

SECOND REGULAR SESSION

# HOUSE BILL NO. 2344

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KOLKMEYER.

5176H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 301.010 and 301.227, RSMo, and to enact in lieu thereof two new sections relating to salvage vehicles.

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

Section A. Sections 301.010 and 301.227, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 301.010 and 301.227, to read as follows:

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

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;

(2) "Autocycle", a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or federal motorcycle safety standards;

(3) "Automobile transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used for the transport of assembled motor vehicles, including truck camper units;

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

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 (5) "Backhaul", the return trip of a vehicle transporting cargo or general freight,  
18 especially when carrying goods back over all or part of the same route;
- 19 (6) "Boat transporter", any vehicle combination capable of carrying cargo on the power  
20 unit and designed and used specifically to transport assembled boats and boat hulls. Boats may  
21 be partially disassembled to facilitate transporting;
- 22 (7) "Body shop", a business that repairs physical damage on motor vehicles that are not  
23 owned by the shop or its officers or employees by mending, straightening, replacing body parts,  
24 or painting;
- 25 (8) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more  
26 passengers but not including shuttle buses;
- 27 (9) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying  
28 freight and merchandise, or more than eight passengers but not including vanpools or shuttle  
29 buses;
- 30 (10) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at  
31 speeds less than forty miles per hour from field to field or from field to market and return;
- 32 (11) "Dealer", any person, firm, corporation, association, agent or subagent engaged in  
33 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 34 (12) "Director" or "director of revenue", the director of the department of revenue;
- 35 (13) "Driveaway operation":  
36 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than  
37 a dealer over any public highway, under its own power singly, or in a fixed combination of two  
38 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
- 39 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting  
40 the commodity being transported, by a person engaged in the business of furnishing drivers and  
41 operators for the purpose of transporting vehicles in transit from one place to another by the  
42 driveaway or towaway methods; or
- 43 (c) The movement of a motor vehicle by any person who is lawfully engaged in the  
44 business of transporting or delivering vehicles that are not the person's own and vehicles of a  
45 type otherwise required to be registered, by the driveaway or towaway methods, from a point of  
46 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent  
47 of a manufacturer or to any consignee designated by the shipper or consignor;
- 48 (14) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth  
49 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor  
50 equipped with a dromedary may carry part of a load when operating independently or in a  
51 combination with a semitrailer;
- 52 (15) "Farm tractor", a tractor used exclusively for agricultural purposes;

- 53 (16) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 54 (17) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 55 (18) "Fullmount", a vehicle mounted completely on the frame of either the first or last
- 56 vehicle in a saddlemount combination;
- 57 (19) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
- 58 the weight of any load thereon;
- 59 (20) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
- 60 result of the impact of hail;
- 61 (21) "Highway", any public thoroughfare for vehicles, including state roads, county roads
- 62 and public streets, avenues, boulevards, parkways or alleys in any municipality;
- 63 (22) "Improved highway", a highway which has been paved with gravel, macadam,
- 64 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;
- 65 (23) "Intersecting highway", any highway which joins another, whether or not it crosses
- 66 the same;
- 67 (24) "Junk vehicle", a vehicle which:
- 68 (a) Is incapable of operation or use upon the highways and has no resale value except as
- 69 a source of parts or scrap; or
- 70 (b) Has been designated as junk or a substantially equivalent designation by this state
- 71 or any other state;
- 72 (25) "Kit vehicle", a motor vehicle assembled by a person other than a generally
- 73 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
- 74 an authorized manufacturer and accompanied by a manufacturer's statement of origin;
- 75 (26) "Land improvement contractors' commercial motor vehicle", any not-for-hire
- 76 commercial motor vehicle the operation of which is confined to:
- 77 (a) An area that extends not more than a radius of one hundred miles from its home base
- 78 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
- 79 from projects involving soil and water conservation, or to and from equipment dealers'
- 80 maintenance facilities for maintenance purposes; or
- 81 (b) An area that extends not more than a radius of fifty miles from its home base of
- 82 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
- 83 projects not involving soil and water conservation.
- 84
- 85 Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered
- 86 as a commercial motor vehicle or local commercial motor vehicle;
- 87 (27) "Local commercial motor vehicle", a commercial motor vehicle whose operations
- 88 are confined to a municipality and that area extending not more than fifty miles therefrom, or a

