

HOUSE BILL NO. 2737

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUTZ.

5658H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 301.190, RSMo, and to enact in lieu thereof five new sections relating to auto theft prevention.

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

Section A. Section 301.190, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 43.280, 43.282, 43.284, 43.286, and 301.190, to read as follows:

43.280. Sections 43.280 to 43.286 shall be known and may be cited as the "Auto Theft Prevention Commission Act".

43.282. 1. There is hereby created the "Auto Theft Prevention Commission".

2. The commission shall be assigned to the department of public safety, but the director of the department of public safety shall have no supervision, authority, or control over the actions or decisions of the commission.

3. The commission shall consist of eleven members, composed of the following:

(1) The superintendent of the Missouri state highway patrol or his or her designee;

(2) The director of the department of commerce and insurance or his or her designee;

(3) The director of the department of revenue or his or her designee;

(4) The attorney general or his or her designee;

(5) The following persons, appointed by the governor:

(a) A county sheriff;

(b) A municipal police chief;

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.

15 (c) A county prosecuting attorney;

16 (d) A representative from an insurance company authorized to issue motor
17 vehicle coverage in Missouri;

18 (e) A representative from the motor vehicle rental industry;

19 (f) A licensed new or used motor vehicle dealer; and

20 (g) A representative from the National Insurance Crime Bureau.

21 4. The commission shall elect annually from its membership a chair and a vice
22 chair. A quorum shall consist of a majority of appointed members, but not less than
23 seven members, and may be met by electronic attendance.

24 5. The term of office for each member of the commission who is appointed by the
25 governor shall be four years, except that of the initial appointments, three members
26 shall be appointed for a term of two years and four members shall be appointed for a
27 term of four years. Any member appointed by the governor may be removed from
28 office by the governor without cause. Before the expiration of the term of a member
29 appointed by the governor, the governor shall appoint a successor whose term begins on
30 July first next following. A member is eligible for reappointment. If there is a vacancy
31 for any cause, the governor shall make an appointment to become effective immediately
32 for the unexpired term.

33 6. Members of the commission shall serve without compensation, except that
34 they shall be reimbursed for their reasonable and necessary expenses incurred in the
35 performance of their duties.

36 7. The state highway patrol shall provide to the commission all technical,
37 clerical, and other necessary support services.

43.284. 1. The commission shall:

2 (1) Establish a grant program for the provision of funds to local law enforcement
3 agencies and multi-jurisdiction task forces for the following:

4 (a) Prevention, reduction, and investigation of motor vehicle and motor vehicle
5 parts theft;

6 (b) Prevention, reduction, and investigation of motor vehicle related crime;

7 (c) Establishment of multi-jurisdiction task forces upon request of local law
8 enforcement agencies;

9 (d) Investigation of fraud related to motor vehicle insurance, motor vehicle
10 dealer purchases, and motor vehicle rental transactions, and other forms of financial
11 fraud relating to motor vehicles;

12 (e) Hiring of personnel by local law enforcement agencies for the purpose of
13 preventing, reducing, and investigating motor vehicle related crime;

14 **(f) Purchase of equipment and technology for support in motor vehicle related**
15 **crime prevention, reduction, and investigation;**

16 **(g) Provision of training to local law enforcement agencies and multi-jurisdiction**
17 **task forces relative to motor vehicle related crime prevention, reduction, and**
18 **investigation; and**

19 **(h) Production of public awareness materials and programs relating to motor**
20 **vehicle related crime prevention;**

21 **(2) Promote statewide planning and coordination of the investigation and**
22 **prosecution of crimes relating to motor vehicle and motor vehicle parts theft;**

23 **(3) Provide support to local prosecutors handling motor vehicle and motor**
24 **vehicle parts theft related prosecutions; and**

25 **(4) Provide support to multi-jurisdiction task forces established by local law**
26 **enforcement agencies for the purpose of preventing, reducing, and investigating motor**
27 **vehicle related crime.**

