necessary to carry out and implement the
26 provisions of this chapter.

27 2. Any rule or portion of a rule, as that term is defined
28 in section 536.010 that is created under the authority delegated

1 in this section shall become effective only if it complies with
2 and is subject to all of the provisions of chapter 536, and, if
3 applicable, section 536.028. This section and chapter 536 are
4 nonseverable and if any of the powers vested with the general
5 assembly pursuant to chapter 536, to review, to delay the
6 effective date, or to disapprove and annul a rule are
7 subsequently held unconstitutional, then the grant of rulemaking
8 authority and any rule proposed or adopted after August 28, 2010,
9 shall be invalid and void.

10 301.010. As used in this chapter and sections 304.010 to
11 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to
12 307.175, RSMo, the following terms mean:

13 (1) "All-terrain vehicle", any motorized vehicle
14 manufactured and used exclusively for off-highway use which is
15 fifty inches or less in width, with an unladen dry weight of one
16 thousand five hundred pounds or less, traveling on three, four or
17 more nonhighway tires, with a seat designed to be straddled by
18 the operator, or with a seat designed to carry more than one
19 person, and handlebars for steering control;

20 (2) "Automobile transporter", any vehicle combination
21 designed and used specifically for the transport of assembled
22 motor vehicles;

23 (3) "Axle load", the total load transmitted to the road by
24 all wheels whose centers are included between two parallel
25 transverse vertical planes forty inches apart, extending across
26 the full width of the vehicle;

27 (4) "Boat transporter", any vehicle combination designed
28 and used specifically to transport assembled boats and boat

1 hulls;

2 (5) "Body shop", a business that repairs physical damage on
3 motor vehicles that are not owned by the shop or its officers or
4 employees by mending, straightening, replacing body parts, or
5 painting;

6 (6) "Bus", a motor vehicle primarily for the transportation
7 of a driver and eight or more passengers but not including
8 shuttle buses;

9 (7) "Commercial motor vehicle", a motor vehicle designed or
10 regularly used for carrying freight and merchandise, or more than
11 eight passengers but not including vanpools or shuttle buses;

12 (8) "Cotton trailer", a trailer designed and used
13 exclusively for transporting cotton at speeds less than forty
14 miles per hour from field to field or from field to market and
15 return;

16 (9) "Dealer", any person, firm, corporation, association,
17 agent or subagent engaged in the sale or exchange of new, used or
18 reconstructed motor vehicles or trailers;

19 (10) "Director" or "director of revenue", the director of
20 the department of revenue;

21 (11) "Driveaway operation":

22 (a) The movement of a motor vehicle or trailer by any
23 person or motor carrier other than a dealer over any public
24 highway, under its own power singly, or in a fixed combination of
25 two or more vehicles, for the purpose of delivery for sale or for
26 delivery either before or after sale;

27 (b) The movement of any vehicle or vehicles, not owned by
28 the transporter, constituting the commodity being transported, by

1 a person engaged in the business of furnishing drivers and
2 operators for the purpose of transporting vehicles in transit
3 from one place to another by the driveaway or towaway methods; or

4 (c) The movement of a motor vehicle by any person who is
5 lawfully engaged in the business of transporting or delivering
6 vehicles that are not the person's own and vehicles of a type
7 otherwise required to be registered, by the driveaway or towaway
8 methods, from a point of manufacture, assembly or distribution or
9 from the owner of the vehicles to a dealer or sales agent of a
10 manufacturer or to any consignee designated by the shipper or
11 consignor;

12 (12) "Dromedary", a box, deck, or plate mounted behind the
13 cab and forward of the fifth wheel on the frame of the power unit
14 of a truck tractor-semitrailer combination. A truck tractor
15 equipped with a dromedary may carry part of a load when operating
16 independently or in a combination with a semitrailer;

17 (13) "Farm tractor", a tractor used exclusively for
18 agricultural purposes;

19 (14) "Fleet", any group of ten or more motor vehicles owned
20 by the same owner;

21 (15) "Fleet vehicle", a motor vehicle which is included as
22 part of a fleet;

23 (16) "Fullmount", a vehicle mounted completely on the frame
24 of either the first or last vehicle in a saddlemount combination;

25 (17) "Gross weight", the weight of vehicle and/or vehicle
26 combination without load, plus the weight of any load thereon;

27 (18) "Hail-damaged vehicle", any vehicle, the body of which
28 has become dented as the result of the impact of hail;

1 (19) "Highway", any public thoroughfare for vehicles,
2 including state roads, county roads and public streets, avenues,
3 boulevards, parkways or alleys in any municipality;

4 (20) "Improved highway", a highway which has been paved
5 with gravel, macadam, concrete, brick or asphalt, or surfaced in
6 such a manner that it shall have a hard, smooth surface;

7 (21) "Intersecting highway", any highway which joins
8 another, whether or not it crosses the same;

9 (22) "Junk vehicle", a vehicle which is incapable of
10 operation or use upon the highways and has no resale value except
11 as a source of parts or scrap, and shall not be titled or
12 registered;

13 (23) "Kit vehicle", a motor vehicle assembled by a person
14 other than a generally recognized manufacturer of motor vehicles
15 by the use of a glider kit or replica purchased from an
16 authorized manufacturer and accompanied by a manufacturer's
17 statement of origin;

18 (24) "Land improvement contractors' commercial motor
19 vehicle", any not-for-hire commercial motor vehicle the operation
20 of which is confined to:

21 (a) An area that extends not more than a radius of one
22 hundred miles from its home base of operations when transporting
23 its owner's machinery, equipment, or auxiliary supplies to or
24 from projects involving soil and water conservation, or to and
25 from equipment dealers' maintenance facilities for maintenance
26 purposes; or

27 (b) An area that extends not more than a radius of fifty
28 miles from its home base of operations when transporting its

1 owner's machinery, equipment, or auxiliary supplies to or from
2 projects not involving soil and water conservation. Nothing in
3 this subdivision shall be construed to prevent any motor vehicle
4 from being registered as a commercial motor vehicle or local
5 commercial motor vehicle;

6 (25) "Local commercial motor vehicle", a commercial motor
7 vehicle whose operations are confined solely to a municipality
8 and that area extending not more than fifty miles therefrom, or a
9 commercial motor vehicle whose property-carrying operations are
10 confined solely to the transportation of property owned by any
11 person who is the owner or operator of such vehicle to or from a
12 farm owned by such person or under the person's control by virtue
13 of a landlord and tenant lease; provided that any such property
14 transported to any such farm is for use in the operation of such
15 farm;

16 (26) "Local log truck", a commercial motor vehicle which is
17 registered pursuant to this chapter to operate as a motor vehicle
18 on the public highways of this state, used exclusively in this
19 state, used to transport harvested forest products, operated
20 solely at a forested site and in an area extending not more than
21 a one hundred-mile radius from such site, carries a load with
22 dimensions not in excess of twenty-five cubic yards per two axles
23 with dual wheels, and when operated on the national system of
24 interstate and defense highways described in Title 23, Section
25 103(e) of the United States Code, such vehicle shall not exceed
26 the weight limits of section 304.180, RSMo, does not have more
27 than four axles, and does not pull a trailer which has more than
28 two axles. Harvesting equipment which is used specifically for

1 cutting, felling, trimming, delimbing, debarking, chipping,
2 skidding, loading, unloading, and stacking may be transported on
3 a local log truck. A local log truck may not exceed the limits
4 required by law, however, if the truck does exceed such limits as
5 determined by the inspecting officer, then notwithstanding any
6 other provisions of law to the contrary, such truck shall be
7 subject to the weight limits required by such sections as
8 licensed for eighty thousand pounds;

9 (27) "Local log truck tractor", a commercial motor vehicle
10 which is registered under this chapter to operate as a motor
11 vehicle on the public highways of this state, used exclusively in
12 this state, used to transport harvested forest products, operated
13 solely at a forested site and in an area extending not more than
14 a one hundred-mile radius from such site, operates with a weight
15 not exceeding twenty-two thousand four hundred pounds on one axle
16 or with a weight not exceeding forty-four thousand eight hundred
17 pounds on any tandem axle, and when operated on the national
18 system of interstate and defense highways described in Title 23,
19 Section 103(e) of the United States Code, such vehicle does not
20 exceed the weight limits contained in section 304.180, RSMo, and
21 does not have more than three axles and does not pull a trailer
22 which has more than two axles. Violations of axle weight
23 limitations shall be subject to the load limit penalty as
24 described for in sections 304.180 to 304.220, RSMo;

25 (28) "Local transit bus", a bus whose operations are
26 confined wholly within a municipal corporation, or wholly within
27 a municipal corporation and a commercial zone, as defined in
28 section 390.020, RSMo, adjacent thereto, forming a part of a

1 public transportation system within such municipal corporation
2 and such municipal corporation and adjacent commercial zone;

3 (29) "Log truck", a vehicle which is not a local log truck
4 or local log truck tractor and is used exclusively to transport
5 harvested forest products to and from forested sites which is
6 registered pursuant to this chapter to operate as a motor vehicle
7 on the public highways of this state for the transportation of
8 harvested forest products;

9 (30) "Major component parts", the rear clip, cowl, frame,
10 body, cab, front-end assembly, and front clip, as those terms are
11 defined by the director of revenue pursuant to rules and
12 regulations or by illustrations;

13 (31) "Manufacturer", any person, firm, corporation or
14 association engaged in the business of manufacturing or
15 assembling motor vehicles, trailers or vessels for sale;

16 (32) ["Mobile scrap processor", a business located in
17 Missouri or any other state that comes onto a salvage site and
18 crushes motor vehicles and parts for transportation to a shredder
19 or scrap metal operator for recycling;

20 (33)] "Motor change vehicle", a vehicle manufactured prior
21 to August, 1957, which receives a new, rebuilt or used engine,
22 and which used the number stamped on the original engine as the
23 vehicle identification number;

24 [(34)] (33) "Motor vehicle", any self-propelled vehicle not
25 operated exclusively upon tracks, except farm tractors;

26 [(35)] (34) "Motor vehicle primarily for business use", any
27 vehicle other than a recreational motor vehicle, motorcycle,
28 motortricycle, or any commercial motor vehicle licensed for over

1 twelve thousand pounds:

2 (a) Offered for hire or lease; or

3 (b) The owner of which also owns ten or more such motor
4 vehicles;

5 [(36)] (35) "Motorcycle", a motor vehicle operated on two
6 wheels;

7 [(37)] (36) "Motorized bicycle", any two-wheeled or
8 three-wheeled device having an automatic transmission and a motor
9 with a cylinder capacity of not more than fifty cubic
10 centimeters, which produces less than three gross brake
11 horsepower, and is capable of propelling the device at a maximum
12 speed of not more than thirty miles per hour on level ground;

13 [(38)] (37) "Motortricycle", a motor vehicle operated on
14 three wheels, including a motorcycle while operated with any
15 conveyance, temporary or otherwise, requiring the use of a third
16 wheel. A motortricycle shall not be included in the definition
17 of all-terrain vehicle;

18 [(39)] (38) "Municipality", any city, town or village,
19 whether incorporated or not;

20 [(40)] (39) "Nonresident", a resident of a state or country
21 other than the state of Missouri;

22 [(41)] (40) "Non-USA-std motor vehicle", a motor vehicle
23 not originally manufactured in compliance with United States
24 emissions or safety standards;

25 [(42)] (41) "Operator", any person who operates or drives a
26 motor vehicle;

27 [(43)] (42) "Owner", any person, firm, corporation or
28 association, who holds the legal title to a vehicle or in the

1 event a vehicle is the subject of an agreement for the
2 conditional sale or lease thereof with the right of purchase upon
3 performance of the conditions stated in the agreement and with an
4 immediate right of possession vested in the conditional vendee or
5 lessee, or in the event a mortgagor of a vehicle is entitled to
6 possession, then such conditional vendee or lessee or mortgagor
7 shall be deemed the owner for the purpose of this law;

8 [(44)] (43) "Public garage", a place of business where
9 motor vehicles are housed, stored, repaired, reconstructed or
10 repainted for persons other than the owners or operators of such
11 place of business;

12 [(45)] (44) "Rebuilder", a business that repairs or
13 rebuilds motor vehicles owned by the rebuilder, but does not
14 include certificated common or contract carriers of persons or
15 property;

16 [(46)] (45) "Reconstructed motor vehicle", a vehicle that
17 is altered from its original construction by the addition or
18 substitution of two or more new or used major component parts,
19 excluding motor vehicles made from all new parts, and new
20 multistage manufactured vehicles;

21 [(47)] (46) "Recreational motor vehicle", any motor vehicle
22 designed, constructed or substantially modified so that it may be
23 used and is used for the purposes of temporary housing quarters,
24 including therein sleeping and eating facilities which are either
25 permanently attached to the motor vehicle or attached to a unit
26 which is securely attached to the motor vehicle. Nothing herein
27 shall prevent any motor vehicle from being registered as a
28 commercial motor vehicle if the motor vehicle could otherwise be

1 so registered;

2 [(48)] (47) "Recreational off-highway vehicle", any
3 motorized vehicle manufactured and used exclusively for
4 off-highway use which is [sixty] sixty-four inches or less in
5 width, with an unladen dry weight of one thousand eight hundred
6 fifty pounds or less, traveling on four or more nonhighway tires,
7 with a nonstraddle seat, and steering wheel, which may have
8 access to ATV trails;

9 [(49)] (48) "Rollback or car carrier", any vehicle
10 specifically designed to transport wrecked, disabled or otherwise
11 inoperable vehicles, when the transportation is directly
12 connected to a wrecker or towing service;

13 [(50)] (49) "Saddlemount combination", a combination of
14 vehicles in which a truck or truck tractor tows one or more
15 trucks or truck tractors, each connected by a saddle to the frame
16 or fifth wheel of the vehicle in front of it. The "saddle" is a
17 mechanism that connects the front axle of the towed vehicle to
18 the frame or fifth wheel of the vehicle in front and functions
19 like a fifth wheel kingpin connection. When two vehicles are
20 towed in this manner the combination is called a "double
21 saddlemount combination". When three vehicles are towed in this
22 manner, the combination is called a "triple saddlemount
23 combination";

24 [(51)] (50) "Salvage dealer and dismantler", a business
25 that dismantles used motor vehicles for the sale of the parts
26 thereof, and buys and sells used motor vehicle parts and
27 accessories;

28 [(52)] (51) "Salvage vehicle", a motor vehicle,

1 semitrailer, or house trailer which:

2 (a) Was damaged during a year that is no more than six
3 years after the manufacturer's model year designation for such
4 vehicle to the extent that the total cost of repairs to rebuild
5 or reconstruct the vehicle to its condition immediately before it
6 was damaged for legal operation on the roads or highways exceeds
7 eighty percent of the fair market value of the vehicle
8 immediately preceding the time it was damaged;

9 (b) By reason of condition or circumstance, has been
10 declared salvage, either by its owner, or by a person, firm,
11 corporation, or other legal entity exercising the right of
12 security interest in it;

13 (c) Has been declared salvage by an insurance company as a
14 result of settlement of a claim;

15 (d) Ownership of which is evidenced by a salvage title; or

16 (e) Is abandoned property which is titled pursuant to
17 section 304.155, RSMo, or section 304.157, RSMo, and designated
18 with the words "salvage/abandoned property". The total cost of
19 repairs to rebuild or reconstruct the vehicle shall not include
20 the cost of repairing, replacing, or reinstalling inflatable
21 safety restraints, tires, sound systems, or damage as a result of
22 hail, or any sales tax on parts or materials to rebuild or
23 reconstruct the vehicle. For purposes of this definition, "fair
24 market value" means the retail value of a motor vehicle as:

25 a. Set forth in a current edition of any nationally
26 recognized compilation of retail values, including automated
27 databases, or from publications commonly used by the automotive
28 and insurance industries to establish the values of motor

1 vehicles;

2 b. Determined pursuant to a market survey of comparable
3 vehicles with regard to condition and equipment; and

4 c. Determined by an insurance company using any other
5 procedure recognized by the insurance industry, including market
6 surveys, that is applied by the company in a uniform manner;

7 [(53)] (52) "School bus", any motor vehicle used solely to
8 transport students to or from school or to transport students to
9 or from any place for educational purposes;

10 (53) "Scrap processor", a business that, through the use of
11 fixed or mobile equipment, flattens, crushes, or otherwise
12 accepts motor vehicles and vehicle parts for processing or
13 transportation to a shredder or scrap metal operator for
14 recycling;

15 _____(54) "Shuttle bus", a motor vehicle used or maintained by
16 any person, firm, or corporation as an incidental service to
17 transport patrons or customers of the regular business of such
18 person, firm, or corporation to and from the place of business of
19 the person, firm, or corporation providing the service at no fee
20 or charge. Shuttle buses shall not be registered as buses or as
21 commercial motor vehicles;

22 (55) "Special mobile equipment", every self-propelled
23 vehicle not designed or used primarily for the transportation of
24 persons or property and incidentally operated or moved over the
25 highways, including farm equipment, implements of husbandry, road
26 construction or maintenance machinery, ditch-digging apparatus,
27 stone crushers, air compressors, power shovels, cranes, graders,
28 rollers, well-drillers and wood-sawing equipment used for hire,

1 asphalt spreaders, bituminous mixers, bucket loaders, ditchers,
2 leveling graders, finished machines, motor graders, road rollers,
3 scarifiers, earth-moving carryalls, scrapers, drag lines,
4 concrete pump trucks, rock-drilling and earth-moving equipment.