89 commercial motor vehicle whose property-carrying operations are confined solely to the  
90 transportation of property owned by any person who is the owner or operator of such vehicle to  
91 or from a farm owned by such person or under the person's control by virtue of a landlord and  
92 tenant lease; provided that any such property transported to any such farm is for use in the  
93 operation of such farm;

94 (28) "Local log truck", a commercial motor vehicle which is registered pursuant to this  
95 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
96 state, used to transport harvested forest products, operated solely at a forested site and in an area  
97 extending not more than a one hundred mile radius from such site, carries a load with dimensions  
98 not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on  
99 the national system of interstate and defense highways described in 23 U.S.C. Section 103, as  
100 amended, or outside the one hundred mile radius from such site with an extended distance local  
101 log truck permit, such vehicle shall not exceed the weight limits of section 304.180, does not  
102 have more than four axles, and does not pull a trailer which has more than three axles.  
103 Harvesting equipment which is used specifically for cutting, felling, trimming, delimbing,  
104 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local  
105 log truck. A local log truck may not exceed the limits required by law, however, if the truck does  
106 exceed such limits as determined by the inspecting officer, then notwithstanding any other  
107 provisions of law to the contrary, such truck shall be subject to the weight limits required by such  
108 sections as licensed for eighty thousand pounds;

109 (29) "Local log truck tractor", a commercial motor vehicle which is registered under this  
110 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
111 state, used to transport harvested forest products, operated at a forested site and in an area  
112 extending not more than a one hundred mile radius from such site, operates with a weight not  
113 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding  
114 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national  
115 system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or  
116 outside the one hundred mile radius from such site with an extended distance local log truck  
117 permit, such vehicle does not exceed the weight limits contained in section 304.180, and does  
118 not have more than three axles and does not pull a trailer which has more than three axles.  
119 Violations of axle weight limitations shall be subject to the load limit penalty as described for  
120 in sections 304.180 to 304.220;

121 (30) "Local transit bus", a bus whose operations are confined wholly within a municipal  
122 corporation, or wholly within a municipal corporation and a commercial zone, as defined in  
123 section 390.020, adjacent thereto, forming a part of a public transportation system within such  
124 municipal corporation and such municipal corporation and adjacent commercial zone;

125 (31) "Log truck", a vehicle which is not a local log truck or local log truck tractor and  
126 is used exclusively to transport harvested forest products to and from forested sites which is  
127 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this  
128 state for the transportation of harvested forest products;

129 (32) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly,  
130 and front clip, as those terms are defined by the director of revenue pursuant to rules and  
131 regulations or by illustrations;

132 (33) "Manufacturer", any person, firm, corporation or association engaged in the  
133 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

134 (34) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which  
135 receives a new, rebuilt or used engine, and which used the number stamped on the original  
136 engine as the vehicle identification number;

137 (35) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,  
138 except farm tractors;

139 (36) "Motor vehicle primarily for business use", any vehicle other than a recreational  
140 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over  
141 twelve thousand pounds:

142 (a) Offered for hire or lease; or

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

144 (37) "Motorcycle", a motor vehicle operated on two wheels;

145 (38) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic  
146 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which  
147 produces less than three gross brake horsepower, and is capable of propelling the device at a  
148 maximum speed of not more than thirty miles per hour on level ground;

149 (39) "Motortricycle", a motor vehicle upon which the operator straddles or sits astride  
150 that is designed to be controlled by handle bars and is operated on three wheels, including a  
151 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of  
152 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

153 (40) "Municipality", any city, town or village, whether incorporated or not;

