

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute No. 2 for Senate Substitute No. 2 for Senate Committee
2 Substitute for Senate Bill No. 1050, Page 36, Section 301.130, Line 112, by inserting after all of
3 said section and line the following:
4

5 "301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate
6 of registration and the right to use the number plates shall expire and the number plates shall be
7 removed by the owner at the time of the transfer of possession, and it shall be unlawful for any
8 person other than the person to whom such number plates were originally issued to have the same in
9 his or her possession whether in use or not, unless such possession is solely for charitable purposes;
10 except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach
11 the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or
12 trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more
13 than thirty days, or no more than ninety days if the dealer is selling the motor vehicle under the
14 provisions of section 301.213. As used in this subsection, the term "trade-in motor vehicle or
15 trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased
16 vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

17 2. In the case of a transfer of ownership the original owner may register another motor
18 vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of
19 horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating
20 capacity, not in excess of that originally registered. When such motor vehicle is of greater
21 horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating
22 capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a
23 pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or
24 (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee
25 is prescribed, applicant shall not be entitled to a refund.

26 3. License plates may be transferred from a motor vehicle which will no longer be operated
27 to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer
28 fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a
29 passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle
30 which will no longer be operated. When the newly purchased motor vehicle is of greater
31 horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating
32 capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars
33 and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less
34 horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating
35 capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

36 4. The director of the department of revenue shall have authority to produce or allow others

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1 to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor
2 vehicle or trailer by a buyer for not more than thirty days, or no more than ninety days if issued by a
3 dealer selling the motor vehicle under the provisions of section 301.213, from the date of purchase.
4 The temporary permit authorized under this section may be purchased by the purchaser of a motor
5 vehicle or trailer from the central office of the department of revenue or from an authorized agent of
6 the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer
7 has no registration plate available for transfer and upon proof of financial responsibility, or from a
8 motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has no
9 registration plate available for transfer, or from a motor vehicle dealer upon purchase of a motor
10 vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates.
11 The director of the department of revenue or a producer authorized by the director of the department
12 of revenue may make temporary permits available to registered dealers in this state, authorized
13 agents of the department of revenue or the department of revenue. The price paid by a motor
14 vehicle dealer, an authorized agent of the department of revenue or the department of revenue for a
15 temporary permit shall not exceed five dollars for each permit. The director of the department of
16 revenue shall direct motor vehicle dealers and authorized agents to obtain temporary permits from
17 an authorized producer. Amounts received by the director of the department of revenue for
18 temporary permits shall constitute state revenue; however, amounts received by an authorized
19 producer other than the director of the department of revenue shall not constitute state revenue and
20 any amounts received by motor vehicle dealers or authorized agents for temporary permits
21 purchased from a producer other than the director of the department of revenue shall not constitute
22 state revenue. In no event shall revenues from the general revenue fund or any other state fund be
23 utilized to compensate motor vehicle dealers or other producers for their role in producing
24 temporary permits as authorized under this section. Amounts that do not constitute state revenue
25 under this section shall also not constitute fees for registration or certificates of title to be collected
26 by the director of the department of revenue under section 301.190. No motor vehicle dealer,
27 authorized agent or the department of revenue shall charge more than five dollars for each permit
28 issued. The permit shall be valid for a period of thirty days, or no more than ninety days if issued
29 by a dealer selling the motor vehicle under the provisions of section 301.213, from the date of
30 purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a
31 motor vehicle dealer for which the purchaser obtains a permit as set out above. No permit shall be
32 issued for a vehicle under this section unless the buyer shows proof of financial responsibility. Each
33 temporary permit issued shall be securely fastened to the back or rear of the motor vehicle in a
34 manner and place on the motor vehicle consistent with registration plates so that all parts and
35 qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and
36 are not impaired in any way.

37 5. The permit shall be issued on a form prescribed by the director of the department of
38 revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer
39 purchased to enable the applicant to temporarily operate the motor vehicle while proper title and
40 registration plates are being obtained, or while awaiting receipt of registration plates, and shall be
41 displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall not be
42 transferable or renewable and shall not be valid upon issuance of proper registration plates for the
43 motor vehicle or trailer. The director of the department of revenue shall determine the size,
44 material, design, numbering configuration, construction, and color of the permit. The director of
45 the department of revenue, at his or her discretion, shall have the authority to reissue, and thereby
46 extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer
47 while proper title and registration are being obtained.

48 6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection by

1 proper officers, an accurate record of each permit issued by recording the permit number, the motor
2 vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and
3 manufacturer's vehicle identification number, and the permit's date of issuance and expiration date.
4 Upon the issuance of a temporary permit by either the central office of the department of revenue, a
5 motor vehicle dealer or an authorized agent of the department of revenue, the director of the
6 department of revenue shall make the information associated with the issued temporary permit
7 immediately available to the law enforcement community of the state of Missouri.