5 This enumeration shall be deemed partial and shall not operate to
6 exclude other such vehicles which are within the general terms of
7 this section;

8 (56) "Specially constructed motor vehicle", a motor vehicle
9 which shall not have been originally constructed under a
10 distinctive name, make, model or type by a manufacturer of motor
11 vehicles. The term specially constructed motor vehicle includes
12 kit vehicles;

13 (57) "Stinger-steered combination", a truck
14 tractor-semitrailer wherein the fifth wheel is located on a drop
15 frame located behind and below the rearmost axle of the power
16 unit;

17 (58) "Tandem axle", a group of two or more axles, arranged
18 one behind another, the distance between the extremes of which is
19 more than forty inches and not more than ninety-six inches apart;

20 (59) "Tractor", "truck tractor" or "truck-tractor", a
21 self-propelled motor vehicle designed for drawing other vehicles,
22 but not for the carriage of any load when operating
23 independently. When attached to a semitrailer, it supports a
24 part of the weight thereof;

25 (60) "Trailer", any vehicle without motive power designed
26 for carrying property or passengers on its own structure and for
27 being drawn by a self-propelled vehicle, except those running
28 exclusively on tracks, including a semitrailer or vehicle of the

1 trailer type so designed and used in conjunction with a
2 self-propelled vehicle that a considerable part of its own weight
3 rests upon and is carried by the towing vehicle. The term
4 "trailer" shall not include cotton trailers as defined in
5 subdivision (8) of this section and shall not include
6 manufactured homes as defined in section 700.010, RSMo;

7 (61) "Truck", a motor vehicle designed, used, or maintained
8 for the transportation of property;

9 (62) "Truck-tractor semitrailer-semitrailer", a combination
10 vehicle in which the two trailing units are connected with a
11 B-train assembly which is a rigid frame extension attached to the
12 rear frame of a first semitrailer which allows for a fifth-wheel
13 connection point for the second semitrailer and has one less
14 articulation point than the conventional A-dolly connected
15 truck-tractor semitrailer-trailer combination;

16 (63) "Truck-trailer boat transporter combination", a boat
17 transporter combination consisting of a straight truck towing a
18 trailer using typically a ball and socket connection with the
19 trailer axle located substantially at the trailer center of
20 gravity rather than the rear of the trailer but so as to maintain
21 a downward force on the trailer tongue;

22 (64) "Used parts dealer", a business that buys and sells
23 used motor vehicle parts or accessories, but not including a
24 business that sells only new, remanufactured or rebuilt parts.
25 "Business" does not include isolated sales at a swap meet of less
26 than three days;

27 (65) "Utility vehicle", any motorized vehicle manufactured
28 and used exclusively for off-highway use which is sixty-three

1 inches or less in width, with an unladen dry weight of one
2 thousand eight hundred fifty pounds or less, traveling on four or
3 six wheels, to be used primarily for landscaping, lawn care, or
4 maintenance purposes;

5 (66) "Vanpool", any van or other motor vehicle used or
6 maintained by any person, group, firm, corporation, association,
7 city, county or state agency, or any member thereof, for the
8 transportation of not less than eight nor more than forty-eight
9 employees, per motor vehicle, to and from their place of
10 employment; however, a vanpool shall not be included in the
11 definition of the term bus or commercial motor vehicle as defined
12 by subdivisions (6) and (7) of this section, nor shall a vanpool
13 driver be deemed a chauffeur as that term is defined by section
14 [302.010, RSMo] 303.020; nor shall use of a vanpool vehicle for
15 ride-sharing arrangements, recreational, personal, or maintenance
16 uses constitute an unlicensed use of the motor vehicle, unless
17 used for monetary profit other than for use in a ride-sharing
18 arrangement;

19 (67) "Vehicle", any mechanical device on wheels, designed
20 primarily for use, or used, on highways, except motorized
21 bicycles, vehicles propelled or drawn by horses or human power,
22 or vehicles used exclusively on fixed rails or tracks, or cotton
23 trailers or motorized wheelchairs operated by handicapped
24 persons;

25 (68) "Wrecker" or "tow truck", any emergency commercial
26 vehicle equipped, designed and used to assist or render aid and
27 transport or tow disabled or wrecked vehicles from a highway,
28 road, street or highway rights-of-way to a point of storage or

1 repair, including towing a replacement vehicle to replace a
2 disabled or wrecked vehicle;

3 (69) "Wrecker or towing service", the act of transporting,
4 towing or recovering with a wrecker, tow truck, rollback or car
5 carrier any vehicle not owned by the operator of the wrecker, tow
6 truck, rollback or car carrier for which the operator directly or
7 indirectly receives compensation or other personal gain.

8 301.032. 1. Notwithstanding the provisions of sections
9 301.030 and 301.035 to the contrary, the director of revenue
10 shall establish a system of registration of all fleet vehicles
11 owned or purchased by a fleet owner registered pursuant to this
12 section. The director of revenue shall prescribe the forms for
13 such fleet registration and the forms and procedures for the
14 registration updates prescribed in this section. Any owner of
15 ten or more motor vehicles which must be registered in accordance
16 with this chapter may register as a fleet owner. All registered
17 fleet owners may, at their option, register all motor vehicles
18 included in the fleet on a calendar year or biennial basis
19 pursuant to this section in lieu of the registration periods
20 provided in sections 301.030, 301.035, and 301.147. The director
21 shall issue an identification number to each registered owner of
22 fleet vehicles.

23 2. All fleet vehicles included in the fleet of a registered
24 fleet owner shall be registered during April [each year] of the
25 corresponding year or on a prorated basis as provided in
26 subsection 3 of this section. Fees of all vehicles in the fleet
27 to be registered on a calendar year basis or on a biennial basis
28 shall be payable not later than the last day of April of [each

1 year] of the corresponding year, with two years' fees due for
2 biennially-registered vehicles. Notwithstanding the provisions
3 of section 307.355, RSMo, an application for registration of a
4 fleet vehicle must be accompanied by a certificate of inspection
5 and approval issued no more than one hundred twenty days prior to
6 the date of application. The fees for vehicles added to the
7 fleet which must be licensed at the time of registration shall be
8 payable at the time of registration, except that when such
9 vehicle is licensed between July first and September thirtieth
10 the fee shall be three-fourths the annual fee, when licensed
11 between October first and December thirty-first the fee shall be
12 one-half the annual fee and when licensed on or after January
13 first the fee shall be one-fourth the annual fee. When biennial
14 registration is sought for vehicles added to a fleet, an
15 additional year's annual fee will be added to the partial year's
16 prorated fee.

17 3. At any time during the calendar year in which an owner
18 of a fleet purchases or otherwise acquires a vehicle which is to
19 be added to the fleet or transfers plates to a fleet vehicle, the
20 owner shall present to the director of revenue the identification
21 number as a fleet number and may register the vehicle for the
22 partial year as provided in subsection 2 of this section. The
23 fleet owner shall also be charged a transfer fee of two dollars
24 for each vehicle so transferred pursuant to this subsection.

25 4. Except as specifically provided in this subsection, all
26 fleet vehicles registered pursuant to this section shall be
27 issued a special license plate which shall have the words "Fleet
28 Vehicle" in place of the words "Show-Me State" in the manner

1 prescribed by the advisory committee established in section
2 301.129. Alternatively, for a one-time additional five dollar
3 per-vehicle fee beyond the regular registration fee, [owners of]
4 a fleet owner of at least fifty fleet vehicles may apply for
5 fleet license plates bearing a company name or logo, the size and
6 design thereof subject to approval by the director. All fleet
7 license plates shall be made with fully reflective material with
8 a common color scheme and design, shall be clearly visible at
9 night, and shall be aesthetically attractive, as prescribed by
10 section 301.130. Fleet vehicles shall be issued multiyear
11 license plates as provided in this section which shall not
12 require issuance of a renewal tab. Upon payment of appropriate
13 registration fees, the director of revenue shall issue a
14 registration certificate or other suitable evidence of payment of
15 the annual or biennial fee, and such evidence of payment shall be
16 carried at all times in the vehicle for which it is issued. The
17 director of revenue shall promulgate rules and regulations
18 establishing the procedure for application and issuance of fleet
19 vehicle license plates.

20 5. Notwithstanding the provisions of sections 307.350 to
21 307.390, RSMo, to the contrary, a fleet vehicle registered in
22 Missouri is exempt from the requirements of sections 307.350 to
23 307.390, RSMo, if at the time of the annual fleet registration,
24 such fleet vehicle is situated outside the state of Missouri.

25 [301.064. 1. The annual registration fee for a
26 land improvement contractors' commercial motor vehicle
27 is three hundred and fifty dollars. The maximum gross
28 weight for which such a vehicle may be registered is
29 seventy-three thousand two hundred and eighty pounds.
30 Transporting for hire by such a motor vehicle is
31 prohibited.

1 2. Upon application to the director of revenue
2 accompanied by an affidavit signed by the owner or
3 owners stating that the motor vehicle to be licensed as
4 a land improvement contractors' commercial motor
5 vehicle shall not be operated in any manner other than
6 as prescribed in section 301.010, and by the amount of
7 the registration fee prescribed in subsection 1 of this
8 section, and otherwise complying with the laws relating
9 to the registration and licensing of motor vehicles,
10 the owner or owners shall be issued a distinctive set
11 of land improvement contractors' license plates. The
12 director of revenue shall by regulation determine the
13 characteristic features of land improvement
14 contractors' license plates so that they may be readily
15 identified as such.]
16

17 301.064. 1. The annual registration fee for a land
18 improvement contractors' commercial motor vehicle is three
19 hundred and fifty dollars. The maximum gross weight for which
20 such a vehicle may be registered is eighty thousand pounds.
21 Transporting for hire by such a motor vehicle is prohibited.

22 2. Upon application to the director of revenue accompanied
23 by an affidavit signed by the owner or owners stating that the
24 motor vehicle to be licensed as a land improvement contractors'
25 commercial motor vehicle shall not be operated in any manner
26 other than as prescribed in section 301.010, and by the amount of
27 the registration fee prescribed [above] in subsection 1 of this
28 section, and otherwise complying with the laws relating to the
29 registration and licensing of motor vehicles, the owner or owners
30 shall be issued a [set of] distinctive land improvement
31 contractors' license [plates. The advisory committee established
32 in section 301.129 shall determine the characteristic features of
33 land improvement contractors' license plates so that they may be
34 readily identified as such] plate so that it may be readily
35 identified as such, except that such license plates shall be made

1 with fully reflective material with a common color scheme and
2 design, shall be clearly visible at night, and shall be
3 aesthetically attractive, as prescribed by section 301.130. [Any
4 rule or portion of a rule promulgated pursuant to sections
5 301.010, 301.057, 301.058, and 301.064 may be suspended by the
6 committee on administrative rules until such time as the general
7 assembly may by concurrent resolution reinstate such rule.]

8 301.069. 1. A driveaway license plate may not be used on a
9 vehicle used or operated on a highway except for the purpose of
10 transporting vehicles in transit. Driveaway license plates may
11 not be used by tow truck operators transporting wrecked,
12 disabled, abandoned, improperly parked, or burned vehicles.

13 Driveaway license plates shall only be used by owners, corporate
14 officers, or employees of the business to which the plate was
15 issued. For each driveaway license there shall be paid an annual
16 license fee of forty-four dollars and fifty cents for one set of
17 plates or such insignia as the director may issue which shall be
18 attached to the motor vehicle as prescribed in this chapter.

19 Applicants may choose to obtain biennial driveaway licenses. The
20 fee for biennial driveaway licenses shall be eighty-nine dollars.
21 For single trips the fee shall be four dollars, and descriptive
22 insignia shall be prepared and issued at the discretion of the
23 director who shall also prescribe the type of equipment used to
24 attach such vehicles in combinations.

25 2. No driveaway license plates shall be issued by the
26 director of revenue unless the applicant therefor shall make
27 application for such plate and shall therein include:

28 (1) The business name, business street address, and

1 business telephone number of the applicant;

2 (2) The business owner's full name, date of birth, driver
3 license number or non-driver license number, residence street
4 address, and residence telephone number;

5 (3) The signature and printed name of the business owner or
6 authorized representative of the business presenting such
7 application; and

8 (4) A statement explaining what the driveaway license
9 plates or plates will be used for.

10
11 The applicant shall provide certification of proof of financial
12 responsibility, as defined in section 303.020 sufficient to cover
13 each motor vehicle the applicant shall operate or otherwise move
14 on the streets or highways, through use of the driveaway license
15 plate, during the period of registration. The applicant shall
16 provide such certification by affixing a copy of said
17 certification to the application. The application shall include
18 a photograph, not to exceed eight inches by ten inches but no
19 less than five inches by seven inches, showing the business
20 building and sign of the applicant's business. The applicant
21 shall maintain a working, landline telephone at the applicant's
22 place of business throughout the registration period. The
23 applicant shall maintain certification of proof of financial
24 responsibility as described herein throughout the registration
25 period.

26 3. If any of the information required by this section to be
27 reported by the applicant changes during the registration period,
28 the applicant shall report said changes to the department of

1 revenue within ten days of the date of the change.

2 4. Any violation of this section shall result in the
3 revocation of the applicant's driveaway license.

4 5. Any person who knowingly uses a revoked driveaway
5 license plate shall be deemed guilty of a misdemeanor.

6 301.120. 1. When the owner of a motor vehicle moves the
7 vehicle to another state, [he] the owner shall return the license
8 plate or plates to the director of revenue within ninety days or
9 upon the expiration of the period of reciprocity granted by the
10 new state of residence; or if the owner of a motor vehicle ceases
11 to operate the vehicle in Missouri, [he] the owner shall return
12 the license plate or plates to the director of revenue within
13 ninety days.

14 2. For motor vehicles that require the issuance of only one
15 license plate under section 301.130 after August 28, 2010, an
16 owner whose motor vehicle has a front license plate on the
17 effective date of this section shall surrender the front license
18 plate to the department of revenue at the next renewal of
19 registration for the motor vehicle.

20 301.130. 1. Beginning August 28, 2010, the director of
21 revenue, upon receipt of a proper application for registration,
22 required fees and any other information which may be required by
23 law, shall issue to the applicant a certificate of registration
24 in such manner and form as the director of revenue may prescribe
25 and [a set of license plates] only one license plate, or other
26 evidence of registration, as provided by this section. Each
27 license plate or set of license plates shall bear the name or
28 abbreviated name of this state, the words "SHOW-ME STATE", the

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

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

18 3. All property-carrying commercial motor vehicles to be
19 registered at a gross weight in excess of twelve thousand pounds,
20 all passenger-carrying commercial motor vehicles, local transit
21 buses, school buses, trailers, semitrailers, motorcycles,
22 motortricycles, motorscooters and driveaway vehicles shall be
23 registered with the director of revenue as provided for in
24 subsection 3 of section 301.030, or with the state highways and
25 transportation commission as otherwise provided in this chapter,
26 but only one license plate shall be issued for each such vehicle,
27 except as provided in this subsection. The applicant for
28 registration of any property-carrying commercial motor vehicle

1 may request and be issued two license plates for such vehicle,
2 and if such plates are issued the director of revenue may assess
3 and collect an additional charge from the applicant in an amount
4 not to exceed the fee prescribed for personalized license plates
5 in subsection 1 of section 301.144.

6 4. The plates issued to manufacturers and dealers shall
7 bear the letters and numbers as prescribed by section 301.560,
8 and the director may place upon the plates other letters or marks
9 to distinguish commercial motor vehicles and trailers and other
10 types of motor vehicles.

11 5. No motor vehicle or trailer shall be operated on any
12 highway of this state unless it shall have displayed thereon the
13 license plate [or set of license plates] issued by the director
14 of revenue or the state highways and transportation commission
15 and authorized by section 301.140. Each such plate shall be
16 securely fastened to the motor vehicle or trailer in a manner so
17 that all parts thereof shall be plainly visible and reasonably
18 clean so that the reflective qualities thereof are not impaired.
19 Each such plate may be encased in a transparent cover so long as
20 the plate is plainly visible and its reflective qualities are not
21 impaired. [License plates] The license plate shall be fastened
22 to all motor vehicles except trucks, tractors, truck tractors or
23 truck-tractors licensed in excess of twelve thousand pounds on
24 the [front and] rear of such vehicles not less than eight nor
25 more than forty-eight inches above the ground, with the letters
26 and numbers thereon right side up. The license plates on
27 trailers, motorcycles, motortricycles and motorscooters shall be
28 displayed on the rear of such vehicles, with the letters and

1 numbers thereon right side up. The license plate on buses, other
2 than school buses, and on trucks, tractors, truck tractors or
3 truck-tractors licensed in excess of twelve thousand pounds shall
4 be displayed on the front of such vehicles not less than eight
5 nor more than forty-eight inches above the ground, with the
6 letters and numbers thereon right side up or if two plates are
7 issued for the vehicle pursuant to subsection 3 of this section,
8 displayed in the same manner on the front and rear of such
9 vehicles. The license plate or plates authorized by section
10 301.140, when properly attached, shall be prima facie evidence
11 that the required fees have been paid.