154 (41) "Nonresident", a resident of a state or country other than the state of Missouri;

155 (42) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in  
156 compliance with United States emissions or safety standards;

157 (43) "Operator", any person who operates or drives a motor vehicle;

158 (44) "Owner", any person, firm, corporation or association, who holds the legal title to  
159 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease  
160 thereof with the right of purchase upon performance of the conditions stated in the agreement

161 and with an immediate right of possession vested in the conditional vendee or lessee, or in the  
162 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee  
163 or mortgagor shall be deemed the owner;

164 (45) "Public garage", a place of business where motor vehicles are housed, stored,  
165 repaired, reconstructed or repainted for persons other than the owners or operators of such place  
166 of business;

167 (46) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the  
168 rebuilder, but does not include certificated common or contract carriers of persons or property;

169 (47) "Reconstructed motor vehicle", a vehicle that is altered from its original  
170 construction by the addition or substitution of two or more new or used major component parts,  
171 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

172 (48) "Recreational motor vehicle", any motor vehicle designed, constructed or  
173 substantially modified so that it may be used and is used for the purposes of temporary housing  
174 quarters, including therein sleeping and eating facilities which are either permanently attached  
175 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.  
176 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor  
177 vehicle if the motor vehicle could otherwise be so registered;

178 (49) "Recreational off-highway vehicle", any motorized vehicle manufactured and used  
179 exclusively for off-highway use which is more than fifty inches but no more than sixty-seven  
180 inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four  
181 or more nonhighway tires and which may have access to ATV trails;

182 (50) "Recreational trailer", any trailer designed, constructed, or substantially modified  
183 so that it may be used and is used for the purpose of temporary housing quarters, including  
184 therein sleeping or eating facilities, which can be temporarily attached to a motor vehicle or  
185 attached to a unit which is securely attached to a motor vehicle;

186 (51) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,  
187 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a  
188 wrecker or towing service;

189 (52) "Saddlemount combination", a combination of vehicles in which a truck or truck  
190 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth  
191 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of  
192 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth  
193 wheel kingpin connection. When two vehicles are towed in this manner the combination is  
194 called a "double saddlemount combination". When three vehicles are towed in this manner, the  
195 combination is called a "triple saddlemount combination";

(53) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

(54) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

(a) Was damaged ~~[during a year that is no more than six years after the manufacturer's model year designation for such vehicle]~~ to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged, **except when a person retains ownership of the motor vehicle, semitrailer, or house trailer;**

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

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

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

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

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

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

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

(55) "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

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

(57) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of

232 such person, firm, or corporation to and from the place of business of the person, firm, or  
233 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as  
234 buses or as commercial motor vehicles;

235 (58) "Special mobile equipment", every self-propelled vehicle not designed or used  
236 primarily for the transportation of persons or property and incidentally operated or moved over  
237 the highways, including farm equipment, implements of husbandry, road construction or  
238 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,  
239 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt  
240 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,  
241 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump  
242 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and  
243 shall not operate to exclude other such vehicles which are within the general terms of this  
244 section;

245 (59) "Specially constructed motor vehicle", a motor vehicle which shall not have been  
246 originally constructed under a distinctive name, make, model or type by a manufacturer of motor  
247 vehicles. The term specially constructed motor vehicle includes kit vehicles;

248 (60) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel  
249 is located on a drop frame located behind and below the rearmost axle of the power unit;

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

253 (62) "Towaway trailer transporter combination", a combination of vehicles consisting  
254 of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does  
255 not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry no  
256 property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers  
257 or semitrailers;

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

261 (64) "Trailer", any vehicle without motive power designed for carrying property or  
262 passengers on its own structure and for being drawn by a self-propelled vehicle, except those  
263 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed  
264 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight  
265 rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers  
266 as defined in this section and shall not include manufactured homes as defined in section  
267 700.010;