8 7. Upon the transfer of ownership of any currently registered motor vehicle wherein the
9 owner cannot transfer the license plates due to a change of motor vehicle category, the owner may
10 surrender the license plates issued to the motor vehicle and receive credit for any unused portion of
11 the original registration fee against the registration fee of another motor vehicle. Such credit shall
12 be granted based upon the date the license plates are surrendered. No refunds shall be made on the
13 unused portion of any license plates surrendered for such credit.

14 [~~8. The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.~~]

15 [~~9.~~] 8. An additional temporary license plate produced in a manner and of materials
16 determined by the director to be the most cost-effective means of production with a configuration
17 that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be
18 placed in the interior of the vehicle's rear window such that the driver's view out of the rear window
19 is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to
20 serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate.
21 Such temporary plate is only authorized for use when the matching actual plate is affixed to the
22 vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the
23 temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 4
24 of this section. Replacement temporary plates authorized in this subsection may be issued as needed
25 upon the payment of a fee equal to the fee charged for a temporary permit under subsection 4 of this
26 section. The newly produced third plate may only be used on the vehicle with the matching plate,
27 and the additional plate shall be clearly recognizable as a third plate and only used for the purpose
28 specified in this subsection.

29 [~~10.~~] 9. Notwithstanding the provisions of section 301.217, the director may issue a
30 temporary permit to an individual who possesses a salvage motor vehicle which requires an
31 inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle for
32 which the permit has been issued shall be limited to the most direct route from the residence,
33 maintenance, or storage facility of the individual in possession of such motor vehicle to the nearest
34 authorized inspection facility and return to the originating location. Notwithstanding any other
35 requirements for the issuance of a temporary permit under this section, an individual obtaining a
36 temporary permit for the purpose of operating a motor vehicle to and from an examination facility
37 as prescribed in this subsection shall also purchase the required motor vehicle examination form
38 which is required to be completed for an examination under subsection 9 of section 301.190 and
39 provide satisfactory evidence that such vehicle has passed a motor vehicle safety inspection for such
40 vehicle as required in section 307.350.

41 [~~11.~~] 10. The director of the department of revenue may promulgate all necessary rules and
42 regulations for the administration of this section. Any rule or portion of a rule, as that term is
43 defined in section 536.010, that is created under the authority delegated in this section shall become
44 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
45 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers
46 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
47 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
48 authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

1 ~~[42.]~~ 11. The repeal and reenactment of this section shall become effective on the date the
 2 department of revenue or a producer authorized by the director of the department of revenue begins
 3 producing temporary permits described in subsection 4 of such section, or on July 1, 2013,
 4 whichever occurs first. If the director of revenue or a producer authorized by the director of the
 5 department of revenue begins producing temporary permits prior to July 1, 2013, the director of the
 6 department of revenue shall notify the revisor of statutes of such fact."; and

7
 8 Further amend said bill, Page 38, Section 302.170, Line 29, by deleting the phrase "subsections 3
 9 and 4" and inserting in lieu thereof the phrase "~~[subsections 3 and]~~ subsection 4"; and

10
 11 Further amend said bill and section, Page 39, Line 72, by inserting after the phrase "time required
 12 for" the phrase "digital"; and

13
 14 Further amend said bill and section, Page 41, Line 147, by inserting after the phrase "shall be" the
 15 phrase "digitally"; and

16
 17 Further amend said bill, Pages 56 to 58, Section 304.153, Lines 1 to 106, by deleting all of said
 18 section and lines and inserting in lieu thereof the following:

19
 20 "304.153. 1. As used in this section, the following terms shall mean:

21 (1) "Law enforcement officer", any public servant, other than a patrol officer, who is
 22 defined as a law enforcement officer under section 556.061;

23 (2) "Motor club", an organization which motor vehicle drivers and owners may join that
 24 provide certain benefits relating to driving a motor vehicle;

25 (3) "Nonconsensual tow", the transportation of a motor vehicle by tow truck if such
 26 transportation is performed without the prior consent or authorization of the owner or operator of
 27 the motor vehicle. For purposes of this section, all law enforcement-ordered tows are considered
 28 nonconsensual;

29 (4) "Patrol officer", a Missouri state highway patrol officer;

30 ~~[(4)]~~ (5) "Tow list", a list of approved towing companies compiled, maintained, and utilized
 31 by the Missouri state highway patrol or its designee;

32 ~~[(5)]~~ (6) "Tow management company", any sole proprietorship, partnership, corporation,
 33 fiduciary, association, or other business entity that manages towing logistics for government
 34 agencies or motor clubs;

35 ~~[(6)]~~ (7) "Tow truck", a rollback or car carrier, wrecker, or tow truck as defined under
 36 section 301.010;

37 ~~[(7)]~~ (8) "Towing", moving or removing, or the preparation therefor, of a vehicle by another
 38 vehicle for which a service charge is made, either directly or indirectly, including any dues or other
 39 charges of clubs or associations which provide towing services;

40 ~~[(8)]~~ (9) "Towing company", any person, partnership, corporation, fiduciary, association, or
 41 other entity that operates a wrecker or towing service as defined under section 301.010.