12 6. (1) The director of revenue shall issue annually or
13 biennially a tab [or set of tabs] as provided by law as evidence
14 of the annual payment of registration fees and the current
15 registration of a vehicle in lieu of the set of plates.
16 Beginning January 1, 2010, the director may prescribe any
17 additional information recorded on the tab or tabs to ensure that
18 the tab or tabs positively correlate with the license plate or
19 plates issued by the department of revenue for such vehicle.
20 Such tabs shall be produced in each license bureau office.

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

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

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

4 (5) For those commercial motor vehicles and trailers
5 registered pursuant to section 301.041, the plate issued by the
6 highways and transportation commission shall be a permanent
7 nonexpiring license plate for which no tabs shall be issued.
8 Nothing in this section shall relieve the owner of any vehicle
9 permanently registered pursuant to this section from the
10 obligation to pay the annual registration fee due for the
11 vehicle. The permanent nonexpiring license plate shall be
12 returned to the highways and transportation commission upon the
13 sale or disposal of the vehicle by the owner to whom the
14 permanent nonexpiring license plate is issued, or the plate may
15 be transferred to a replacement commercial motor vehicle when the
16 owner files a supplemental application with the Missouri highways
17 and transportation commission for the registration of such
18 replacement commercial motor vehicle. Upon payment of the annual
19 registration fee, the highways and transportation commission
20 shall issue a certificate of registration or other suitable
21 evidence of payment of the annual fee, and such evidence of
22 payment shall be carried at all times in the vehicle for which it
23 is issued.

24 (6) Upon the sale or disposal of any vehicle permanently
25 registered under this section, or upon the termination of a lease
26 of any such vehicle, the permanent nonexpiring plate issued for
27 such vehicle shall be returned to the highways and transportation
28 commission and shall not be valid for operation of such vehicle,

1 or the plate may be transferred to a replacement vehicle when the
2 owner files a supplemental application with the Missouri highways
3 and transportation commission for the registration of such
4 replacement vehicle. If a vehicle which is permanently
5 registered under this section is sold, wrecked or otherwise
6 disposed of, or the lease terminated, the registrant shall be
7 given credit for any unused portion of the annual registration
8 fee when the vehicle is replaced by the purchase or lease of
9 another vehicle during the registration year.

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

16 8. Notwithstanding the provisions of any other law to the
17 contrary, owners of motor vehicles other than apportioned motor
18 vehicles or commercial motor vehicles licensed in excess of
19 eighteen thousand pounds gross weight may apply for special
20 personalized license plates. Vehicles licensed for eighteen
21 thousand pounds that display special personalized license plates
22 shall be subject to the provisions of subsections 1 and 2 of
23 section 301.030.

24 9. No later than January 1, 2009, the director of revenue
25 shall commence the reissuance of new license plates of such
26 design as directed by the director consistent with the terms,
27 conditions, and provisions of this section and this chapter.
28 Except as otherwise provided in this section, in addition to all

1 other fees required by law, applicants for registration of
2 vehicles with license plates that expire during the period of
3 reissuance, applicants for registration of trailers or
4 semitrailers with license plates that expire during the period of
5 reissuance and applicants for registration of vehicles that are
6 to be issued new license plates during the period of reissuance
7 shall pay the cost of the plates required by this subsection.
8 The additional cost prescribed in this subsection shall not be
9 charged to persons receiving special license plates issued under
10 section 301.073 or 301.443. Historic motor vehicle license
11 plates registered pursuant to section 301.131 and specialized
12 license plates are exempt from the provisions of this subsection.
13 Except for new, replacement, and transfer applications, permanent
14 nonexpiring license plates issued to commercial motor vehicles
15 and trailers registered under section 301.041 are exempt from the
16 provisions of this subsection.

17 10. The provisions of this section regarding the issuance
18 of only one license plate for a motor vehicle shall apply to the
19 issuance of personalized license plates.

20 301.142. 1. As used in sections 301.141 to 301.143, the
21 following terms mean:

- 22 (1) "Department", the department of revenue;
- 23 (2) "Director", the director of the department of revenue;
- 24 (3) "Other authorized health care practitioner" includes
25 advanced practice registered nurses licensed pursuant to chapter
26 335, RSMo, chiropractors licensed pursuant to chapter 331, RSMo,
27 podiatrists licensed pursuant to chapter 330, RSMo, physician
28 assistants licensed pursuant to chapter 334, and optometrists

1 licensed pursuant to chapter 336, RSMo;

2 (4) "Physically disabled", a natural person who is blind,
3 as defined in section 8.700, RSMo, or a natural person with
4 medical disabilities which prohibits, limits, or severely impairs
5 one's ability to ambulate or walk, as determined by a licensed
6 physician or other authorized health care practitioner as
7 follows:

8 (a) The person cannot ambulate or walk fifty or less feet
9 without stopping to rest due to a severe and disabling arthritic,
10 neurological, orthopedic condition, or other severe and disabling
11 condition; or

12 (b) The person cannot ambulate or walk without the use of,
13 or assistance from, a brace, cane, crutch, another person,
14 prosthetic device, wheelchair, or other assistive device; or

15 (c) Is restricted by a respiratory or other disease to such
16 an extent that the person's forced respiratory expiratory volume
17 for one second, when measured by spirometry, is less than one
18 liter, or the arterial oxygen tension is less than sixty mm/hg on
19 room air at rest; or

20 (d) Uses portable oxygen; or

21 (e) Has a cardiac condition to the extent that the person's
22 functional limitations are classified in severity as class III or
23 class IV according to standards set by the American Heart
24 Association; or

25 (f) A person's age, in and of itself, shall not be a factor
26 in determining whether such person is physically disabled or is
27 otherwise entitled to disabled license plates and/or disabled
28 windshield hanging placards within the meaning of sections

1 301.141 to 301.143;

2 (5) "Physician", a person licensed to practice medicine
3 pursuant to chapter 334, RSMo;

4 (6) "Physician's statement", a statement personally signed
5 by a duly authorized person which certifies that a person is
6 disabled as defined in this section;

7 (7) "Temporarily disabled person", a disabled person as
8 defined in this section whose disability or incapacity is
9 expected to last no more than one hundred eighty days;

10 (8) "Temporary windshield placard", a placard to be issued
11 to persons who are temporarily disabled persons as defined in
12 this section, certification of which shall be indicated on the
13 physician's statement;

14 (9) "Windshield placard", a placard to be issued to persons
15 who are physically disabled as defined in this section,
16 certification of which shall be indicated on the physician's
17 statement.

18 2. Other authorized health care practitioners may furnish
19 to a disabled or temporarily disabled person a physician's
20 statement for only those physical health care conditions for
21 which such health care practitioner is legally authorized to
22 diagnose and treat.

23 3. A physician's statement shall:

24 (1) Be on a form prescribed by the director of revenue;

25 (2) Set forth the specific diagnosis and medical condition
26 which renders the person physically disabled or temporarily
27 disabled as defined in this section;

28 (3) Include the physician's or other authorized health care

1 practitioner's license number; and

2 (4) Be personally signed by the issuing physician or other
3 authorized health care practitioner.

4 4. If it is the professional opinion of the physician or
5 other authorized health care practitioner issuing the statement
6 that the physical disability of the applicant, user, or member of
7 the applicant's household is permanent, it shall be noted on the
8 statement. Otherwise, the physician or other authorized health
9 care practitioner shall note on the statement the anticipated
10 length of the disability which period may not exceed one hundred
11 eighty days. If the physician or health care practitioner fails
12 to record an expiration date on the physician's statement, the
13 director shall issue a temporary windshield placard for a period
14 of thirty days.

15 5. A physician or other authorized health care practitioner
16 who issues or signs a physician's statement so that disabled
17 plates or a disabled windshield placard may be obtained shall
18 maintain in such disabled person's medical chart documentation
19 that such a certificate has been issued, the date the statement
20 was signed, the diagnosis or condition which existed that
21 qualified the person as disabled pursuant to this section and
22 shall contain sufficient documentation so as to objectively
23 confirm that such condition exists.

24 6. The medical or other records of the physician or other
25 authorized health care practitioner who issued a physician's
26 statement shall be open to inspection and review by such
27 practitioner's licensing board, in order to verify compliance
28 with this section. Information contained within such records

1 shall be confidential unless required for prosecution,
2 disciplinary purposes, or otherwise required to be disclosed by
3 law.

4 7. Owners of motor vehicles who are residents of the state
5 of Missouri, and who are physically disabled, owners of motor
6 vehicles operated at least fifty percent of the time by a
7 physically disabled person, or owners of motor vehicles used to
8 primarily transport physically disabled members of the owner's
9 household may obtain disabled person license plates. Such
10 owners, upon application, accompanied by the documents and fees
11 provided for in this section, a current physician's statement
12 which has been issued within ninety days proceeding the date the
13 application is made and proof of compliance with the state motor
14 vehicle laws relating to registration and licensing of motor
15 vehicles, shall be issued motor vehicle license plates for
16 vehicles, other than commercial vehicles with a gross weight in
17 excess of twenty-four thousand pounds, upon which shall be
18 inscribed the international wheelchair accessibility symbol and
19 the word "DISABLED" in addition to a combination of letters and
20 numbers. Such license plates shall be made with fully reflective
21 material with a common color scheme and design, shall be clearly
22 visible at night, and shall be aesthetically attractive, as
23 prescribed by section 301.130.

24 8. The director shall further issue, upon request, to such
25 applicant one, and for good cause shown, as the director may
26 define by rule and regulations, not more than two, removable
27 disabled windshield hanging placards for use when the disabled
28 person is occupying a vehicle or when a vehicle not bearing the

1 permanent handicap plate is being used to pick up, deliver, or
2 collect the physically disabled person issued the disabled motor
3 vehicle license plate or disabled windshield hanging placard.

4 9. No additional fee shall be paid to the director for the
5 issuance of the special license plates provided in this section,
6 except for special personalized license plates and other license
7 plates described in this subsection. Priority for any specific
8 set of special license plates shall be given to the applicant who
9 received the number in the immediately preceding license period
10 subject to the applicant's compliance with the provisions of this
11 section and any applicable rules or regulations issued by the
12 director. If determined feasible by the advisory committee
13 established in section 301.129, any special license plate issued
14 pursuant to this section may be adapted to also include the
15 international wheelchair accessibility symbol and the word
16 "DISABLED" as prescribed in this section and such plate may be
17 issued to any applicant who meets the requirements of this
18 section and the other appropriate provision of this chapter,
19 subject to the requirements and fees of the appropriate provision
20 of this chapter.

21 10. Any physically disabled person, or the parent or
22 guardian of any such person, or any not-for-profit group,
23 organization, or other entity which transports more than one
24 physically disabled person, may apply to the director of revenue
25 for a removable windshield placard. The placard may be used in
26 motor vehicles which do not bear the permanent handicap symbol on
27 the license plate. Such placards must be hung from the front,
28 middle rearview mirror of a parked motor vehicle and may not be

1 hung from the mirror during operation. These placards may only
2 be used during the period of time when the vehicle is being used
3 by a disabled person, or when the vehicle is being used to pick
4 up, deliver, or collect a disabled person. When there is no
5 rearview mirror, the placard shall be displayed on the dashboard
6 on the driver's side.

7 11. The removable windshield placard shall conform to the
8 specifications, in respect to size, color, and content, as set
9 forth in federal regulations published by the Department of
10 Transportation. The removable windshield placard shall be
11 renewed every four years. The director may stagger the
12 expiration dates to equalize workload. Only one removable
13 placard may be issued to an applicant who has been issued
14 disabled person license plates. Upon request, one additional
15 windshield placard may be issued to an applicant who has not been
16 issued disabled person license plates.

17 12. A temporary windshield placard shall be issued to any
18 physically disabled person, or the parent or guardian of any such
19 person who otherwise qualifies except that the physical
20 disability, in the opinion of the physician, is not expected to
21 exceed a period of one hundred eighty days. The temporary
22 windshield placard shall conform to the specifications, in
23 respect to size, color, and content, as set forth in federal
24 regulations published by the Department of Transportation. The
25 fee for the temporary windshield placard shall be two dollars.
26 Upon request, and for good cause shown, one additional temporary
27 windshield placard may be issued to an applicant. Temporary
28 windshield placards shall be issued upon presentation of the

1 physician's statement provided by this section and shall be
2 displayed in the same manner as removable windshield placards. A
3 person or entity shall be qualified to possess and display a
4 temporary removable windshield placard for six months and the
5 placard may be renewed once for an additional six months if a
6 physician's statement pursuant to this section is supplied to the
7 director of revenue at the time of renewal.

8 13. Application for license plates or windshield placards
9 issued pursuant to this section shall be made to the director of
10 revenue and shall be accompanied by a statement signed by a
11 licensed physician or other authorized health care practitioner
12 which certifies that the applicant, user, or member of the
13 applicant's household is a physically disabled person as defined
14 by this section.

15 14. The placard shall be renewable only by the person or
16 entity to which the placard was originally issued. Any placard
17 issued pursuant to this section shall only be used when the
18 physically disabled occupant for whom the disabled plate or
19 placard was issued is in the motor vehicle at the time of parking
20 or when a physically disabled person is being delivered or
21 collected. A disabled license plate and/or a removable
22 windshield hanging placard are not transferable and may not be
23 used by any other person whether disabled or not.

24 15. At the time the disabled plates or windshield hanging
25 placards are issued, the director shall issue a registration
26 certificate which shall include the applicant's name, address,
27 and other identifying information as prescribed by the director,
28 or if issued to an agency, such agency's name and address. This

1 certificate shall further contain the disabled license plate
2 number or, for windshield hanging placards, the registration or
3 identifying number stamped on the placard. The validated
4 registration receipt given to the applicant shall serve as the
5 registration certificate.

6 16. The director shall, upon issuing any disabled
7 registration certificate for license plates and/or windshield
8 hanging placards, provide information which explains that such
9 plates or windshield hanging placards are nontransferable, and
10 the restrictions explaining who and when a person or vehicle
11 which bears or has the disabled plates or windshield hanging
12 placards may be used or be parked in a disabled reserved parking
13 space, and the penalties prescribed for violations of the
14 provisions of this act.

15 17. Every new applicant for a disabled license plate or
16 placard shall be required to present a new physician's statement
17 dated no more than ninety days prior to such application.
18 Renewal applicants will be required to submit a physician's
19 statement dated no more than ninety days prior to such
20 application upon their first renewal occurring on or after August
21 1, 2005. Upon completing subsequent renewal applications, a
22 physician's statement dated no more than ninety days prior to
23 such application shall be required every fourth year. Such
24 physician's statement shall state the expiration date for the
25 temporary windshield placard. If the physician fails to record
26 an expiration date on the physician's statement, the director
27 shall issue the temporary windshield placard for a period of
28 thirty days. The director may stagger the requirement of a

1 physician's statement on all renewals for the initial
2 implementation of a four-year period.

3 18. The director of revenue upon receiving a physician's
4 statement pursuant to this subsection shall check with the state
5 board of registration for the healing arts created in section
6 334.120, RSMo, or the Missouri state board of nursing established
7 in section 335.021, RSMo, with respect to physician's statements
8 signed by advanced practice registered nurses, or the Missouri
9 state board of chiropractic examiners established in section
10 331.090, RSMo, with respect to physician's statements signed by
11 licensed chiropractors, or with the board of optometry
12 established in section 336.130, RSMo, with respect to physician's
13 statements signed by licensed optometrists, or the state board of
14 podiatric medicine created in section 330.100, RSMo, with respect
15 to physician's statements signed by physicians of the foot or
16 podiatrists to determine whether the physician is duly licensed
17 and registered pursuant to law. If such applicant obtaining a
18 disabled license plate or placard presents proof of disability in
19 the form of a statement from the United States Veterans'
20 Administration verifying that the person is permanently disabled,
21 the applicant shall be exempt from the four-year certification
22 requirement of this subsection for renewal of the plate or
23 placard. Initial applications shall be accompanied by the
24 physician's statement required by this section. Notwithstanding
25 the provisions of paragraph (f) of subdivision (4) of subsection
26 1 of this section, any person seventy-five years of age or older
27 who provided the physician's statement with the original
28 application shall not be required to provide a physician's

1 statement for the purpose of renewal of disabled persons license
2 plates or windshield placards.

3 19. The boards shall cooperate with the director and shall
4 supply information requested pursuant to this subsection. The
5 director shall, in cooperation with the boards which shall assist
6 the director, establish a list of all Missouri physicians and
7 other authorized health care practitioners and of any other
8 information necessary to administer this section.