268 (65) "Trailer transporter towing unit", a power unit that is not used to carry property  
269 when operating in a towaway trailer transporter combination;

270 (66) "Truck", a motor vehicle designed, used, or maintained for the transportation of  
271 property;

272 (67) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two  
273 trailing units are connected with a B-train assembly which is a rigid frame extension attached to  
274 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second  
275 semitrailer and has one less articulation point than the conventional A-dolly connected truck-  
276 tractor semitrailer-trailer combination;

277 (68) "Truck-trailer boat transporter combination", a boat transporter combination  
278 consisting of a straight truck towing a trailer using typically a ball and socket connection with  
279 the trailer axle located substantially at the trailer center of gravity rather than the rear of the  
280 trailer but so as to maintain a downward force on the trailer tongue;

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

284 (70) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-  
285 highway use which is more than fifty inches but no more than sixty-seven inches in width, with  
286 an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to be used  
287 primarily for landscaping, lawn care, or maintenance purposes;

288 (71) "Vanpool", any van or other motor vehicle used or maintained by any person, group,  
289 firm, corporation, association, city, county or state agency, or any member thereof, for the  
290 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to  
291 and from their place of employment; however, a vanpool shall not be included in the definition  
292 of the term bus or commercial motor vehicle as defined in this section, nor shall a vanpool driver  
293 be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool  
294 vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an  
295 unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-  
296 sharing arrangement;

297 (72) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,  
298 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,  
299 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs  
300 operated by handicapped persons;

301 (73) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed  
302 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a

303 highway, road, street or highway rights-of-way to a point of storage or repair, including towing  
304 a replacement vehicle to replace a disabled or wrecked vehicle;

305 (74) "Wrecker or towing service", the act of transporting, towing or recovering with a  
306 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,  
307 tow truck, rollback or car carrier for which the operator directly or indirectly receives  
308 compensation or other personal gain.

309 301.227. 1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the  
310 purchaser shall forward to the director of revenue within ten days the certificate of ownership  
311 or salvage certificate of title and the proper application and fee of eight dollars and fifty cents,  
312 and the director shall issue a negotiable salvage certificate of title to the purchaser of the  
313 salvaged vehicle. ~~[On vehicles purchased during a year that is no more than six years after the  
314 manufacturer's model year designation for such vehicle, it shall be mandatory that the purchaser  
315 apply for a salvage title. On vehicles purchased during a year that is more than six years after  
316 the manufacturer's model year designation for such vehicle, then application for a salvage title  
317 shall be optional on the part of the purchaser.]~~ Whenever a vehicle is sold for destruction and  
318 a salvage certificate of title, junking certificate, or certificate of ownership exists, the seller, if  
319 licensed under sections 301.217 to 301.221, shall forward the certificate to the director of  
320 revenue within ten days, with the notation of the date sold for destruction and the name of the  
321 purchaser clearly shown on the face of the certificate.

322 2. Whenever a vehicle is classified as junk, as defined in section 301.010, the purchaser  
323 may forward to the director of revenue a properly completed application for a junking certificate  
324 as well as the salvage certificate of title or certificate of ownership and the director shall issue  
325 a negotiable junking certificate to the purchaser of the vehicle. The director may also issue a  
326 junking certificate to a possessor of a vehicle manufactured twenty-six years or more prior to the  
327 current model year who has a bill of sale for said vehicle but does not possess a certificate of  
328 ownership, provided no claim of theft has been made on the vehicle and the highway patrol has  
329 by letter stated the vehicle is not listed as stolen after checking the registration number through  
330 its nationwide computer system. Such junking certificate may be granted within thirty days of  
the submission of a request. A junking certificate shall authorize the holder to possess, transport,  
or, by assignment, transfer ownership in such parts, scrap, or junk.

