

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 969, Page 1, Section A, Line 2, by  
2 inserting after said section and line the following:  
3

4 "301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate  
5 of registration and the right to use the number plates shall expire and the number plates shall be  
6 removed by the owner at the time of the transfer of possession, and it shall be unlawful for any  
7 person other than the person to whom such number plates were originally issued to have the same in  
8 his or her possession whether in use or not, unless such possession is solely for charitable purposes;  
9 except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach  
10 the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or  
11 trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more  
12 than thirty days, or no more than ninety days if the dealer is selling the motor vehicle under the  
13 provisions of section 301.213, or no more than sixty days if the dealer is selling the motor vehicle  
14 under the provisions of subsection 5 of section 301.210. As used in this subsection, the term "trade-  
15 in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the  
16 newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or  
17 trailer are still valid.

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

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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           4. The director of the department of revenue shall have authority to produce or allow others  
2 to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor  
3 vehicle or trailer by a buyer for not more than thirty days, ~~[or no more than ninety days if issued by~~  
4 ~~a dealer selling the motor vehicle under the provisions of section 301.213,]~~ or no more than sixty  
5 days if issued by a dealer selling the motor vehicle under the provisions of subsection 5 of section  
6 301.210, from the date of purchase. The temporary permit authorized under this section may be  
7 purchased by the purchaser of a motor vehicle or trailer from the central office of the department of  
8 revenue or from an authorized agent of the department of revenue upon satisfaction of all applicable  
9 taxes under chapter 144, upon proof of purchase of a motor vehicle or trailer for which the buyer has  
10 no registration plate available for transfer and upon proof of financial responsibility, or from a motor  
11 vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration  
12 plate available for transfer, or from a motor vehicle dealer upon purchase of a motor vehicle or  
13 trailer for which the buyer has registered and is awaiting receipt of registration plates. The director  
14 of the department of revenue or a producer authorized by the director of the department of revenue  
15 may make temporary permits available to registered dealers in this state, authorized agents of the  
16 department of revenue or the department of revenue. The price paid by a motor vehicle dealer, an  
17 authorized agent of the department of revenue or the department of revenue for a temporary permit  
18 shall not exceed five dollars for each permit. The director of the department of revenue shall direct  
19 motor vehicle dealers and authorized agents to obtain temporary permits from an authorized  
20 producer. Amounts received by the director of the department of revenue for temporary permits  
21 shall constitute state revenue; however, amounts received by an authorized producer other than the  
22 director of the department of revenue shall not constitute state revenue and any amounts received by  
23 motor vehicle dealers or authorized agents for temporary permits purchased from a producer other  
24 than the director of the department of revenue shall not constitute state revenue. In no event shall  
25 revenues from the general revenue fund or any other state fund be utilized to compensate motor  
26 vehicle dealers or other producers for their role in producing temporary permits as authorized under  
27 this section. Amounts that do not constitute state revenue under this section shall also not constitute  
28 fees for registration or certificates of title to be collected by the director of the department of  
29 revenue under section 301.190. No motor vehicle dealer, authorized agent or the department of  
30 revenue shall charge more than five dollars for each permit issued. The permit shall be valid for a  
31 period of thirty days, or no more than ninety days if issued by a dealer selling the motor vehicle  
32 under the provisions of section 301.213, or no more than sixty days if issued by a dealer selling the  
33 motor vehicle under the provisions of subsection 5 of section 301.210, from the date of purchase of  
34 a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a motor vehicle  
35 dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a  
36 vehicle under this section unless the buyer shows proof of financial responsibility. Each temporary  
37 permit issued shall be securely fastened to the back or rear of the motor vehicle in a manner and  
38 place on the motor vehicle consistent with registration plates so that all parts and qualities of the  
39 temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired  
40 in any way.

41           5. The permit shall be issued on a form prescribed by the director of the department of  
42 revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer  
43 purchased to enable the applicant to temporarily operate the motor vehicle while proper title and  
44 registration plates are being obtained, or while awaiting receipt of registration plates, and shall be  
45 displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall not be  
46 transferable or renewable, shall not be valid upon issuance of proper registration plates for the motor  
47 vehicle or trailer, and shall be returned to the department or to the department's agent upon the  
48 issuance of such proper registration plates. Any temporary permit returned to the department or to  
49 the department's agent shall be immediately destroyed. The provisions of this subsection shall not

1 apply to temporary permits issued for commercial motor vehicles licensed in excess of twenty-four  
2 thousand pounds gross weight. The director of the department of revenue shall determine the size,  
3 material, design, numbering configuration, construction, and color of the permit. The director of the  
4 department of revenue, at his or her discretion, shall have the authority to reissue, and thereby  
5 extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer  
6 while proper title and registration are being obtained.