9 20. Where the owner's application is based on the fact that
10 the vehicle is used at least fifty percent of the time by a
11 physically disabled person, the applicant shall submit a
12 statement stating this fact, in addition to the physician's
13 statement. The statement shall be signed by both the owner of
14 the vehicle and the physically disabled person. The applicant
15 shall be required to submit this statement with each application
16 for license plates. No person shall willingly or knowingly
17 submit a false statement and any such false statement shall be
18 considered perjury and may be punishable pursuant to section
19 301.420.

20 21. The director of revenue shall retain all physicians'
21 statements and all other documents received in connection with a
22 person's application for disabled license plates and/or disabled
23 windshield placards.

24 22. The director of revenue shall enter into reciprocity
25 agreements with other states or the federal government for the
26 purpose of recognizing disabled person license plates or
27 windshield placards issued to physically disabled persons.

28 23. When a person to whom disabled person license plates or

1 a removable or temporary windshield placard or both have been
2 issued dies, the personal representative of the decedent or such
3 other person who may come into or otherwise take possession of
4 the disabled license plates or disabled windshield placard shall
5 return the same to the director of revenue under penalty of law.
6 Failure to return such plates or placards shall constitute a
7 class B misdemeanor.

8 24. The director of revenue may order any person issued
9 disabled person license plates or windshield placards to submit
10 to an examination by a chiropractor, osteopath, or physician, or
11 to such other investigation as will determine whether such person
12 qualifies for the special plates or placards.

13 25. If such person refuses to submit or is found to no
14 longer qualify for special plates or placards provided for in
15 this section, the director of revenue shall collect the special
16 plates or placards, and shall furnish license plates to replace
17 the ones collected as provided by this chapter.

18 26. In the event a removable or temporary windshield
19 placard is lost, stolen, or mutilated, the lawful holder thereof
20 shall, within five days, file with the director of revenue an
21 application and an affidavit stating such fact, in order to
22 purchase a new placard. The fee for the replacement windshield
23 placard shall be four dollars.

24 27. Fraudulent application, renewal, issuance, procurement
25 or use of disabled person license plates or windshield placards
26 shall be a class A misdemeanor. It is a class B misdemeanor for
27 a physician, chiropractor, podiatrist or optometrist to certify
28 that an individual or family member is qualified for a license

1 plate or windshield placard based on a disability, the diagnosis
2 of which is outside their scope of practice or if there is no
3 basis for the diagnosis.

4 301.144. 1. The director of revenue shall establish and
5 issue special personalized license plates containing letters or
6 numbers or combinations of letters and numbers. Such license
7 plates shall be made with fully reflective material with a common
8 color scheme and design, shall be clearly visible at night, and
9 shall be aesthetically attractive, as prescribed by section
10 301.130. Any person desiring to obtain a special personalized
11 license plate for any motor vehicle the person owns, either
12 solely or jointly, other than an apportioned motor vehicle or a
13 commercial motor vehicle licensed in excess of eighteen thousand
14 pounds gross weight shall apply to the director of revenue on a
15 form provided by the director and shall pay a fee of fifteen
16 dollars in addition to the regular registration fees. The
17 director of revenue shall issue rules and regulations setting the
18 standards and establishing the procedure for application for and
19 issuance of the special personalized license plates and shall
20 provide a deadline each year for the applications. Any rule or
21 portion of a rule, as that term is defined in section 536.010,
22 RSMo, that is created under the authority delegated in this
23 section shall become effective only if it complies with and is
24 subject to all of the provisions of chapter 536, RSMo, and, if
25 applicable, section 536.028, RSMo. This section and chapter 536,
26 RSMo, are nonseverable and if any of the powers vested with the
27 general assembly pursuant to chapter 536, RSMo, to review, to
28 delay the effective date or to disapprove and annul a rule are

1 subsequently held unconstitutional, then the grant of rulemaking
2 authority and any rule proposed or adopted after August 28, 2001,
3 shall be invalid and void. No two owners shall be issued
4 identical plates. An owner shall make a new application and pay
5 a new fee each year such owner desires to obtain or retain
6 special personalized license plates; however, notwithstanding the
7 provisions of subsection 8 of section 301.130 to the contrary,
8 the director shall allow the special personalized license plates
9 to be replaced with new plates every three years without any
10 additional charge, above the fee established in this section, to
11 the renewal applicant. Any person currently in possession of an
12 approved personalized license plate shall have first priority on
13 that particular plate for each of the following years that timely
14 and appropriate application is made.

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

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

1 August 28, 1992, if the director determines that the plates are
2 obscene, profane, patently offensive or contemptuous of a racial
3 or ethnic group, or offensive to good taste or decency, or would
4 present an unreasonable danger to the health or safety of the
5 applicant, of other users of streets and highways, or of the
6 public in any location where the vehicle with such a plate may be
7 found. Where the director recalls such plates pursuant to the
8 provisions of this subsection, the director shall reissue
9 personalized license plates to the owner of the motor vehicle for
10 which they were issued at no charge, if the new plates proposed
11 by the owner of the motor vehicle meet the standards established
12 pursuant to this section. The director shall not apply the
13 provisions of this statute in a way that violates the Missouri or
14 United States Constitutions as interpreted by the courts with
15 controlling authority in the state of Missouri. The primary
16 purpose of motor vehicle license plates is to identify motor
17 vehicles. Nothing in the issuance of a personalized license
18 plate creates a designated or limited public forum. Nothing
19 contained in this subsection shall be interpreted to prohibit the
20 use of license plates, which are no longer valid for registration
21 purposes, as collector's items or for decorative purposes.

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

1 director shall issue such plates in the same manner as other
2 personalized special license plates are issued.

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

23 6. Notwithstanding any other provision to the contrary, any
24 business that repossesses motor vehicles or trailers and sells or
25 otherwise disposes of them shall be issued a placard displaying
26 the word "Repossessed", provided such business pays the license
27 fees presently required of a manufacturer, distributor, or dealer
28 in section 301.560. Such placard shall bear a number and shall

1 be in such form as the director of revenue shall determine, and
2 shall be only used for demonstrations when displayed
3 substantially as provided for number plates on the rear of the
4 repossessed motor vehicle or trailer.

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

15 8. The provisions of section 301.130 regarding the issuance
16 of only one license plate for a motor vehicle shall apply to
17 personalized license plates issued under this section.

18 ____ 301.196. 1. Beginning January 1, 2006, except as otherwise
19 provided in this section, the transferor of an interest in a
20 motor vehicle or trailer listed on the face of a Missouri title,
21 excluding [salvage titles and] junking certificates, shall notify
22 the department of revenue of the transfer within thirty days of
23 the date of transfer. The notice shall be in a form determined
24 by the department by rule and shall contain:

25 (1) A description of the motor vehicle or trailer
26 sufficient to identify it;

27 (2) The vehicle identification number of the motor vehicle
28 or trailer;

- 1 (3) The name and address of the transferee;
- 2 (4) The date of birth of the transferee, unless the
- 3 transferee is not a natural person;
- 4 (5) The date of the transfer or sale;
- 5 (6) The purchase price of the motor vehicle or trailer, if
- 6 applicable;
- 7 (7) The number of the transferee's drivers license, unless
- 8 the transferee does not have a drivers license;
- 9 (8) The printed name and signature of the transferee;
- 10 (9) Any other information required by the department by
- 11 rule.

12 2. For purposes of giving notice under this section, if the
13 transfer occurs by operation of law, the personal representative,
14 receiver, trustee, sheriff, or other representative or successor
15 in interest of the person whose interest is transferred shall be
16 considered the transferor. Repossession by a creditor shall not
17 be considered a transfer of ownership requiring such notice.

18 3. The requirements of this section shall not apply to
19 transfers when there is no complete change of ownership interest
20 or upon award of ownership of a motor vehicle or trailer made by
21 court order, or transfers of ownership of a motor vehicle or
22 trailer to or between vehicle dealers, or transfers of ownership
23 of a motor vehicle or trailer to an insurance company due to a
24 theft or casualty loss, or transfers of beneficial ownership of a
25 motor vehicle owned by a trust.

26 4. Notification under this section is only required for
27 transfers of ownership that would otherwise require [registration
28 and] an application for certificate of title in this state under

1 section 301.190, and is for informational purposes only and does
2 not constitute an assignment or release of any interest in the
3 vehicle.

4 5. Retail sales made by licensed dealers including sales of
5 new vehicles shall be reported pursuant to the provisions of
6 section 301.280.

7 301.218. 1. No person shall, except as an incident to the
8 sale, repair, rebuilding or servicing of vehicles by a licensed
9 franchised motor vehicle dealer, carry on or conduct the
10 following business unless licensed to do so by the department of
11 revenue under sections 301.217 to 301.229:

12 (1) Selling used parts of or used accessories for vehicles
13 as a used parts dealer, as defined in section 301.010;

14 (2) Salvaging, wrecking or dismantling vehicles for resale
15 of the parts thereof as a salvage dealer or dismantler, as
16 defined in section 301.010;

17 (3) Rebuilding and repairing four or more wrecked or
18 dismantled vehicles in a calendar year as a rebuilder or body
19 shop, as defined in section 301.010;

20 (4) Processing scrapped vehicles or vehicle parts as a
21 [mobile] scrap processor, as defined in section 301.010.

22 2. Sales at a salvage pool or a salvage disposal sale shall
23 be open only to and made to persons actually engaged in and
24 holding a current license under sections 301.217 to 301.221 and
25 301.550 to 301.573 or any person from another state or
26 jurisdiction who is legally allowed in his or her state of
27 domicile to purchase for resale, rebuild, dismantle, crush, or
28 scrap either motor vehicles or salvage vehicles, and to persons

1 who reside in a foreign country that are purchasing salvage
2 vehicles for export outside of the United States. Operators of
3 salvage pools or salvage disposal sales shall keep a record, for
4 three years, of sales of salvage vehicles with the purchasers'
5 name and address, and the year, make, and vehicle identification
6 number for each vehicle. These records shall be open for
7 inspection as provided in section 301.225. Such records shall be
8 submitted to the department on a quarterly basis.

9 3. The operator of a salvage pool or salvage disposal sale,
10 or subsequent purchaser, who sells a nonrepairable motor vehicle
11 or a salvage motor vehicle to a person who is not a resident of
12 the United States at a salvage pool or a salvage disposal sale
13 shall:

14 (1) Stamp on the face of the title so as not to obscure any
15 name, date, or mileage statement on the title the words "FOR
16 EXPORT ONLY" in capital letters that are black; and

17 (2) Stamp in each unused reassignment space on the back of
18 the title the words "FOR EXPORT ONLY" and print the number of the
19 dealer's salvage vehicle license, name of the salvage pool, or
20 the name of the governmental entity, as applicable. The words
21 "FOR EXPORT ONLY" required under subdivisions (1) and (2) of this
22 subsection shall be at least two inches wide and clearly legible.
23 Copies of the stamped titles shall be forwarded to the
24 department.

25 4. The director of revenue shall issue a separate license
26 for each kind of business described in subsection 1 of this
27 section, to be entitled and designated as either "used parts
28 dealer"; "salvage dealer or dismantler"; "rebuilder or body

shop"; or "[mobile] scrap processor" license.

301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to the department of revenue, on blanks to be prescribed by the department of revenue, giving the following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of the buyer; the name of the manufacturer; year of manufacture; model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand. Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection 8 of section 144.070, RSMo, shall also include the amount of state and local sales tax collected for each motor vehicle sold if sales tax was due. The odometer reading is not required when reporting the sale of any motor vehicle that is ten years old or older, any motor vehicle having a gross vehicle weight rating of more than sixteen thousand pounds, new vehicles that are transferred on a manufacturer's statement of origin between one franchised motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The sale of all thirty-day temporary permits, without exception, shall be recorded in the appropriate space on the dealer's monthly sales report by recording the complete permit number issued on the motor vehicle or trailer sale listed. The monthly sales report shall be completed in full and signed by an officer, partner, or owner of the dealership, and actually received by the department of revenue on or before the fifteenth day of the month succeeding the month for which the sales are

1 being reported. If no sales occur in any given month, a report
2 shall be submitted for that month indicating no sales. Any
3 vehicle dealer who fails to file a monthly report or who fails to
4 file a timely report shall be subject to disciplinary action as
5 prescribed in section 301.562 or a penalty assessed by the
6 director not to exceed three hundred dollars per violation.
7 Every motor vehicle and boat dealer shall retain copies of the
8 monthly sales report as part of the records to be maintained at
9 the dealership location and shall hold them available for
10 inspection by appropriate law enforcement officials and officials
11 of the department of revenue. Every vehicle dealer selling
12 twenty or more vehicles a month shall file the monthly sales
13 report with the department in an electronic format. Any dealer
14 filing a monthly sales report in an electronic format shall be
15 exempt from filing the notice of transfer required by section
16 301.196. For any dealer not filing electronically, the notice of
17 transfer required by section 301.196 shall be submitted with the
18 monthly sales report as prescribed by the director.

19 2. Every dealer and every person operating a public garage
20 shall keep a correct record of the vehicle identification number,
21 odometer setting, manufacturer's name of all motor vehicles or
22 trailers accepted by him for the purpose of sale, rental,
23 storage, repair or repainting, together with the name and address
24 of the person delivering such motor vehicle or trailer to the
25 dealer or public garage keeper, and the person delivering such
26 motor vehicle or trailer shall record such information in a file
27 kept by the dealer or garage keeper. The record shall be kept
28 for [~~three~~] five years and be open for inspection by law

1 enforcement officials, members or authorized or designated
2 employees of the Missouri highway patrol, and persons, agencies
3 and officials designated by the director of revenue.

4 3. Every dealer and every person operating a public garage
5 in which a motor vehicle remains unclaimed for a period of
6 fifteen days shall, within five days after the expiration of that
7 period, report the motor vehicle as unclaimed to the director of
8 revenue. Such report shall be on a form prescribed by the
9 director of revenue. A motor vehicle left by its owner whose
10 name and address are known to the dealer or his employee or
11 person operating a public garage or his employee is not
12 considered unclaimed. Any dealer or person operating a public
13 garage who fails to report a motor vehicle as unclaimed as herein
14 required forfeits all claims and liens for its garaging, parking
15 or storing.

16 4. The director of revenue shall maintain appropriately
17 indexed cumulative records of unclaimed vehicles reported to the
18 director. Such records shall be kept open to public inspection
19 during reasonable business hours.

20 5. The alteration or obliteration of the vehicle
21 identification number on any such motor vehicle shall be prima
22 facie evidence of larceny, and the dealer or person operating
23 such public garage shall upon the discovery of such obliteration
24 or alteration immediately notify the highway patrol, sheriff,
25 marshal, constable or chief of police of the municipality where
26 the dealer or garage keeper has his place of business, and shall
27 hold such motor vehicle or trailer for a period of forty-eight
28 hours for the purpose of an investigation by the officer so

1 notified.

2 6. Any person who knowingly makes a false statement or
3 omission of a material fact in a monthly sales report to the
4 department of revenue, as described in subsection 1 of this
5 section, shall be deemed guilty of a class A misdemeanor.

6 301.290. 1. Correctional enterprises of the department of
7 corrections shall purchase, erect and maintain all of the
8 machinery and equipment necessary for the manufacture of the
9 license plates and tabs issued by the director of revenue, and of
10 signs used by the state transportation department. [Beginning on
11 January 1, 2011,] Correctional enterprises [shall no longer] may
12 erect and maintain tabs [for the department of revenue] as
13 determined by the director.

14 2. The director of revenue shall procure all plates issued
15 by him, and the state transportation department shall procure all
16 signs used by it from correctional enterprises, unless an
17 emergency arises and correctional enterprises cannot furnish the
18 plates, tabs or signs.

19 3. Correctional enterprises shall furnish the plates and
20 signs at such a price as will not exceed the price at which such
21 plates and signs may be obtained upon the open market, but in no
22 event shall such price be less than the cost of manufacture,
23 including labor and materials.

24 4. All moneys derived from the sale of the plates, tabs and
25 signs shall be paid into the state treasury to the credit of the
26 working capital revolving fund as provided in section 217.595,
27 RSMo.

28 301.423. If the director of revenue or his or her

1 designated representative reasonably believes that a certificate
2 of ownership, a license plate, or a license plate tab was
3 obtained fraudulently, any person in possession of said item
4 shall surrender same to the director of revenue or his or her
5 designated representative upon request. Any person failing to do
6 so shall be deemed guilty of a class A misdemeanor.

7 301.477. 1. Any person who has been awarded the combat
8 action badge may apply for special personalized motor vehicle
9 license plates for any vehicle the person owns, either solely or
10 jointly, other than an apportioned motor vehicle or a commercial
11 motor vehicle licensed in excess of eighteen thousand pounds
12 gross weight.

13 2. Any such person shall make application for the special
14 license plates on a form provided by the director of revenue and
15 furnish such proof as a recipient of the combat action badge as
16 the director may require.

