

SECOND REGULAR SESSION

# HOUSE BILL NO. 1471

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SOMMER.

4825H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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

Section A. Section 301.190, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.190, to read as follows:

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within ~~thirty~~ **ninety** days after the applicant acquires the motor vehicle or trailer, unless the motor vehicle was acquired under section 301.213 in which case the applicant shall make application within ~~thirty~~ **ninety** days after receiving title from the dealer, upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application. When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 director with documentation evidencing the lienholder's authorization to add or delete a name  
18 or names on an application for certificate of ownership.

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

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

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

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

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

52           5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in  
53 addition to the fee for registration of such motor vehicle or trailer. If application for the  
54 certificate is not made within ~~[thirty]~~ **ninety** days after the vehicle is acquired by the applicant,  
55 or where the motor vehicle was acquired under section 301.213 and the applicant fails to make  
56 application within ~~[thirty]~~ **ninety** days after receiving title from the dealer, a delinquency penalty  
57 fee of ~~[twenty-five]~~ **two hundred** dollars for the first ~~[thirty]~~ **ninety** days of delinquency and  
58 twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of ~~[two]~~  
59 **three** hundred dollars, but such penalty may be waived by the director for a good cause shown.  
60 If the director of revenue learns that any person has failed to obtain a certificate within ~~[thirty]~~  
61 **ninety** days after acquiring a motor vehicle or trailer, or where the motor vehicle was acquired  
62 under section 301.213 and the applicant fails to make application within ~~[thirty]~~ **ninety** days after  
63 receiving title from the dealer, or has sold a vehicle without obtaining a certificate, he shall  
64 cancel the registration of all vehicles registered in the name of the person, either as sole owner  
65 or as a co-owner, and shall notify the person that the cancellation will remain in force until the  
66 person pays the delinquency penalty fee provided in this section, together with all fees, charges  
67 and payments which the person should have paid in connection with the certificate of ownership  
68 and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or  
69 trailer so long as the same is owned or held by the original holder of the certificate and shall not  
70 have to be renewed annually.

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

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

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

88 to the director of revenue at the time of the request for the application, which shall be deposited  
89 in the state treasury to the credit of the state highways and transportation department fund.

90         9. Each application for an original Missouri certificate of ownership for a vehicle which  
91 is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle,  
92 motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director  
93 of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state  
94 highway patrol, or other law enforcement agency as authorized by the director of revenue. The  
95 vehicle examination shall include a verification of vehicle identification numbers and a  
96 determination of the classification of the vehicle. The owner of a vehicle which requires a  
97 vehicle examination certificate shall present the vehicle for examination and obtain a completed  
98 vehicle examination certificate prior to submitting an application for a certificate of ownership  
99 to the director of revenue. Notwithstanding any provision of the law to the contrary, an owner  
100 presenting a motor vehicle which has been issued a salvage title and which is ten years of age  
101 or older to a vehicle examination described in this subsection in order to obtain a certificate of  
102 ownership with the designation prior salvage motor vehicle shall not be required to repair or  
103 restore the vehicle to its original appearance in order to pass or complete the vehicle  
104 examination. The fee for the vehicle examination application shall be twenty-five dollars and  
105 shall be collected by the director of revenue at the time of the request for the application and  
106 shall be deposited in the state treasury to the credit of the state highways and transportation  
107 department fund. If the vehicle is also to be registered in Missouri, the safety inspection required  
108 in chapter 307 and the emissions inspection required under chapter 643 shall be completed and  
109 the fees required by section 307.365 and section 643.315 shall be charged to the owner.

110         10. When an application is made for an original Missouri certificate of ownership for a  
111 motor vehicle previously registered or titled in a state other than Missouri or as required by  
112 section 301.020, it shall be accompanied by a current inspection form certified by a duly  
113 authorized official inspection station as described in chapter 307. The completed form shall  
114 certify that the manufacturer's identification number for the vehicle has been inspected, that it  
115 is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the  
116 time of inspection. The inspection station shall collect the same fee as authorized in section  
117 307.365 for making the inspection, and the fee shall be deposited in the same manner as provided  
118 in section 307.365. If the vehicle is also to be registered in Missouri, the safety inspection  
119 required in chapter 307 and the emissions inspection required under chapter 643 shall be  
120 completed and only the fees required by section 307.365 and section 643.315 shall be charged  
121 to the owner. This section shall not apply to vehicles being transferred on a manufacturer's  
122 statement of origin.

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

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

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

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

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

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

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

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

160           (4) An inspection certificate, other than a motor vehicle examination certificate required  
161 under subsection 9 of this section, completed and issued by the Missouri state highway patrol,  
162 or other law enforcement agency as authorized by the director of revenue. The inspection  
163 performed by the highway patrol or other authorized local law enforcement agency shall include  
164 a check for stolen vehicles.

165  
166 The department of revenue shall issue the owner a certificate of ownership designated with the  
167 words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance  
168 with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of  
169 a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle  
170 examination certificate issued by the Missouri state highway patrol.

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