28 **2. Any grant awarded under the provisions of this section shall be upon**
29 **recommendation from and after consideration by the commission. Each grant**
30 **application shall describe the type of motor vehicle related crime prevention, reduction,**
31 **investigation, enforcement, prosecution, or offender rehabilitation program to be**
32 **implemented. Such programs may include, but shall not be limited to:**

33 **(1) Multi-jurisdiction task forces and programs utilizing the National Insurance**
34 **Crime Bureau task force that reduce motor vehicle related crime and increase the**
35 **apprehension of motor vehicle and motor vehicle parts thieves and persons who attempt**
36 **to defraud insurance companies;**

37 **(2) Motor vehicle related crime prevention efforts, activities, and public**
38 **awareness campaigns intended to reduce victimization by motor vehicle related crime**
39 **and fraud;**

40 **(3) The provision of specialized training for motor vehicle related crime**
41 **investigation personnel including, but not limited to, law enforcement personnel, local**
42 **motor vehicle registration agents and title clerks, and port facility employees, in order to**
43 **enhance knowledge, skills, procedures, and systems to detect, prevent, and combat**
44 **motor vehicle related crime and fraud;**

45 **(4) The provision of support and maintenance by one or more dedicated**
46 **prosecutors who have the specific mission and expertise to provide legal guidance and**
47 **prosecutorial continuity to complex criminal cases arising from the activities of a multi-**
48 **jurisdiction task force; and**

49 **(5) The prevention of future criminal behavior by first-time offenders who have**
50 **been charged, convicted, or adjudicated for a motor vehicle related crime.**

51 **3. To the extent possible, grants awarded under this section shall be awarded to**
52 **local law enforcement agencies, multi-jurisdiction task forces, or other qualified**
53 **applicants in a variety of geographic areas of the state. The ability to contribute**
54 **additional moneys or match funding for a program shall not be required as a condition**
55 **of receipt of a grant under this section.**

56 **4. The commission shall prepare an annual report relative to activities and**
57 **programs of the commission and any funds received and grants awarded under this**
58 **section. Such report may include recommendations for changes in state programs,**
59 **statutes, policies, budgets, and standards relating to improving and supporting the**
60 **motor vehicle related crime prevention initiatives of local law enforcement agencies and**
61 **multi-jurisdiction task forces. Such report shall be submitted annually to the general**
62 **assembly and the governor by December first.**

43.286. 1. There is hereby created in the state treasury the "Auto Theft
2 **Prevention Commission Revolving Fund", which shall consist of moneys collected under**
3 **subdivision (2) of subsection 5 of section 301.190.**

4 **2. For purposes of this section, the commission may accept and use federal funds**
5 **granted by Congress or by Executive Order, as well as gifts and donations from**
6 **individuals, private organizations, or foundations. The acceptance and use of federal**
7 **funds shall not require state matching funds nor shall such acceptance place an**
8 **obligation on the general assembly to continue the purposes for which the federal funds**
9 **are made available.**

10 **3. The state treasurer shall be custodian of the fund. In accordance with sections**
11 **30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a**
12 **dedicated fund and, upon appropriation, moneys in this fund shall be used solely as**
13 **provided in sections 43.280 to 43.286. Notwithstanding the provisions of section 33.080**
14 **to the contrary, any moneys remaining in the fund at the end of the biennium shall not**
15 **revert to the credit of the general revenue fund. The state treasurer shall invest moneys**
16 **in the fund in the same manner as other funds are invested. Any interest and moneys**
17 **earned on such investments shall be credited to the fund.**

 301.190. 1. No certificate of registration of any motor vehicle or trailer, or number
2 plate therefor, shall be issued by the director of revenue unless the applicant therefor shall
3 make application for and be granted a certificate of ownership of such motor vehicle or trailer,
4 or shall present satisfactory evidence that such certificate has been previously issued to the
5 applicant for such motor vehicle or trailer. Application shall be made within thirty days after
6 the applicant acquires the motor vehicle or trailer, unless the motor vehicle was acquired
7 under section 301.213 or subsection 5 of section 301.210 in which case the applicant shall
8 make application within thirty days after receiving title from the dealer, upon a blank form