17 3. The director shall then issue license plates bearing the
18 words "COMBAT ACTION" in place of the words "SHOW-ME STATE" in a
19 form prescribed by the director, except that such license plates
20 shall be made with fully reflective material, shall have a white
21 background with a blue and red configuration at the discretion of
22 the director, shall be clearly visible at night, and shall be
23 aesthetically attractive, as prescribed by section 301.130. Such
24 plates shall also bear an image of the combat action badge.

25 4. There shall be an additional fee charged for each set of
26 special combat action badge license plates issued equal to the
27 fee charged for personalized license plates in section 301.144.

28 5. There shall be no limit on the number of license plates

1 any person qualified under this section may obtain so long as
2 each set of license plates issued under this section is issued
3 for vehicles owned solely or jointly by such person.

4 6. License plates issued pursuant to the provisions of this
5 section shall not be transferable to any other person except that
6 any registered co-owner of the motor vehicle shall be entitled to
7 operate the motor vehicle with such plates for the duration of
8 the year licensed in the event of the death of the qualified
9 person.

10 301.560. 1. In addition to the application forms
11 prescribed by the department, each applicant shall submit the
12 following to the department:

13 (1) Every application other than a renewal application for
14 a motor vehicle franchise dealer shall include a certification
15 that the applicant has a bona fide established place of business.
16 Such application shall include an annual certification that the
17 applicant has a bona fide established place of business [for the
18 first three years and only for every other year thereafter]. The
19 certification shall be performed by a uniformed member of the
20 Missouri state highway patrol or authorized or designated
21 employee stationed in the troop area in which the applicant's
22 place of business is located; except that in counties of the
23 first classification, certification may be performed by an
24 officer of a metropolitan police department when the applicant's
25 established place of business of distributing or selling motor
26 vehicles or trailers is in the metropolitan area where the
27 certifying metropolitan police officer is employed. When the
28 application is being made for licensure as a boat manufacturer or

1 boat dealer, certification shall be performed by a uniformed
2 member of the Missouri state water patrol stationed in the
3 district area in which the applicant's place of business is
4 located or by a uniformed member of the Missouri state highway
5 patrol stationed in the troop area in which the applicant's place
6 of business is located or, if the applicant's place of business
7 is located within the jurisdiction of a metropolitan police
8 department in a first class county, by an officer of such
9 metropolitan police department. A bona fide established place of
10 business for any new motor vehicle franchise dealer, used motor
11 vehicle dealer, boat dealer, powersport dealer, wholesale motor
12 vehicle dealer, trailer dealer, or wholesale or public auction
13 shall be a permanent enclosed building or structure, either owned
14 in fee or leased and actually occupied as a place of business by
15 the applicant for the selling, bartering, trading, servicing, or
16 exchanging of motor vehicles, boats, personal watercraft, or
17 trailers and wherein the public may contact the owner or operator
18 at any reasonable time, and wherein shall be kept and maintained
19 the books, records, files and other matters required and
20 necessary to conduct the business. The [applicant's place of
21 business shall contain] applicant shall possess a working
22 telephone or cellular phone which shall be maintained during the
23 entire registration year. In order to qualify as a bona fide
24 established place of business for all applicants licensed
25 pursuant to this section there shall be an exterior sign
26 displayed carrying the name of the business set forth in letters
27 at least six inches in height and clearly visible to the public
28 and there shall be an area or lot which shall not be a public

1 street on which multiple vehicles, boats, personal watercraft, or
2 trailers may be displayed. The sign shall contain the name of
3 the dealership by which it is known to the public through
4 advertising or otherwise, which need not be identical to the name
5 appearing on the dealership's license so long as such name is
6 registered as a fictitious name with the secretary of state, has
7 been approved by its line-make manufacturer in writing in the
8 case of a new motor vehicle franchise dealer and a copy of such
9 fictitious name registration has been provided to the department.
10 Dealers who sell only emergency vehicles as defined in section
11 301.550 are exempt from maintaining a bona fide place of
12 business, including the related law enforcement certification
13 requirements, and from meeting the minimum yearly sales;

14 (2) The initial application for licensure shall include a
15 photograph, not to exceed eight inches by ten inches but no less
16 than five inches by seven inches, showing the business building,
17 lot, and sign. A new motor vehicle franchise dealer applicant
18 who has purchased a currently licensed new motor vehicle
19 franchised dealership shall be allowed to submit a photograph of
20 the existing dealership building, lot and sign but shall be
21 required to submit a new photograph upon the installation of the
22 new dealership sign as required by sections 301.550 to 301.573.
23 Applicants shall not be required to submit a photograph annually
24 unless the business has moved from its previously licensed
25 location, or unless the name of the business or address has
26 changed, or unless the class of business has changed;

27 (3) Every applicant as a new motor vehicle franchise
28 dealer, a used motor vehicle dealer, a powersport dealer, a

1 wholesale motor vehicle dealer, trailer dealer, or boat dealer
2 shall furnish with the application a corporate surety bond or an
3 irrevocable letter of credit as defined in section 400.5-103,
4 RSMo, issued by any state or federal financial institution in the
5 penal sum of twenty-five thousand dollars on a form approved by
6 the department. The bond or irrevocable letter of credit shall
7 be conditioned upon the dealer complying with the provisions of
8 the statutes applicable to new motor vehicle franchise dealers,
9 used motor vehicle dealers, powersport dealers, wholesale motor
10 vehicle dealers, trailer dealers, and boat dealers, and the bond
11 shall be an indemnity for any loss sustained by reason of the
12 acts of the person bonded when such acts constitute grounds for
13 the suspension or revocation of the dealer's license. The bond
14 shall be executed in the name of the state of Missouri for the
15 benefit of all aggrieved parties or the irrevocable letter of
16 credit shall name the state of Missouri as the beneficiary;
17 except, that the aggregate liability of the surety or financial
18 institution to the aggrieved parties shall, in no event, exceed
19 the amount of the bond or irrevocable letter of credit. The
20 proceeds of the bond or irrevocable letter of credit shall be
21 paid upon receipt by the department of a final judgment from a
22 Missouri court of competent jurisdiction against the principal
23 and in favor of an aggrieved party. Additionally, every
24 applicant as a new motor vehicle franchise dealer, a used motor
25 vehicle dealer, a powersport dealer, a wholesale motor vehicle
26 dealer, [trailer dealer,] or boat dealer shall furnish with the
27 application a copy of a current dealer garage policy bearing the
28 policy number and name of the insurer and the insured;

1 (4) Payment of all necessary license fees as established by
2 the department. In establishing the amount of the annual license
3 fees, the department shall, as near as possible, produce
4 sufficient total income to offset operational expenses of the
5 department relating to the administration of sections 301.550 to
6 301.573. All fees payable pursuant to the provisions of sections
7 301.550 to 301.573, other than those fees collected for the
8 issuance of dealer plates or certificates of number collected
9 pursuant to subsection 6 of this section, shall be collected by
10 the department for deposit in the state treasury to the credit of
11 the "Motor Vehicle Commission Fund", which is hereby created.
12 The motor vehicle commission fund shall be administered by the
13 Missouri department of revenue. The provisions of section
14 33.080, RSMo, to the contrary notwithstanding, money in such fund
15 shall not be transferred and placed to the credit of the general
16 revenue fund until the amount in the motor vehicle commission
17 fund at the end of the biennium exceeds two times the amount of
18 the appropriation from such fund for the preceding fiscal year
19 or, if the department requires permit renewal less frequently
20 than yearly, then three times the appropriation from such fund
21 for the preceding fiscal year. The amount, if any, in the fund
22 which shall lapse is that amount in the fund which exceeds the
23 multiple of the appropriation from such fund for the preceding
24 fiscal year.

25 2. In the event a new vehicle manufacturer, boat
26 manufacturer, motor vehicle dealer, wholesale motor vehicle
27 dealer, boat dealer, powersport dealer, wholesale motor vehicle
28 auction, trailer dealer, or a public motor vehicle auction

1 submits an application for a license for a new business and the
2 applicant has complied with all the provisions of this section,
3 the department shall make a decision to grant or deny the license
4 to the applicant within eight working hours after receipt of the
5 dealer's application, notwithstanding any rule of the department.

6 3. Upon the initial issuance of a license by the
7 department, the department shall assign a distinctive dealer
8 license number or certificate of number to the applicant and the
9 department shall issue one number plate or certificate bearing
10 the distinctive dealer license number or certificate of number
11 and two additional number plates or certificates of number within
12 eight working hours after presentment of the application. Upon
13 renewal, the department shall issue the distinctive dealer
14 license number or certificate of number as quickly as possible.
15 The issuance of such distinctive dealer license number or
16 certificate of number shall be in lieu of registering each motor
17 vehicle, trailer, vessel or vessel trailer dealt with by a boat
18 dealer, boat manufacturer, manufacturer, public motor vehicle
19 auction, wholesale motor vehicle dealer, wholesale motor vehicle
20 auction or new or used motor vehicle dealer.

21 4. Notwithstanding any other provision of the law to the
22 contrary, the department shall assign the following distinctive
23 dealer license numbers to:

24 New motor vehicle franchise

25 dealers..... D-0 through D-999

26 New powersport dealers and

27 motorcycle franchise

28 dealers.....D-1000 through D-1999

1 Used motor vehicle, used
 2 powersport, and used
 3 motorcycle dealers.....D-2000 through D-9999
 4 Wholesale motor vehicle
 5 dealers.....W-0 through W-1999
 6 Wholesale motor vehicle
 7 auctions.....WA-0 through WA-999
 8 New and used trailer dealers.....T-0 through T-9999
 9 Motor vehicle, trailer, and
 10 boat manufacturers.....DM-0 through DM-999
 11 Public motor vehicle auctions.....A-0 through A-1999
 12 Boat dealers.....M-0 through M-9999
 13 New and used recreational
 14 motor vehicle dealers.....RV-0 through RV-999

16 For purposes of this subsection, qualified transactions shall
 17 include the purchase of salvage titled vehicles by a licensed
 18 salvage dealer. A used motor vehicle dealer who also holds a
 19 salvage dealer's license shall be allowed one additional plate or
 20 certificate number per fifty-unit qualified transactions
 21 annually. In order for salvage dealers to obtain number plates
 22 or certificates under this section, dealers shall submit to the
 23 department of revenue on August first of each year a statement
 24 certifying, under penalty of perjury, the dealer's number of
 25 purchases during the reporting period of July first of the
 26 immediately preceding year to June thirtieth of the present year.
 27 The provisions of this subsection shall become effective on the
 28 date the director of the department of revenue begins to reissue

1 new license plates under section 301.130, or on December 1, 2008,
2 whichever occurs first. If the director of revenue begins
3 reissuing new license plates under the authority granted under
4 section 301.130 prior to December 1, 2008, the director of the
5 department of revenue shall notify the revisor of statutes of
6 such fact.

7 5. Upon the sale of a currently licensed new motor vehicle
8 franchise dealership the department shall, upon request,
9 authorize the new approved dealer applicant to retain the selling
10 dealer's license number and shall cause the new dealer's records
11 to indicate such transfer.

12 6. In the case of new motor vehicle manufacturers, motor
13 vehicle dealers, powersport dealers, recreational motor vehicle
14 dealers, and trailer dealers, the department shall issue one
15 number plate bearing the distinctive dealer license number and
16 may issue two additional number plates to the applicant upon
17 payment by the manufacturer or dealer of a fifty dollar fee for
18 the number plate bearing the distinctive dealer license number
19 and ten dollars and fifty cents for each additional number plate.
20 Such license plates shall be made with fully reflective material
21 with a common color scheme and design, shall be clearly visible
22 at night, and shall be aesthetically attractive, as prescribed by
23 section 301.130. Boat dealers and boat manufacturers shall be
24 entitled to one certificate of number bearing such number upon
25 the payment of a fifty dollar fee. Additional number plates and
26 as many additional certificates of number may be obtained upon
27 payment of a fee of ten dollars and fifty cents for each
28 additional plate or certificate. New motor vehicle manufacturers

1 shall not be issued or possess more than three hundred
2 forty-seven additional number plates or certificates of number
3 annually. New and used motor vehicle dealers, powersport
4 dealers, wholesale motor vehicle dealers, boat dealers, and
5 trailer dealers are limited to one additional plate or
6 certificate of number per ten-unit qualified transactions
7 annually. New and used recreational motor vehicle dealers are
8 limited to two additional plates or certificate of number per
9 ten-unit qualified transactions annually for their first fifty
10 transactions and one additional plate or certificate of number
11 per ten-unit qualified transactions thereafter. An applicant
12 seeking the issuance of an initial license shall indicate on his
13 or her initial application the applicant's proposed annual number
14 of sales in order for the director to issue the appropriate
15 number of additional plates or certificates of number. A motor
16 vehicle dealer, trailer dealer, boat dealer, powersport dealer,
17 recreational motor vehicle dealer, motor vehicle manufacturer,
18 boat manufacturer, or wholesale motor vehicle dealer obtaining a
19 distinctive dealer license plate or certificate of number or
20 additional license plate or additional certificate of number,
21 throughout the calendar year, shall be required to pay a fee for
22 such license plates or certificates of number computed on the
23 basis of one-twelfth of the full fee prescribed for the original
24 and duplicate number plates or certificates of number for such
25 dealers' licenses, multiplied by the number of months remaining
26 in the licensing period for which the dealer or manufacturers
27 shall be required to be licensed. In the event of a renewing
28 dealer, the fee due at the time of renewal shall not be prorated.

1 Wholesale and public auctions shall be issued a certificate of
2 dealer registration in lieu of a dealer number plate. In order
3 for dealers to obtain number plates or certificates under this
4 section, dealers shall submit to the department of revenue on
5 August first of each year a statement certifying, under penalty
6 of perjury, the dealer's number of sales during the reporting
7 period of July first of the immediately preceding year to June
8 thirtieth of the present year.

9 7. The plates issued pursuant to subsection 3 or 6 of this
10 section may be displayed on any motor vehicle owned by a new
11 motor vehicle manufacturer. The plates issued pursuant to
12 subsection 3 or 6 of this section may be displayed on any motor
13 vehicle or trailer owned and held for resale by a motor vehicle
14 dealer for use by a customer who is test driving the motor
15 vehicle, for use and display purposes during, but not limited to,
16 parades, private events, charitable events, or for use by an
17 employee or officer, but shall not be displayed on any motor
18 vehicle or trailer hired or loaned to others or upon any
19 regularly used service or wrecker vehicle. Motor vehicle dealers
20 may display their dealer plates on a tractor, truck or trailer to
21 demonstrate a vehicle under a loaded condition. Trailer dealers
22 may display their dealer license plates in like manner, except
23 such plates may only be displayed on trailers owned and held for
24 resale by the trailer dealer.

25 8. The certificates of number issued pursuant to subsection
26 3 or 6 of this section may be displayed on any vessel or vessel
27 trailer owned and held for resale by a boat manufacturer or a
28 boat dealer, and used by a customer who is test driving the

1 vessel or vessel trailer, or is used by an employee or officer on
2 a vessel or vessel trailer only, but shall not be displayed on
3 any motor vehicle owned by a boat manufacturer, boat dealer, or
4 trailer dealer, or vessel or vessel trailer hired or loaned to
5 others or upon any regularly used service vessel or vessel
6 trailer. Boat dealers and boat manufacturers may display their
7 certificate of number on a vessel or vessel trailer when
8 transporting a vessel or vessels to an exhibit or show.

9 9. (1) Every application for the issuance of a used motor
10 vehicle dealer's license shall be accompanied by proof that the
11 applicant, within the last twelve months, has completed an
12 educational seminar course approved by the department as
13 prescribed by subdivision (2) of this subsection. Wholesale and
14 public auto auctions and applicants currently holding a new or
15 used license for a separate dealership shall be exempt from the
16 requirements of this subsection. The provisions of this
17 subsection shall not apply to current new motor vehicle franchise
18 dealers or motor vehicle leasing agencies or applicants for a new
19 motor vehicle franchise or a motor vehicle leasing agency. The
20 provisions of this subsection shall not apply to used motor
21 vehicle dealers who were licensed prior to August 28, 2006.

22 (2) The educational seminar shall include, but is not
23 limited to, the dealer requirements of sections 301.550 to
24 301.573, the rules promulgated to implement, enforce, and
25 administer sections 301.550 to 301.570, and any other rules and
26 regulations promulgated by the department.

27 301.561. 1. Any person or corporation holding a public
28 motor vehicle auction shall display in a conspicuous manner two

1 signs each of which shall bear the following warning in letters
2 at least six inches high: "Attention Buyers: Vehicles sold at
3 this auction may not have had a safety inspection." The
4 dimensions of each sign shall be at least two feet by two feet.

5 2. Notwithstanding any provision of law to the contrary, a
6 public motor vehicle auction may sell motor vehicles through an
7 internet auction without the services of a licensed auctioneer.
8 A public motor vehicle auction may auction motor vehicles that
9 are not located at its licensed place of business through the
10 internet. Sales conducted through the internet by a public motor
11 vehicle auction are exempt from the signage requirement pursuant
12 to section 1 of this section. The internet sale listing shall
13 prominently display a disclosure statement which states:
14 "Attention Buyers: Salvage or Salvage branded vehicles sold at
15 this auction may not have had a safety inspection".

