

FIRST REGULAR SESSION

HOUSE BILL NO. 901

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LOVASCO.

1915H.021

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 301.144, RSMo, and to enact in lieu thereof one new section relating to special personalized license plates.

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

Section A. Section 301.144, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.144, to read as follows:

301.144. 1. The director of revenue shall establish and issue special personalized license plates containing letters or numbers or combinations of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Any person desiring to obtain a special personalized license plate for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight shall apply to the director of revenue on a form provided by the director and shall pay a fee of ~~[fifteen]~~ **one hundred** dollars in addition to the regular registration fees. **The additional one-hundred-dollar fee shall be collected only for new or reissued special personalized license plates and not annually upon renewal of existing plates.** The director of revenue shall issue rules and regulations setting the standards and establishing the procedure for application for and issuance of the special personalized license plates and shall provide a deadline each year for the applications. 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

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.

18 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
19 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
20 any rule proposed or adopted after August 28, 2001, shall be invalid and void. No two owners
21 shall be issued identical plates. An owner shall make a new application and pay a new fee each
22 year such owner desires to obtain or retain special personalized license plates; however,
23 notwithstanding the provisions of subsection 8 of section 301.130 to the contrary, the director
24 shall allow the special personalized license plates to be replaced with new plates every three
25 years without any additional charge, above the fee established in this section, to the renewal
26 applicant. Any person currently in possession of an approved personalized license plate shall
27 have first priority on that particular plate for each of the following years that timely and
28 appropriate application is made.

29 2. Upon application for a personalized plate by the owner of a motor vehicle for which
30 the owner has no registration plate available for transfer as prescribed by section 301.140, the
31 director shall issue a temporary permit authorizing the operation of the motor vehicle until the
32 personalized plate is issued.

33 3. ~~[No personalized license plates shall be issued containing any letters, numbers or~~
34 ~~combination of letters and numbers which are obscene, profane, patently offensive or~~
35 ~~contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present~~
36 ~~an unreasonable danger to the health or safety of the applicant, of other users of streets and~~
37 ~~highways, or of the public in any location where the vehicle with such a plate may be found. The~~
38 ~~director may recall any personalized license plates, including those issued prior to August 28,~~
39 ~~1992, if the director determines that the plates are obscene, profane, patently offensive or~~
40 ~~contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present~~
41 ~~an unreasonable danger to the health or safety of the applicant, of other users of streets and~~
42 ~~highways, or of the public in any location where the vehicle with such a plate may be found.~~
43 ~~Where the director recalls such plates pursuant to the provisions of this subsection, the director~~
44 ~~shall reissue personalized license plates to the owner of the motor vehicle for which they were~~
45 ~~issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the~~
46 ~~standards established pursuant to this section. The director shall not apply the provisions of this~~
47 ~~statute in a way that violates the Missouri or United States Constitutions as interpreted by the~~
48 ~~courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle~~
49 ~~license plates is to identify motor vehicles. Nothing in the issuance of a personalized license~~
50 ~~plate creates a designated or limited public forum. Nothing contained in this subsection shall be~~
51 ~~interpreted to prohibit the use of license plates, which are no longer valid for registration~~
52 ~~purposes, as collector's items or for decorative purposes]~~ **The director shall not apply the**
53 **provisions of this section in any manner that violates the Missouri Constitution or the**

54 **United States Constitution. Nothing in the issuance of a personalized license plate shall be**
55 **construed to create a designated or limited public forum. Nothing contained in this**
56 **subsection shall be interpreted to prohibit the use of license plates that are no longer valid**
57 **for registration purposes as collector's items or for decorative purposes.**

58 4. The director may also establish categories of special license plates from which license
59 plates may be issued. Any such person, other than a person exempted from the additional fee
60 pursuant to subsection 7 of this section, that desires a personalized special license plate from any
61 such category shall pay the same additional fee and make the same kind of application as that
62 required by subsection 1 of this section, and the director shall issue such plates in the same
63 manner as other personalized special license plates are issued.

64 5. The director of revenue shall issue to residents of the state of Missouri who hold an
65 unrevoked and unexpired official amateur radio license issued by the Federal Communications
66 Commission, upon application and upon payment of the additional fee specified in subsection
67 1 of this section, except for a person exempted from the additional fee pursuant to subsection 7
68 of this section, personalized special license plates bearing the official amateur radio call letters
69 assigned by the Federal Communications Commission to the applicant with the words
70 "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The application shall be
71 accompanied by a statement stating that the applicant has an unrevoked and unexpired amateur
72 radio license issued by the Federal Communications Commission and the official radio call
73 letters assigned by the Federal Communications Commission to the applicant. An owner making
74 a new application and paying a new fee to retain an amateur radio license plate may request a
75 replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME
76 STATE". If application is made to retain a plate that is three years old or older, the replacement
77 plate shall be issued upon the payment of required fees.

78 6. Notwithstanding any other provision to the contrary, any business that repossesses
79 motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard
80 displaying the word "Repossessed", provided such business pays the license fees presently
81 required of a manufacturer, distributor, or dealer in section 301.560. Such placard shall bear a
82 number and shall be in such form as the director of revenue shall determine, and shall be only
83 used for demonstrations when displayed substantially as provided for number plates on the rear
84 of the repossessed motor vehicle or trailer.

85 7. Notwithstanding any provision of law to the contrary, any person who has retired from
86 any branch of the United States Armed Forces or reserves, the United States Coast Guard or
87 reserve, the United States Merchant Marines or reserve, the National Guard, or any subdivision
88 of any such services shall be exempt from the additional fee required for personalized license
89 plates issued pursuant to section 301.441. As used in this subsection, "retired" means having

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90 served twenty or more years in the appropriate branch of service and having received an
91 honorable discharge.

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