9 furnished by the director of revenue and shall contain the applicant's identification number, a
10 full description of the motor vehicle or trailer, the vehicle identification number, and the
11 mileage registered on the odometer at the time of transfer of ownership, as required by section
12 407.536, together with a statement of the applicant's source of title and of any liens or
13 encumbrances on the motor vehicle or trailer, provided that for good cause shown the director
14 of revenue may extend the period of time for making such application. When an owner wants
15 to add or delete a name or names on an application for certificate of ownership of a motor
16 vehicle or trailer that would cause it to be inconsistent with the name or names listed on the
17 notice of lien, the owner shall provide the director with documentation evidencing the
18 lienholder's authorization to add or delete a name or names on an application for certificate of
19 ownership.

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

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

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

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

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

54 5. (1) The fee for each original certificate so issued shall be ~~eight~~ **thirteen** dollars
55 and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If
56 application for the certificate is not made within thirty days after the vehicle is acquired by the
57 applicant, or where the motor vehicle was acquired under section 301.213 or subsection 5 of
58 section 301.210 and the applicant fails to make application within thirty days after receiving
59 title from the dealer, a delinquency penalty fee of twenty-five dollars for the first thirty days
60 of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to
61 exceed a total of two hundred dollars, but such penalty may be waived by the director for a
62 good cause shown. If the director of revenue learns that any person has failed to obtain a
63 certificate within thirty days after acquiring a motor vehicle or trailer, or where the motor
64 vehicle was acquired under section 301.213 or subsection 5 of section 301.210 and the
65 applicant fails to make application within thirty days after receiving title from the dealer, or
66 has sold a vehicle without obtaining a certificate, he shall cancel the registration of all
67 vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall
68 notify the person that the cancellation will remain in force until the person pays the
69 delinquency penalty fee provided in this section, together with all fees, charges and payments
70 which the person should have paid in connection with the certificate of ownership and
71 registration of the vehicle. The certificate shall be good for the life of the motor vehicle or
72 trailer so long as the same is owned or held by the original holder of the certificate and shall
73 not have to be renewed annually.

74 (2) **The sum of five dollars from each original certificate fee submitted as**
75 **provided under subdivision (1) of this subsection shall be transferred to the auto theft**
76 **prevention commission fund in accordance with section 43.286.**

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

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

84 8. Before an original Missouri certificate of ownership is issued, an inspection of the
85 vehicle and a verification of vehicle identification numbers shall be made by the Missouri
86 state highway patrol on vehicles for which there is a current title issued by another state if a
87 Missouri salvage certificate of title has been issued for the same vehicle but no prior
88 inspection and verification has been made in this state, except that if such vehicle has been
89 inspected in another state by a law enforcement officer in a manner comparable to the
90 inspection process in this state and the vehicle identification numbers have been so verified,
91 the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant
92 submits proof of inspection and vehicle identification number verification to the director of
93 revenue at the time of the application. The applicant, who has such a title for a vehicle on
94 which no prior inspection and verification have been made, shall pay a fee of twenty-five
95 dollars for such verification and inspection, payable to the director of revenue at the time of
96 the request for the application, which shall be deposited in the state treasury to the credit of
97 the state highways and transportation department fund.

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

117 emissions inspection required under chapter 643 shall be completed and the fees required by
118 section 307.365 and section 643.315 shall be charged to the owner.

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

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

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

152 13. When an application is made for an original Missouri certificate of ownership for
153 a motor vehicle previously registered or titled in a state other than Missouri, and the

154 certificate of ownership has been appropriately designated by the issuing state as non-USA-
155 std motor vehicle, the director of revenue shall appropriately designate on the current
156 Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std
157 Motor Vehicle".

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

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

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

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

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

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

178

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

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