16 301.562. 1. The department may refuse to issue or renew
17 any license required pursuant to sections 301.550 to 301.573 for
18 any one or any combination of causes stated in subsection 2 of
19 this section. The department shall notify the applicant or
20 licensee in writing at his or her last known address of the
21 reasons for the refusal to issue or renew the license and shall
22 advise the applicant or licensee of his or her right to file a
23 complaint with the administrative hearing commission as provided
24 by chapter 621, RSMo.

25 2. The department may cause a complaint to be filed with
26 the administrative hearing commission as provided by chapter 621,
27 RSMo, against any holder of any license issued under sections
28 301.550 to 301.573 for any one or any combination of the

1 following causes:

2 (1) The applicant or license holder was previously the
3 holder of a license issued under sections 301.550 to 301.573,
4 which license was revoked for cause and never reissued by the
5 department, or which license was suspended for cause and the
6 terms of suspension have not been fulfilled;

7 (2) The applicant or license holder was previously a
8 partner, stockholder, director or officer controlling or managing
9 a partnership or corporation whose license issued under sections
10 301.550 to 301.573 was revoked for cause and never reissued or
11 was suspended for cause and the terms of suspension have not been
12 fulfilled;

13 (3) The applicant or license holder has, within ten years
14 prior to the date of the application, been finally adjudicated
15 and found guilty, or entered a plea of guilty or nolo contendere,
16 in a prosecution under the laws of any state or of the United
17 States, for any offense reasonably related to the qualifications,
18 functions, or duties of any business licensed under sections
19 301.550 to 301.573; for any offense, an essential element of
20 which is fraud, dishonesty, or an act of violence; or for any
21 offense involving moral turpitude, whether or not sentence is
22 imposed;

23 (4) Use of fraud, deception, misrepresentation, or bribery
24 in securing any license issued pursuant to sections 301.550 to
25 301.573;

26 (5) Obtaining or attempting to obtain any money,
27 commission, fee, barter, exchange, or other compensation by
28 fraud, deception, or misrepresentation;

1 (6) Violation of, or assisting or enabling any person to
2 violate any provisions of this chapter and chapters 144, 306,
3 307, 407, 578, and 643, RSMo, or of any lawful rule or regulation
4 adopted pursuant to this chapter and chapters 144, 306, 307, 407,
5 578, and 643, RSMo;

6 (7) The applicant or license holder has filed an
7 application for a license which, as of its effective date, was
8 incomplete in any material respect or contained any statement
9 which was, in light of the circumstances under which it was made,
10 false or misleading with respect to any material fact;

11 (8) The applicant or license holder has failed to pay the
12 proper application or license fee or other fees required pursuant
13 to this chapter or chapter 306, RSMo, or fails to establish or
14 maintain a bona fide place of business;

15 (9) Uses or permits the use of any special license or
16 license plate assigned to the license holder for any purpose
17 other than those permitted by law;

18 (10) The applicant or license holder is finally adjudged
19 insane or incompetent by a court of competent jurisdiction;

20 (11) Use of any advertisement or solicitation which is
21 false;

22 (12) Violations of sections 407.511 to 407.556, RSMo,
23 section 578.120, RSMo, which resulted in a conviction or finding
24 of guilt or violation of any federal motor vehicle laws which
25 result in a conviction or finding of guilt.

26 3. Any such complaint shall be filed within one year of the
27 date upon which the department receives notice of an alleged
28 violation of an applicable statute or regulation. After the

1 filing of such complaint, the proceedings shall be conducted in
2 accordance with the provisions of chapter 621, RSMo. Upon a
3 finding by the administrative hearing commission that the
4 grounds, provided in subsection 2 of this section, for
5 disciplinary action are met, the department may, singly or in
6 combination, refuse to issue the person a license, issue a
7 private reprimand, place the person on probation on such terms
8 and conditions as the department deems appropriate for a period
9 of one day to five years, suspend the person's license from one
10 day to six days, or revoke the person's license for such period
11 as the department deems appropriate. The applicant or licensee
12 shall have the right to appeal the decision of the administrative
13 hearing commission and department in the manner provided in
14 chapter 536, RSMo.

15 4. Upon the suspension or revocation of any person's
16 license issued under sections 301.550 to 301.573, the department
17 shall recall any distinctive number plates that were issued to
18 that licensee.

19 301.567. 1. For purposes of this section, a violation of
20 any of the following advertising standards shall be deemed an
21 attempt by the advertising dealer to obtain a fee or other
22 compensation by fraud, deception or misrepresentation in
23 violation of section 301.562:

24 (1) A motor vehicle shall not be advertised as new, either
25 by express terms or implication, unless it is a new motor vehicle
26 as defined in section 301.550;

27 (2) When advertising any motor vehicle which is not a new
28 motor vehicle, such advertisement must expressly identify that

1 the motor vehicle is a used motor vehicle by express use of the
2 term "used", or by such other term as is commonly understood to
3 mean that the vehicle is used;

4 (3) Any terms, conditions, and disclaimers relating to the
5 advertised motor vehicle's price or financing options shall be
6 stated clearly and conspicuously. An asterisk or other reference
7 symbol may be used to point to a disclaimer or other information,
8 but not be used as a means of contradicting or changing the
9 meaning of an advertised statement;

10 (4) The expiration date, if any, of an advertised sale or
11 vehicle price shall be clearly and conspicuously disclosed. In
12 the absence of such disclosure, the advertised sale or vehicle
13 price shall be deemed effective so long as such vehicles remain
14 in the advertising dealership's inventory;

15 (5) The terms "list price", "sticker price", or "suggested
16 retail price" shall be used only in reference to the
17 manufacturer's suggested retail price for new motor vehicles,
18 and, if used, shall be accompanied by a clear and conspicuous
19 disclosure that such terms represent the manufacturer's suggested
20 retail price of the advertised vehicle;

21 (6) Terms such as "at cost", "\$..... above cost",
22 "invoice price", and "\$ below/over invoice" shall not be
23 used in advertisements because of the difficulty in determining a
24 dealer's actual net cost at the time of the sale;

25 (7) When the price or financing terms of a motor vehicle
26 are advertised, the vehicle shall be fully identified as to year,
27 make, and model. In addition, in advertisements placed by
28 individual dealers and not line-make marketing groups, the

1 advertised price or credit terms shall include all charges which
2 the buyer must pay to the dealer, except buyer-selected options
3 and state and local taxes. If a processing fee or freight or
4 destination charges are not included in the advertised price, the
5 amount of any such processing fee and freight or destination
6 charge must be clearly and conspicuously disclosed within the
7 advertisement;

8 (8) Advertisements of dealer rebates shall not be used,
9 however, this shall not be deemed to prohibit the advertising of
10 manufacturer rebates, so long as all material terms of such
11 rebates are clearly and conspicuously disclosed;

12 (9) "Free"[,] or "at no cost" shall not be used if any
13 purchase is required to qualify for the free item, merchandise,
14 or service;

15 (10) Bait advertising, in which an advertiser may have no
16 intention to sell at the prices or terms advertised, shall not be
17 used. Bait advertising shall include, but not be limited to, the
18 following examples:

19 (a) Not having available for sale the advertised motor
20 vehicles at the advertised prices. If a specific vehicle is
21 advertised, the dealer shall be in possession of a reasonable
22 supply of such vehicles, and they shall be available at the
23 advertised price. If the advertised vehicle is available only in
24 limited numbers or only by order, such limitations shall be
25 stated in the advertisement;

26 (b) Advertising a motor vehicle at a specified price,
27 including such terms as "as low as \$.....", but having
28 available for sale only vehicles equipped with dealer-added cost

1 options which increase the selling price above the advertised
2 price;

3 (11) Any reference to monthly payments, down payments, or
4 other reference to financing or leasing information shall be
5 accompanied by a clear and conspicuous disclosure of the
6 following:

7 (a) Whether the payment or other information relates to a
8 financing or a lease transaction;

9 (b) If the payment or other information relates to a
10 financing transaction, the minimum down payment, annual
11 percentage interest rate, and number of payments necessary to
12 obtain the advertised payment amount must be disclosed, in
13 addition to any special qualifications required for obtaining the
14 advertised terms including, but not limited to, first-time buyer
15 discounts, college graduate discounts, and a statement concerning
16 whether the advertised terms are subject to credit approval;

17 (c) If the payment or other information relates to a lease
18 transaction, the total amount due from the purchaser at signing
19 with such costs broken down and identified by category, lease
20 term expressed in number of months, whether the lease is
21 closed-end or open-end, and total cost to the lessee over the
22 lease term in dollars;

23 (12) Any advertisement which states or implies that the
24 advertising dealer has a special arrangement or relationship with
25 the distributor or manufacturer, as compared to similarly
26 situated dealers, shall not be used;

27 (13) Any advertisement which, in the circumstances under
28 which it is made or applied, is false, deceptive, or misleading

1 shall not be used;

2 (14) No abbreviations for industry words or phrases shall
3 be used in any advertisement unless such abbreviations are
4 accompanied by the fully spelled or spoken words or phrases.

5 2. The requirements of this section shall apply regardless
6 of whether a dealer advertises by means of print, broadcast, or
7 electronic media, or direct mail. If the advertisement is by
8 means of a broadcast or print media, a dealer may provide the
9 disclaimers and disclosures required under subdivision (3) of
10 subsection 1 of this section by reference to an Internet web page
11 or toll-free telephone number containing the information required
12 to be disclosed.

13 3. Dealers shall clearly and conspicuously identify
14 themselves in each advertisement by use of a dealership name
15 which complies with subsection ~~[6]~~ 1 of section 301.560.

16 301.570. 1. It shall be unlawful for any person,
17 partnership, corporation, company or association, unless the
18 seller is a financial institution, or is selling repossessed
19 motor vehicles or is disposing of vehicles used and titled solely
20 in its ordinary course of business or is a collector of antique
21 motor vehicles, to sell or display with an intent to sell six or
22 more motor vehicles in a calendar year, except when such motor
23 vehicles are registered in the name of the seller, unless such
24 person, partnership, corporation, company or association is:

25 (1) Licensed as a motor vehicle dealer by the department
26 under the provisions of sections 301.550 to 301.573;

27 (2) Exempt from licensure as a motor vehicle dealer
28 pursuant to subsection 4 of section 301.559;

1 (3) Selling commercial motor vehicles with a gross weight
2 of at least nineteen thousand five hundred pounds, but only with
3 respect to such commercial motor vehicles;

4 (4) An auctioneer, acting at the request of the owner at an
5 auction, when such auction is not a public motor vehicle auction.

6 2. Any person, partnership, corporation, company or
7 association that has reason to believe that the provisions of
8 this section are being violated shall file a complaint with the
9 prosecuting attorney in the county in which the violation
10 occurred. The prosecuting attorney shall investigate the
11 complaint and take appropriate action.

12 3. For the purposes of sections 301.550 to 301.573, the
13 sale, barter, exchange, lease or rental with option to purchase
14 of six or more motor vehicles in a calendar year by any person,
15 partnership, corporation, company or association, whether or not
16 the motor vehicles are owned by them, shall be prima facie
17 evidence of intent to make a profit or gain of money and such
18 person, partnership, corporation, company or association shall be
19 deemed to be acting as a motor vehicle dealer without a license.

20 4. Any person, partnership, corporation, company or
21 association who violates subsection 1 of this section is guilty
22 of a class A misdemeanor. A second or subsequent conviction
23 shall be deemed a class D felony.

24 5. The provisions of this section shall not apply to
25 liquidation of an estate.

26 301.572. Notwithstanding any other provisions of law, if
27 the director of revenue or his or her designated representative
28 determines through reasonable means that the place of business of

1 a motor vehicle dealer, boat dealer, manufacturer, boat
2 manufacturer, public motor vehicle auction, wholesale motor
3 vehicle auction or wholesale motor vehicle dealer licensed under
4 the provisions of sections 301.550 to 301.573 is uninhabited,
5 abandoned, or otherwise not inhabited by the licensee, the
6 director shall send a notice by certified mail indicating the
7 director's determination and that the failure of the licensee to
8 respond within thirty days from the date of the letter will
9 result in the revocation of the license of such business. If the
10 licensee fails to respond to the notice, the license of such
11 business shall be immediately revoked and ownership of all dealer
12 license plates and all unused temporary permits previously issued
13 to the licensee by the department of revenue shall immediately
14 revert back to the department of revenue.

15 301.580. 1. The department of revenue may issue special
16 event motor vehicle auction licenses under the provisions of this
17 section. For purposes of this section, a "special event motor
18 vehicle auction" is a motor vehicle auction which:

19 (1) Ninety percent of the vehicles being auctioned are at
20 least ten years old or older; and

21 (2) The duration if no more than three consecutive calendar
22 days and is held no more than two times in a calendar year by a
23 licensee.

24 2. A special event motor vehicle auction shall be
25 considered a public motor vehicle auction for purposes of
26 sections 301.559 and 301.564.

27 3. Special event motor vehicle auction licensees shall be
28 exempt from the requirements of section 301.560, with the

1 exception of subdivision (4) of subsection 1 of section 301.560.

2 4. An application for a special event motor vehicle auction
3 license shall be received by the department at least ninety days
4 prior to the beginning of the special event auction.

5 5. Applicants for a special motor vehicle auction are
6 limited to no more than two special event auctions in any
7 calendar year. A separate application is required for each
8 special event motor vehicle auction.

9 6. At least ninety percent of the vehicles being auctioned
10 at a special event motor vehicle auction shall be ten years old
11 or older. The licensee shall, within ten days of the conclusion
12 of a special event motor vehicle auction, submit a report in the
13 form approved by the director to the department that includes the
14 make, model, year, and vehicle identification number of each
15 vehicle included in the auction. Every vehicle included in the
16 special event auction shall be listed, including those vehicles
17 that were auctioned and sold and those vehicles that were
18 auctioned but did not sell. Violation of this subsection is a
19 class A misdemeanor.

20 7. The applicant for the special event motor vehicle
21 auction shall be responsible for ensuring that a sales tax
22 license or special event sales tax license is obtained for the
23 event if one is required.

24 8. The fee for a special event motor vehicle auction
25 license shall be one thousand dollars. For every vehicle
26 auctioned in violation of subsection 6 of this section, an
27 administrative fee of five hundred dollars shall be paid to the
28 department. Such fees shall be deposited in like manner as other

1 license fees of this section.

2 9. In addition to the causes set forth in section 301.562,
3 the department may promulgate rules that establish additional
4 causes to refuse to issue or to revoke a special event license.

5 10. A special motor vehicle auction shall last no more than
6 three consecutive days.

7 11. The applicant for a special event motor vehicle auction
8 shall be registered to conduct business in this state.

9 12. Every applicant for a special event motor vehicle
10 auction license shall furnish with the application a corporate
11 surety bond or an irrevocable letter of credit as defined in
12 section 400.5-103 issued by any state or federal financial
13 institution in the penal sum of one hundred thousand dollars on a
14 form approved by the department. The bond or irrevocable letter
15 of credit shall be conditioned upon the applicant complying with
16 the provisions of the statutes applicable to a special event
17 auction license holder and the bond shall be an indemnity for any
18 loss sustained by reason of the acts of the person bonded when
19 such acts constitute grounds for the revocation or denial of a
20 special event auction license. The bond shall be executed in the
21 name of the state of Missouri for the benefit of all aggrieved
22 parties or the irrevocable letter of credit shall name the state
23 of Missouri as the beneficiary. The aggregate liability of the
24 surety or financial institution to the aggrieved parties shall
25 not exceed the amount of the bond or irrevocable letter of
26 credit. The proceeds of the bond or irrevocable letter of credit
27 shall be paid upon receipt by the department of a final judgment
28 from a Missouri court of competent jurisdiction against the

1 principal and in favor of an aggrieved party.

2 13. No dealer, driveaway, auction, or wholesale plates, or
3 temporary permit booklets, shall be issued in conjunction with a
4 special event motor vehicle auction license.

5 14. Any person or entity who sells a vehicle at a special
6 event motor vehicle auction shall provide, to the buyer, current
7 contact information including, but not limited to, name, address,
8 and telephone number.

9 15. Any rule or portion of a rule, as that term is defined
10 in section 536.010 that is created under the authority delegated
11 in this section shall become effective only if it complies with
12 and is subject to all of the provisions of chapter 536, and, if
13 applicable, section 536.028. This section and chapter 536 are
14 nonseverable and if any of the powers vested with the general
15 assembly pursuant to chapter 536, to review, to delay the
16 effective date, or to disapprove and annul a rule are
17 subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after August 28, 2010,
19 shall be invalid and void.