42 2. In authorizing a towing company to perform services, any patrol officer or law
 43 enforcement officer within the officer's jurisdiction, or Missouri department of transportation
 44 employee, may utilize the services of a tow management company or tow list, provided:

45 (1) The Missouri state highway patrol is under no obligation to include or retain the services
 46 of any towing company in any contract or agreement with a tow management company or any tow
 47 list established pursuant to this section. A towing company is subject to removal from a tow list at
 48 any time;

1 (2) Notwithstanding any other provision of law or any regulation established pursuant to
2 this section, an owner or operator's request for a specific towing company shall be honored by the
3 Missouri state highway patrol unless:

4 (a) The requested towing company cannot or does not respond in a reasonable time, as
5 determined by a law enforcement officer; or

6 (b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law
7 enforcement officer.

8 3. A patrol officer shall not use a towing company located outside of Missouri under this
9 section except under the following circumstances:

10 (1) A state or federal emergency has been declared; or

11 (2) The driver or owner of the vehicle, or a motor club of which the driver or owner is a
12 member, requests a specific out-of-state towing company.

13 4. A towing company shall not tow a vehicle to a location outside of Missouri without the
14 consent of the driver or owner of the motor vehicle, or without the consent of a motor club of which
15 the driver or owner of the motor vehicle is a member.

16 5. Any towing company or tow truck arriving at the scene of an accident that has not been
17 called by a patrol officer, a law enforcement officer, a Missouri department of transportation
18 employee, the driver or owner of the motor vehicle or his or her authorized agent, including a motor
19 club of which the driver or owner is a member, shall be prohibited from towing the vehicle from the
20 scene of the accident, unless the towing company or tow truck operator is rendering emergency aid
21 in the interest of public safety, or is operating during a declared state of emergency under section
22 44.100.

23 6. A tow truck operator that stops and tows a vehicle from the scene of an accident in
24 violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon conviction or
25 pleading guilty for the first violation, and such tow truck shall be subject to impounding. The
26 penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or
27 subsequent violation shall be a class D felony. A violation of this section shall not preclude the tow
28 truck operator from being charged with tampering under chapter 569.

29 7. The provisions of this section shall also apply to motor vehicles towed under section
30 304.155 or 304.157.

31 8. The provisions of subsections 1 to 7 of this section shall not apply to counties of the third
32 or fourth classification.

33 9. (1) The Towing Task Force is hereby created. The task force shall make
34 recommendations as provided in this subsection with respect to tows involving vehicles with a gross
35 vehicle weight rating in excess of twenty-six thousand pounds. The task force shall consist of nine
36 members who shall be appointed as follows:

37 (a) One member of the general assembly appointed by the president pro tempore of the
38 senate;

39 (b) One member of the general assembly appointed by the speaker of the house of
40 representatives;

41 (c) One member, or the member's designee, appointed by the governor to represent the
42 department of revenue;

43 (d) One member, or the member's designee, appointed by the superintendent of the Missouri
44 state highway patrol;

45 (e) One member, or the member's designee, appointed by the governor to represent towing
46 companies within the state but who does not represent a towing association;

47 (f) One member who insures commercial motor vehicles, or the member's designee,
48 appointed by the governor to represent insurance companies within the state;

1 (g) One member, or the member's designee, appointed by the governor to represent an
 2 association of motor carriers within the state;

3 (h) One member, or the member's designee, appointed by the director of the Missouri
 4 department of revenue; and

5 (i) One member, appointed by the governor, who is a truck driver that resides in Missouri.

6 (2) The task force shall have the following duties and powers:

7 (a) To make comprehensive recommendations on matters related to the investigation of
 8 overcharges made by towing companies in violation of the rules promulgated under this subsection,
 9 including:

10 a. A process for the adjudication of consumer complaints regarding nonconsensual tow
 11 charges; and

12 b. Factors to consider in determining whether a charge levied by a towing company is just,
 13 fair, and reasonable; provided that, it shall be a violation of the rules promulgated under this
 14 subsection for a towing company to charge for the use of unnecessary equipment and labor;

15 c. A process for the removal of towing companies from rotation lists for violations of the
 16 rules; and

17 (b) To make comprehensive recommendations regarding information that should be
 18 included on every invoice with respect to a nonconsensual tow.

19 (3) The task force shall make its first comprehensive recommendations in a report to the
 20 general assembly no later than March 1, 2020.

21 (4) The members of the towing task force shall elect a chair from among their membership.
 22 The chair shall set the times and frequency of the task force's meetings.

23 (5) The task force established under this subsection shall expire on January 1, 2021."; and
 24

25 Further amend said bill, Page 64, Section 304.232, Line 34, by deleting said line and inserting in
 26 lieu thereof the following:

27
 28 "posted speed limit in excess of forty-five miles per hour, except that safety inspections may be
 29 permitted on the shoulder at any entrance or exit of such highway where there is adequate space on
 30 the shoulder to safely perform such inspection."; and
 31

32 Further amend said bill by amending the title, enacting clause, and intersectional references
 33 accordingly.