331 3. For any vehicle issued a junking certificate or such similar document or classification  
332 pursuant to the laws of another state, regardless of whether such designation has been  
333 subsequently changed by law in any other state, the department shall only issue a junking  
334 certificate, and a salvage certificate of title or original certificate of ownership shall not thereafter  
335 be issued for such vehicle. Notwithstanding the provisions of this subsection, if the vehicle has  
336 not previously been classified as a junk vehicle, the applicant making the original junking

31 certification application shall, within ninety days, be allowed to rescind his application for a  
32 junking certificate by surrendering the junking certificate and apply for a salvage certificate of  
33 title in his name. The seller of a vehicle for which a junking certificate has been applied for or  
34 issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle;  
35 otherwise the sale shall be voidable at the option of the buyer.

36 4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof  
37 without, at the time of such acquisition, receiving the original certificate of ownership or salvage  
38 certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller  
39 is a licensee under sections 301.219 to 301.221.

40 5. All titles and certificates required to be received by scrap metal operators from  
41 nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the  
42 receipt of the vehicle or parts.

43 6. The scrap metal operator shall keep a record, for three years, of the seller's name and  
44 address, the salvage business license number of the licensee, date of purchase, and any vehicle  
45 or parts identification numbers open for inspection as provided in section 301.225.

46 7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined  
47 in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may  
48 negotiate one reassignment of a salvage certificate of title on the back thereof.

49 8. Notwithstanding the provisions of subsection 1 of this section, an insurance company  
50 which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage  
51 certificate of title without the payment of any fee upon proper application within thirty days after  
52 settlement of the claim for such stolen vehicle. However, if the insurance company upon  
53 recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the  
54 extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to section  
55 301.010, then the insurance company may have the vehicle inspected by the Missouri state  
56 highway patrol, or other law enforcement agency authorized by the director of revenue, in  
57 accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of  
58 title application, applicable fee, the completed inspection, and the return of any previously issued  
59 negotiable salvage certificate, the director shall issue an original title with no salvage or prior  
60 salvage designation. Upon the issuance of an original title the director shall remove any  
61 indication of the negotiable salvage title previously issued to the insurance company from the  
62 department's electronic records.

63 9. Notwithstanding subsection 4 of this section or any other provision of the law to the  
64 contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from  
65 a motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may  
66 purchase or acquire such motor vehicle or parts without receiving the original certificate of

67 ownership, salvage certificate of title, or junking certificate from the seller of the vehicle or parts,  
68 provided the scrap metal operator verifies with the department of revenue, via the department's  
69 online record access, that the motor vehicle is not subject to any recorded security interest or lien  
70 and the scrap metal operator complies with the requirements of this subsection. In lieu of  
71 forwarding certificates of title or ownership for such motor vehicles as required by subsection  
72 5 of this section, the scrap metal operator shall forward a copy of the seller's state identification  
73 card along with a bill of sale to the department of revenue. The bill of sale form shall be  
74 designed by the director and such form shall include, but not be limited to, a certification that the  
75 motor vehicle is at least ten model years old, is inoperable, is not subject to any recorded security  
76 interest or lien, and a certification by the seller that the seller has the legal authority to sell or  
77 otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt of the  
78 information required by this subsection, the department of revenue shall cancel any certificate  
79 of title or ownership and registration for the motor vehicle. If the motor vehicle is inoperable  
80 and at least twenty model years old, then the scrap metal operator shall not be required to verify  
81 with the department of revenue whether the motor vehicle is subject to any recorded security  
82 interests or liens. As used in this subsection, the term "inoperable" means a motor vehicle that  
83 is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically  
84 inoperative condition and the vehicle's highest and best use is for scrap purposes. The director  
85 of the department of revenue is directed to promulgate rules and regulations to implement and  
86 administer the provisions of this section, including but not limited to, the development of a  
87 uniform bill of sale. Any rule or portion of a rule, as that term is defined in section 536.010, that  
88 is created under the authority delegated in this section shall become effective only if it complies  
89 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
90 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
91 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
92 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
93 any rule proposed or adopted after August 28, 2012, shall be invalid and void.

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