20 301.2998. 1. Notwithstanding any other provisions of this
21 chapter, which establishes the issuance of a specialty license
22 plate, [if no applications for such plate have been received
23 within five years from the effective date of the section
24 authorizing the plate, then] the department of revenue no longer
25 will be required to accept applications and issue [such plate]
26 new specialty license plates for a specific category or
27 organization if:

28 (1) No applications for such plate have been received

1 within four years from the effective date of the section
2 authorizing the plate; or

3 (2) The total number of specialty plates issued for the
4 specific category falls below two hundred for two consecutive
5 years.

6 2. The department is authorized to discontinue the issuance
7 and renewal of a specialty license plate if the organization has
8 stopped providing services and emblem-use authorization
9 statements are no longer being issued by the organization. Such
10 organizations shall notify the department immediately to
11 discontinue the issuance of a specialty plate.

12 3. The provisions of this section shall not apply to any
13 specialty license plates which bear the emblem or insignia of a
14 branch of the United States military or a military organization
15 or involve military actions or personnel.

16 301.3150. 1. An organization, other than an organization
17 seeking a special military license plate, that seeks
18 authorization to establish a new specialty license plate shall
19 initially petition the department of revenue by submitting the
20 following:

21 (1) An application in a form prescribed by the director for
22 the particular specialty license plate being sought, describing
23 the proposed specialty license plate in general terms and have a
24 sponsor of at least one current member of the general assembly.
25 The application may contain written testimony for support of this
26 specialty plate;

27 (2) Each application submitted pursuant to this section
28 shall be accompanied by a list of at least two hundred potential

1 applicants who plan to purchase the specialty plate if the
2 specialty plate is approved pursuant to this section;

3 (3) An application fee, not to exceed five thousand
4 dollars, to defray the department's cost for issuing, developing
5 and programming the implementation of the specialty plate, if
6 authorized; and

7 (4) All moneys received by the department of revenue, for
8 the reviewing and development of specialty plates shall be
9 deposited in the state treasury to the credit of the "Department
10 of Revenue Specialty Plate Fund" which is hereby created. The
11 state treasurer shall be custodian of the fund and shall make
12 disbursements from the fund requested by the Missouri director of
13 revenue for personal services, expenses, and equipment required
14 to prepare, review, develop, and disseminate a new specialty
15 plate and process the two hundred applications to be submitted
16 once the plate is approved and to refund deposits for the
17 application of such specialty plate, if the application is not
18 approved by the joint committee on transportation oversight and
19 for no other purpose.

20 2. At the end of each state fiscal year, the director of
21 revenue shall:

22 (1) Determine the amount of all moneys deposited into the
23 department of revenue specialty plate fund;

24 (2) Determine the amount of disbursements from the
25 department of revenue specialty plate fund which were made to
26 produce the specialty plate and process the two hundred
27 applications; and

28 (3) Subtract the amount of disbursements from the income

1 figure referred to in subdivision (1) of this subsection and
2 deliver this figure to the state treasurer.

3 3. The state treasurer shall transfer an amount of money
4 equal to the figure provided by the director of revenue from the
5 department of revenue specialty plate fund to the state highway
6 department fund. An unexpended balance in the department of
7 revenue specialty plate fund at the end of the biennium not
8 exceeding twenty-five thousand dollars shall be exempt from the
9 provisions of section 33.080, RSMo, relating to transfer of
10 unexpended balances to the general revenue fund.

11 4. [The documents and fees required pursuant to this
12 section shall be submitted to the department of revenue by July
13 first prior to the next regular session of the general assembly
14 to be approved or denied by the joint committee on transportation
15 oversight during that legislative session.

16 5.] The department of revenue shall give notice of any
17 proposed specialty plate in a manner reasonably calculated to
18 advise the public of such proposal. Reasonable notice shall
19 include posting the proposal for the specialty plate on the
20 department's official public website, and making available copies
21 of the specialty plate application to any representative of the
22 news media or public upon request and posting the application on
23 a bulletin board or other prominent public place which is easily
24 accessible to the public and clearly designated for that purpose
25 at the principal office.

26 [6.] 5. Adequate notice conforming with all the
27 requirements of subsection 5 of this section shall be given not
28 less than four weeks, exclusive of weekends and holidays when the

1 facility is closed, after the submission of the application by
2 the organization to the department of revenue. Written or
3 electronic testimony in support or opposition of the proposed
4 specialty plate shall be submitted to the department of revenue
5 [by November thirtieth of the year] within sixty days of filing
6 of the original proposal. All written testimony shall contain
7 the printed name, signature, address, phone number, and e-mail
8 address, if applicable, of the individual giving the testimony.

9 [7.] 6. As soon as practicable, upon receipt of the
10 documents and fees required under this section, the department of
11 revenue shall submit for approval all applications for the
12 development of specialty plates to the joint committee on
13 transportation oversight [during a regular session of the general
14 assembly for approval] for review under section 21.795.

15 [8.] 7. If the specialty license plate requested by an
16 organization is approved by the joint committee on transportation
17 oversight, the organization shall submit the proposed art design
18 for the specialty license plate to the department as soon as
19 practicable, but no later than sixty days after the approval of
20 the specialty license plate. If the specialty license plate
21 requested by the organization is not approved by the joint
22 committee on transportation oversight, ninety-seven percent of
23 the application fee shall be refunded to the requesting
24 organization.

25 [9.] 8. An emblem-use authorization fee may be charged by
26 the organization prior to the issuance of an approved specialty
27 plate. The organization's specialty plate proposal approved by
28 the joint committee on transportation oversight shall state what

1 fee is required to obtain such statement and if such fee is
2 required annually or biennially, if the applicant has a two-year
3 registration. An organization applying for specialty plates
4 shall authorize the use of its official emblem to be affixed on
5 multiyear personalized license plates within the plate area
6 prescribed by the director of revenue and as provided in this
7 section. Any contribution to the organization derived from the
8 emblem-use contribution, except reasonable administrative costs,
9 shall be used solely for the purposes of the organization. Any
10 member of the organization or nonmember, if applicable, may
11 annually apply for the use of the emblem, if applicable.

12 [10.] 9. The department shall begin production and
13 distribution of each new specialty license plate within one year
14 after approval of the specialty license plate by the joint
15 committee on transportation oversight.

16 [11.] 10. The department shall issue a specialty license
17 plate to the owner who meets the requirements for issuance of the
18 specialty plate for any motor vehicle such owner owns, either
19 solely or jointly, other than an apportioned motor vehicle or a
20 commercial motor vehicle licensed in excess of eighteen thousand
21 pounds gross weight.

22 [12.] 11. Each new or renewed application for an approved
23 specialty license plate shall be made to the department of
24 revenue, accompanied by an additional fee of fifteen dollars and
25 the appropriate emblem-use authorization statement.

26 [13.] 12. The appropriate registration fees, fifteen dollar
27 specialty plate fee, processing fees and documents otherwise
28 required for the issuance of registration of the motor vehicle as

1 set forth by law must be submitted at the time the specialty
2 plates are actually issued and renewed or as otherwise provided
3 by law. However, no additional fee for the personalization of
4 this plate shall be charged.

5 [14.] 13. Once a specialty plate design is approved, a
6 request for such plate may be made any time during a registration
7 period. If a request is made for a specialty license plate to
8 replace a current valid license plate, all documentation,
9 credits, and fees provided for in this chapter when replacing a
10 current license plate shall apply.

11 [15.] 14. A vehicle owner who was previously issued a plate
12 with an organization emblem authorized by this section, but who
13 does not provide an emblem-use authorization statement at a
14 subsequent time of registration if required, shall be issued a
15 new plate which does not bear the organization's emblem, as
16 otherwise provided by law.

17 [16.] 15. Specialty license plates shall bear a design
18 approved by the organization submitting the original application
19 for approval by the joint committee on transportation oversight.
20 The design shall be within the plate area prescribed by the
21 director of revenue, and the designated organization's name or
22 slogan shall be in place of the words "SHOW-ME STATE". Such
23 license plates shall be made with fully reflective material with
24 a common color scheme, shall be clearly visible at night, shall
25 have a reflective white background in the area of the plate
26 configuration, and shall be aesthetically attractive, as
27 prescribed by section 301.130 and as provided in this section.
28 In addition to a design, the specialty license plates shall be in

1 accordance with criteria and plate design set forth in this
2 chapter.

3 [17. The department is authorized to discontinue the
4 issuance and renewal of a specialty license plate if the
5 organization has stopped providing services and emblem-use
6 authorization statements are no longer being issued by the
7 organization. Such organizations shall notify the department
8 immediately to discontinue the issuance of a specialty plate.

9 18.] 16. The organization that requested the specialty
10 license plate shall not redesign the specialty personalized
11 license plate unless such organization pays the director in
12 advance all redesigned plate fees. All plate holders of such
13 plates must pay the replacement fees prescribed in section
14 301.300 for the replacement of the existing specialty plate. All
15 other applicable license plate fees in accordance with this
16 chapter shall be required.

17 301.3158. Any person who has been awarded the military
18 service award known as the legion of merit medal may apply for
19 special motor vehicle license plates for any vehicle such person
20 owns, either solely or jointly, other than an apportioned motor
21 vehicle or a commercial motor vehicle licensed in excess of
22 eighteen thousand pounds gross weight. Any such person shall
23 make application for the special license plates on a form
24 provided by the director of revenue and furnish such proof as a
25 recipient of the legion of merit medal as the director may
26 require. The director shall then issue license plates bearing
27 letters or numbers or a combination thereof as determined by the
28 advisory committee established in section 301.129, with the words

1 "LEGION OF MERIT" in place of the words "SHOW-ME STATE". Such
2 license plates shall be made with fully reflective material with
3 a common color scheme and design, shall be clearly visible at
4 night, and shall be aesthetically attractive, as prescribed by
5 section 301.130. Such plates shall also bear an image of the
6 legion of merit medal. There shall be an additional fee charged
7 for each set of legion of merit license plates issued under this
8 section equal to the fee charged for personalized license plates.
9 There shall be no limit on the number of license plates any
10 person qualified under this section may obtain so long as each
11 set of license plates issued under this section is issued for
12 vehicles owned solely or jointly by such person. License plates
13 issued under the provisions of this section shall not be
14 transferable to any other person except that any registered
15 co-owner of the motor vehicle shall be entitled to operate the
16 motor vehicle with such plates for the duration of the year
17 licensed in the event of the death of the qualified person.

18 301.3160. 1. Notwithstanding any other provision of law to
19 the contrary, any person, after an annual payment of an
20 emblem-use fee to the National Multiple Sclerosis Society, may
21 receive special personalized license plates for any vehicle the
22 person owns, either solely or jointly, other than an apportioned
23 motor vehicle or a commercial motor vehicle licensed in excess of
24 eighteen thousand pounds gross weight. The National Multiple
25 Sclerosis Society hereby authorizes the use of its official
26 emblem to be affixed on multi-year personalized license plates as
27 provided in this section. Any contribution to the National
28 Multiple Sclerosis Society derived from this section, except

1 reasonable administrative costs, shall be used solely for the
2 purposes of the National Multiple Sclerosis Society. Any vehicle
3 owner may annually apply for the use of the emblem.

4 2. Upon annual application and payment of a twenty-five
5 dollar emblem-use contribution to the National Multiple Sclerosis
6 Society, the National Multiple Sclerosis Society shall issue to
7 the vehicle owner, without further charge, an emblem-use
8 authorization statement, which shall be presented by the vehicle
9 owner to the director of revenue at the time of registration.

10 Upon presentation of the annual statement and payment of a
11 twenty-five dollar fee in addition to the regular registration
12 fees, and presentation of any documents which may be required by
13 law, the director of revenue shall issue to the vehicle owner a
14 special license plate which shall bear the emblem of the National
15 Multiple Sclerosis Society. Such license plates shall be made
16 with fully reflective material with a common color scheme and
17 design, shall be clearly visible at night, and shall be
18 aesthetically attractive, as prescribed by section 301.130. In
19 addition, upon such set of license plates shall be inscribed, in
20 lieu of the words "SHOW-ME STATE", the words "JOIN THE MOVEMENT".
21 Notwithstanding the provisions of section 301.144, no additional
22 fee shall be charged for the personalization of license plates
23 issued pursuant to this section.

24 3. A vehicle owner who was previously issued a plate with
25 the National Multiple Sclerosis Society's emblem authorized by
26 this section, but who does not provide an emblem-use
27 authorization statement at a subsequent time of registration,
28 shall be issued a new plate which does not bear the National

1 Multiple Sclerosis Society's emblem, as otherwise provided by
2 law. The director of revenue shall make necessary rules and
3 regulations for the enforcement of this section, and shall design
4 all necessary forms required by this section.

5 4. Prior to the issuance of a National Multiple Sclerosis
6 Society's specialty plate authorized under this section the
7 department of revenue must be in receipt of an application, as
8 prescribed by the director, which shall be accompanied by a list
9 of at least two hundred potential applicants who plan to purchase
10 the specialty plate, the proposed art design for the specialty
11 license plate, and an application fee, not to exceed five
12 thousand dollars, to defray the department's cost for issuing,
13 developing, and programming the implementation of the specialty
14 plate. Once the plate design is approved, the director of
15 revenue shall not authorize the manufacture of the material to
16 produce such specialized license plates with the individual seal,
17 logo, or emblem until such time as the director has received two
18 hundred applications, the twenty-five dollar specialty plate fee
19 per application, and emblem-use statements, if applicable, and
20 other required documents or fees for such plates.

21 301.4020. Notwithstanding the provisions of section 301.190
22 or any other law, when an application is made for an original
23 Missouri certificate of ownership for an all-terrain vehicle, as
24 defined in section 301.010, or a recreational off-highway
25 vehicle, as defined in section 301.010, which has not been issued
26 a prior Missouri certificate of ownership, the application shall
27 be accompanied by an affidavit submitted by the owner explaining
28 how the all-terrain vehicle or recreational off-highway vehicle

1 was acquired, an inspection performed by law enforcement
2 verifying the all-terrain vehicle or recreational off-highway
3 vehicle has not been reported stolen in the national crime
4 information center and any appropriate statewide law enforcement
5 computer, and a photocopy of the bill of sale establishing
6 ownership of such vehicle.

7 302.183. 1. Notwithstanding any provision of this chapter
8 that requires an applicant to provide reasonable proof of
9 residence for issuance or renewal of a noncommercial driver's
10 license, noncommercial instruction permit, or a nondriver's
11 license, an applicant shall not have his or her privacy rights
12 violated in order to obtain or renew a Missouri noncommercial
13 driver's license, noncommercial instruction permit, or a
14 nondriver's license.

15 2. Any data derived from a person's application shall not
16 be sold for commercial purposes to any other organization or any
17 other state without the express permission of the applicant
18 without a court order; except such information may be shared with
19 a law enforcement agency, judge, prosecuting attorney, or officer
20 of the court, or with another state for the limited purposes set
21 out in section 302.600 or for conducting driver history checks in
22 compliance with the Motor Carrier Safety Improvement Act, 49
23 U.S.C. 31309. The state of Missouri shall protect the privacy
24 of its citizens when handling any written, digital, or electronic
25 data, and shall not participate in any standardized
26 identification system using driver's and nondriver's license
27 records. For purposes of this subsection, "commercial purposes"
28 does not include data used or compiled solely to be used for, or

1 obtained or compiled solely for purposes expressly allowed under
2 the Missouri or federal Drivers Privacy Protection Act.

3 3. The department of revenue shall not amend procedures for
4 applying for a driver's license or identification card in order
5 to comply with the goals or standards of the federal REAL ID Act
6 of 2005, any rules or regulations promulgated under the authority
7 granted in such act, or any requirements adopted by the American
8 Association of Motor Vehicle Administrators for furtherance of
9 the act.

10 4. Any biometric data previously collected, obtained, or
11 retained in connection with motor vehicle registration or
12 operation, the issuance or renewal of driver's licenses, or the
13 issuance or renewal of any identification cards by any department
14 or agency of the state charged with those activities shall be
15 retrieved and deleted from all databases. The provisions of this
16 subsection shall not apply to any data collected, obtained, or
17 retained for a purpose other than compliance with the federal
18 REAL ID Act of 2005. For purposes of this section, "biometric
19 data" includes, but is not limited to:

20 (1) Facial feature pattern characteristics;

21 (2) Voice data used for comparing live speech with a
22 previously created speech model of a person's voice;

23 (3) Iris recognition data containing color or texture
24 patterns or codes;

25 (4) Retinal scans, reading through the pupil to measure
26 blood vessels lining the retina;

27 (5) Fingerprint, palm prints, hand geometry, measuring of
28 any and all characteristics of biometric information, including

1 shape and length of fingertips or recording ridge pattern or
2 fingertip characteristics;

3 (6) Eye spacing;

4 (7) Characteristic gait or walk;

5 (8) DNA;

6 (9) Keystroke dynamics, measuring pressure applied to key
7 pads or other digital receiving devices.

8 5. No citizen of this state shall have his or her privacy
9 compromised by the state or agents of the state. The state shall
10 within reason protect the sovereignty of the citizens the state
11 is entrusted to protect.

12 302.220. It shall be unlawful for any person to display or
13 to permit to be displayed, or to have in his possession, any
14 license or nondriver identification card knowing the same to be
15 fictitious or to have been canceled, suspended, revoked,
16 disqualified or altered; to lend to or knowingly permit the use
17 of by another any license or nondriver identification card issued
18 to the person so lending or permitting the use thereof; to
19 display or to represent as one's own any license or nondriver
20 identification card not issued to the person so displaying the
21 same, or fail or refuse to surrender to the clerk of any division
22 of the circuit court or the director or his or her designee, any
23 license or nondriver identification card which has been
24 suspended, canceled, disqualified or revoked, as provided by law
25 or that the director or his or her designee has reasonable
26 suspicion to believe is fictitious; to use a false or fictitious
27 name or give a false or fictitious address on any application for
28 a license or nondriver identification card, or any renewal or

1 duplicate thereof, or knowingly to make a false statement, or
2 knowingly to conceal a material fact, or otherwise commit a fraud
3 in any such application; to authorize or consent to any motor
4 vehicle owned by him or under his control to be driven by any
5 person, when he has knowledge that such person has no legal right
6 to do so, or for any person to drive any motor vehicle in
7 violation of any of the provisions of sections 302.010 to
8 302.780; to employ a person to operate a motor vehicle in the
9 transportation of persons or property, with knowledge that such
10 person has not complied with the provisions of sections 302.010
11 to 302.780, or whose license has been revoked, suspended,
12 canceled or disqualified; or who fails to produce his or her
13 license upon demand of any person or persons authorized to make
14 such demand.

15 302.230. Any person who makes a false unsworn statement or
16 affidavit or knowingly swears or affirms falsely as to any matter
17 or thing required by sections 302.010 to 302.540 shall be deemed
18 guilty of a class A misdemeanor. No person who pleads guilty or
19 nolo contendere, or is found guilty of making a false statement
20 or affidavit shall be licensed to operate a motor vehicle for a
21 period of one year after such plea, finding or conviction.
22 Notwithstanding any other provision of law, a prosecution under
23 this section may be commenced within one year after the director
24 first discovers the falsity of any statement or affidavit
25 required under sections 302.010 to 302.540, provided that no
26 prosecution shall commence more than six years after such
27 statement or affidavit was made.

28 302.341. 1. If a Missouri resident charged with a moving

1 traffic violation of this state or any county or municipality of
2 this state fails to dispose of the charges of which the resident
3 is accused through authorized prepayment of fine and court costs
4 and fails to appear on the return date or at any subsequent date
5 to which the case has been continued, or without good cause fails
6 to pay any fine or court costs assessed against the resident for
7 any such violation within the period of time specified or in such
8 installments as approved by the court or as otherwise provided by
9 law, any court having jurisdiction over the charges shall within
10 ten days of the failure to comply inform the defendant by
11 ordinary mail at the last address shown on the court records that
12 the court will order the director of revenue to suspend the
13 defendant's driving privileges if the charges are not disposed of
14 and fully paid within thirty days from the date of mailing.
15 Thereafter, if the defendant fails to timely act to dispose of
16 the charges and fully pay any applicable fines and court costs,
17 the court shall notify the director of revenue of such failure
18 and of the pending charges against the defendant. Upon receipt
19 of this notification, the director shall suspend the license of
20 the driver, effective immediately, and provide notice of the
21 suspension to the driver at the last address for the driver shown
22 on the records of the department of revenue. Such suspension
23 shall remain in effect until the court with the subject pending
24 charge requests setting aside the noncompliance suspension
25 pending final disposition, or satisfactory evidence of
26 disposition of pending charges and payment of fine and court
27 costs, if applicable, is furnished to the director by the
28 individual. Upon proof of disposition of charges and payment of

1 fine and court costs, if applicable, and payment of the
2 reinstatement fee as set forth in section 302.304, the director
3 shall return the license and remove the suspension from the
4 individual's driving record. The filing of financial
5 responsibility with the bureau of safety responsibility,
6 department of revenue, shall not be required as a condition of
7 reinstatement of a driver's license suspended solely under the
8 provisions of this section.

9 2. If any city, town or village receives more than
10 thirty-five percent of its annual general operating revenue from
11 fines and court costs for traffic violations occurring on state
12 highways, all revenues from such violations in excess of
13 thirty-five percent of the annual general operating revenue of
14 the city, town or village shall be sent to the director of the
15 department of revenue and shall be distributed annually to the
16 schools of the county in the same manner that proceeds of all
17 penalties, forfeitures and fines collected for any breach of the
18 penal laws of the state are distributed. For the purpose of this
19 section the words "state highways" shall mean any state or
20 federal highway, including any such highway continuing through
21 the boundaries of a city, town or village with a designated
22 street name other than the state highway number. For purposes of
23 this subsection, the term "traffic violations" shall include
24 moving and nonmoving violations and any moving violations, as
25 that term is defined in section 302.010, that are subsequently
26 pled or amended to nonmoving traffic violations. The director of
27 the department of revenue shall set forth by rule a procedure
28 whereby excess revenues as set forth above shall be sent to the

1 department of revenue. If any city, town, or village disputes a
2 determination that it has received excess revenues required to be
3 sent to the department of revenue, such city, town, or village
4 may submit to an annual audit by the state auditor under the
5 authority of article IV, section 13 of the Missouri Constitution.
6 Any rule or portion of a rule, as that term is defined in section
7 536.010, RSMo, that is created under the authority delegated in
8 this section shall become effective only if it complies with and
9 is subject to all of the provisions of chapter 536, RSMo, and, if
10 applicable, section 536.028, RSMo. This section and chapter 536,
11 RSMo, are nonseverable and if any of the powers vested with the
12 general assembly under chapter 536, RSMo, to review, to delay the
13 effective date, or to disapprove and annul a rule are
14 subsequently held unconstitutional, then the grant of rulemaking
15 authority and any rule proposed or adopted after August 28, 2009,
16 shall be invalid and void.

17 303.025. 1. No owner of a motor vehicle registered in this
18 state, or required to be registered in this state, shall operate,
19 register or maintain registration of a motor vehicle, or permit
20 another person to operate such vehicle, unless the owner
21 maintains the financial responsibility which conforms to the
22 requirements of the laws of this state. No nonresident shall
23 operate or permit another person to operate in this state a motor
24 vehicle registered to such nonresident unless the nonresident
25 maintains the financial responsibility which conforms to the
26 requirements of the laws of the nonresident's state of residence.
27 Furthermore, no person shall operate a motor vehicle owned by
28 another with the knowledge that the owner has not maintained

1 financial responsibility unless such person has financial
2 responsibility which covers the person's operation of the other's
3 vehicle; however, no owner or nonresident shall be in violation
4 of this subsection if he or she fails to maintain financial
5 responsibility on a motor vehicle which is inoperable or being
6 stored and not in operation. The director may prescribe rules
7 and regulations for the implementation of this section.

8 2. A motor vehicle owner shall maintain the owner's
9 financial responsibility in a manner provided for in section
10 303.160, or with a motor vehicle liability policy which conforms
11 to the requirements of the laws of this state. A nonresident
12 motor vehicle owner shall maintain the owner's financial
13 responsibility which conforms to the requirements of the laws of
14 the nonresident's state of residence.

15 3. Any person who violates this section is guilty of a
16 class C misdemeanor. However, no person shall be found guilty of
17 violating this section if the operator demonstrates to the court
18 that he or she met the financial responsibility requirements of
19 this section at the time the peace officer, commercial vehicle
20 enforcement officer or commercial vehicle inspector wrote the
21 citation. In addition to any other authorized punishment, the
22 court shall notify the director of revenue of any person
23 convicted pursuant to this section and shall do one of the
24 following:

25 (1) Enter an order suspending the driving privilege as of
26 the date of the court order. If the court orders the suspension
27 of the driving privilege, the court shall require the defendant
28 to surrender to it any driver's license then held by such person.

1 The length of the suspension shall be as prescribed in subsection
2 2 of section 303.042. The court shall forward to the director of
3 revenue the order of suspension of driving privilege and any
4 license surrendered within ten days;

5 (2) Forward the record of the conviction for an assessment
6 of four points; or

7 (3) In lieu of an assessment of points, render an order of
8 supervision as provided in section 302.303, RSMo. An order of
9 supervision shall not be used in lieu of points more than one
10 time in any thirty-six-month period. Every court having
11 jurisdiction pursuant to the provisions of this section shall
12 forward a record of conviction to the Missouri state highway
13 patrol, or at the written direction of the Missouri state highway
14 patrol, to the department of revenue, in a manner approved by the
15 director of the department of public safety. The director shall
16 establish procedures for the record keeping and administration of
17 this section.

18 4. Nothing in sections 303.010 to 303.050, 303.060,
19 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed
20 as prohibiting the department of insurance, financial
21 institutions and professional registration from approving or
22 authorizing those exclusions and limitations which are contained
23 in automobile liability insurance policies and the uninsured
24 motorist provisions of automobile liability insurance policies.

25 5. If a court enters an order of suspension, the offender
26 may appeal such order directly pursuant to chapter 512, RSMo, and
27 the provisions of section 302.311, RSMo, shall not apply.

28 303.080. 1. In case the operator or the owner of a motor

1 vehicle involved in an accident within this state has no license
2 or registration, or is a nonresident, he shall not be allowed a
3 license or registration until he has complied with the
4 requirements of this chapter to the same extent that would be
5 necessary if, at the time of the accident, he had held a license
6 and registration.

7 2. When a nonresident's operating privilege is suspended
8 pursuant to [section 303.030 or section 303.140] this chapter,
9 the director shall transmit a certified copy of the record of
10 such action to the official in charge of the issuance of licenses
11 and registration certificates in the state in which such
12 nonresident resides[, if the law of such other state provides for
13 action in relation thereto similar to that provided for in
14 subsection 3 of this section].

15 3. Upon receipt of such certification that the operating
16 privilege of a resident of this state has been suspended or
17 revoked in any such other state pursuant to a law providing for
18 its suspension or revocation for failure to deposit security for
19 the payment of judgments arising out of a motor vehicle accident,
20 under circumstances which would require the director to suspend a
21 nonresident's operating privilege had the accident occurred in
22 this state, the director shall suspend the license of such
23 resident if he was the operator, and all of his registrations if
24 he was the owner of a motor vehicle involved in such accident.
25 Such suspension shall continue until such resident furnishes
26 evidence of his compliance with the law of such other state
27 relating to the deposit of such security.

28 304.161. Towing and storage charges shall be reasonable and

1 not excessive. As used in this section, the term "storage
2 charges" means any fees or charges or the combination of all fees
3 and other charges associated with the storage of a towed vehicle,
4 including, but not limited to, storage fees, access fees,
5 document fees, release of vehicle charges, and any other charges,
6 the payment of which is required for the release of the vehicle
7 to the owner or his or her designee. Complaints regarding
8 allegations of excessive storage charges shall be reported to the
9 attorney general for investigation, review, and determination. A
10 determination that storage charges are excessive shall constitute
11 an unlawful trade practice as provided in section 407.020.

12 304.705. 1. In any county with a population of more than
13 one hundred eighty thousand inhabitants that adjoins a county
14 with a charter form of government with a population of more than
15 nine hundred thousand inhabitants, all trucks registered for a
16 gross weight of more than twenty-four thousand pounds, as of
17 January 1, 2008, shall not be driven in the far left lane upon an
18 interstate highway having at least three lanes proceeding in the
19 same direction, within three miles of where an interstate highway
20 and a three-digit numbered Missouri route intersects with an
21 average daily traffic count on the interstate highway of at least
22 one hundred thirty thousand vehicles at such point. The Missouri
23 department of transportation shall design, manufacture, and
24 install any informational and directional signs at the
25 appropriate locations. Such restriction shall not apply when:

26 (1) It is reasonably necessary for the operation of the
27 truck to respond to emergency conditions; or

28 (2) The right or a center lane of a roadway is closed to

1 traffic while under construction, maintenance, or repair.

2 2. As used in this section, "truck" means any vehicle,
3 machine, tractor trailer, or semitrailer, or any combination
4 thereof, propelled or drawn by mechanical power and designed for
5 or used in the transportation of property upon the highways.

6 3. A violation of this section is [an infraction] a class C
7 misdemeanor unless such violation causes an immediate threat of
8 an accident, in which case such violation shall be deemed a class
9 [C] B misdemeanor, or unless an accident results from such
10 violation, in which case such violation is a class A misdemeanor.

11 304.820. 1. Except as otherwise provided in this section,
12 no person [twenty-one years of age or younger] operating a moving
13 motor vehicle upon the highways of this state shall, by means of
14 a hand-held electronic wireless communications device, send,
15 read, or write a text message or electronic message.

16 2. The provisions of subsection 1 of this section shall not
17 apply to a person operating:

18 (1) An authorized emergency vehicle; or

19 (2) A moving motor vehicle while using a hand-held
20 electronic wireless communications device to:

21 (a) Report illegal activity;

22 (b) Summon medical or other emergency help;

23 (c) Prevent injury to a person or property; or

24 (d) Relay information between a transit or for-hire
25 operator and that operator's dispatcher, in which the device is
26 permanently affixed to the vehicle.

27 3. Nothing in this section shall be construed or
28 interpreted as prohibiting a person from making or taking part in

1 a telephone call, by means of a hand-held electronic wireless
2 communications device, while operating a motor vehicle upon the
3 highways of this state.

4 4. As used in this section, "electronic message" means a
5 self-contained piece of digital communication that is designed or
6 intended to be transmitted between hand-held electronic wireless
7 communication devices. "Electronic message" includes, but is not
8 limited to, electronic mail, a text message, an instant message,
9 or a command or request to access an Internet site.

10 5. As used in this section, "hand-held electronic wireless
11 communications device" includes any hand-held cellular phone,
12 palm pilot, blackberry, or other mobile electronic device used to
13 communicate verbally or by text or electronic messaging, but
14 shall not apply to any device that is permanently embedded into
15 the architecture and design of the motor vehicle.

16 6. As used in this section, "making or taking part in a
17 telephone call" means listening to or engaging in verbal
18 communication through a hand-held electronic wireless
19 communication device.

20 7. As used in this section, "send, read, or write a text
21 message or electronic message" means using a hand-held electronic
22 wireless telecommunications device to manually communicate with
23 any person by using an electronic message. Sending, reading, or
24 writing a text message or electronic message does not include
25 reading, selecting, or entering a phone number or name into a
26 hand-held electronic wireless communications device for the
27 purpose of making a telephone call.

28 8. A violation of this section shall be deemed an

1 infraction and shall be deemed a moving violation for purposes of
2 point assessment under section 302.302, RSMo.

3 9. [The state preempts the field of regulating the use of
4 hand-held electronic wireless communications devices in motor
5 vehicles, and the provisions of this section shall supercede any
6 local laws, ordinances, orders, rules, or regulations enacted by
7 a county, municipality, or other political subdivision to
8 regulate the use of hand-held electronic wireless communication
9 devices by the operator of a motor vehicle] Any city or county
10 shall have the authority to adopt ordinances or regulations which
11 are equivalent to, but not more restrictive than, the provisions
12 of this section.

13 10. The provisions of this section shall not apply to:

14 (1) The operator of a vehicle that is lawfully parked or
15 stopped;

16 (2) Any of the following while in the performance of their
17 official duties: a law enforcement officer; a member of a fire
18 department; or the operator of a public or private ambulance;

19 (3) The use of factory-installed or aftermarket global
20 positioning systems (GPS) or wireless communications devices used
21 to transmit or receive data as part of a digital dispatch system;

22 (4) The use of voice-operated technology;

23 (5) The use of two-way radio transmitters or receivers by a
24 licensee of the Federal Communications Commission in the Amateur
25 Radio Service;

26 (6) A person using a handheld mobile telephone in
27 conjunction with a voice-operated or hands-free device. The term
28 "voice-operated or hands-free device" shall mean a device that

1 allows the user to write, send, or read a text message without
2 the use of either hand except to activate or deactivate a feature
3 or function.

4 [226.095. Upon request of the plaintiff in a
5 negligence action against the department of
6 transportation as defendant, the case shall be
7 arbitrated by a panel of three arbiters pursuant to the
8 provisions of chapter 435, RSMo.]
9

10 [301.003. Any rule or portion of a rule
11 promulgated pursuant to this bill shall become
12 effective only as provided pursuant to chapter 536,
13 RSMo, including but not limited to section 536.028,
14 RSMo, if applicable, after July 1, 1997. All
15 rulemaking authority delegated prior to July 1, 1997,
16 is of no force and effect and repealed. The provisions
17 of this section are nonseverable and if any of the
18 powers vested with the general assembly pursuant to
19 section 536.028, RSMo, if applicable, to review, to
20 delay the effective date, or to disapprove and annul a
21 rule or portion of a rule are held unconstitutional or
22 invalid, the purported grant of rulemaking authority
23 and any rule so proposed and contained in the order of
24 rulemaking shall be invalid and void.]
25

Section B. The repeal and reenactment of sections 301.010,
301.032, 301.069, 301.196, 301.218, 301.280, 301.560, 301.562,
301.567, and 301.570, shall become effective January 1, 2011.