7 6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection by  
8 proper officers, an accurate record of each permit issued by recording the permit number, the motor  
9 vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and  
10 manufacturer's vehicle identification number, and the permit's date of issuance and expiration date.  
11 Upon the issuance of a temporary permit by either the central office of the department of revenue, a  
12 motor vehicle dealer or an authorized agent of the department of revenue, the director of the  
13 department of revenue shall make the information associated with the issued temporary permit  
14 immediately available to the law enforcement community of the state of Missouri.

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

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

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

47 10. The director of the department of revenue may promulgate all necessary rules and  
48 regulations for the administration of this section. Any rule or portion of a rule, as that term is  
49 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 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

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

301.558. 1. A motor vehicle dealer, trailer dealer, boat dealer, or powersport dealer may fill in the blanks on standardized forms in connection with the sale or lease of a new or used motor vehicle, trailer, vessel, or vessel trailer if the motor vehicle dealer, trailer dealer, boat dealer, or powersport dealer does not charge for the services of filling in the blanks or otherwise charge for preparing documents.

2. A motor vehicle dealer, trailer dealer, boat dealer, or powersport dealer may charge an administrative fee in connection with the sale or lease of a new or used motor vehicle, trailer, vessel, or vessel trailer for the storage of documents or any other administrative or clerical services not prohibited by this section. A portion of the administrative fee may result in profit to the motor vehicle dealer, trailer dealer, boat dealer, or powersport dealer.

3. (1) Ten percent of any fee authorized under this section and charged by motor vehicle dealers or trailer dealers shall be remitted to the motor vehicle administration technology fund established in this subsection, for the development of the system specified in this subsection. Following the development of the system specified in this subsection, the director of the department of revenue shall notify motor vehicle dealers and trailer dealers, and implement the system, and the percentage of any fee authorized under this section required to be remitted to the fund shall be reduced to ~~[one]~~ three and one-half percent, which shall be used for maintenance of the system. This subsection shall expire on January 1, 2037.

(2) There is hereby created in the state treasury the "Motor Vehicle Administration Technology Fund", which shall consist of money collected as specified in this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of revenue for the purpose of development and maintenance of a modernized, integrated system for the titling of vehicles, issuance and renewal of vehicle registrations, issuance and renewal of driver's licenses and identification cards, and perfection and release of liens and encumbrances on vehicles.

(3) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(4) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

1           4. No motor vehicle dealer, trailer dealer, boat dealer, or powersport dealer that sells or  
2 leases new or used motor vehicles, trailers, vessels, or vessel trailers and imposes an administrative  
3 fee of five hundred dollars or less in connection with the sale or lease of a new or used motor  
4 vehicle, trailer, vessel, or vessel trailer for the storage of documents or any other administrative or  
5 clerical services shall be deemed to be engaging in the unauthorized practice of law. The maximum  
6 administrative fee permitted under this subsection shall be increased annually by an amount equal to  
7 the percentage change in the annual average of the Consumer Price Index for All Urban Consumers  
8 or its successor index, as reported by the federal Bureau of Labor Statistics or its successor agency,  
9 or by zero, whichever is greater. The director of the department of revenue shall annually furnish  
10 the maximum administrative fee determined under this section to the secretary of state, who shall  
11 publish such value in the Missouri Register as soon as practicable after January fourteenth of each  
12 year.

13           5. If an administrative fee is charged under this section, the same administrative fee shall be  
14 charged to all retail customers unless the fee is limited by the dealer's franchise agreement to certain  
15 classes of customers. The fee shall be disclosed on the retail buyer's order form as a separate  
16 itemized charge.

17           6. A preliminary worksheet on which a sale price is computed and that is shown to the  
18 purchaser, a retail buyer's order form from the purchaser, or a retail installment contract shall  
19 include, in reasonable proximity to the place on the document where the administrative fee  
20 authorized by this section is disclosed, the amount of the administrative fee and the following notice  
21 in type that is boldfaced, capitalized, underlined, or otherwise conspicuously set out from the  
22 surrounding written material:

23           "AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE AND IS NOT REQUIRED BY  
24 LAW BUT MAY BE CHARGED BY A DEALER. THIS ADMINISTRATIVE FEE MAY  
25 RESULT IN A PROFIT TO DEALER. NO PORTION OF THIS ADMINISTRATIVE FEE  
26 IS FOR THE DRAFTING, PREPARATION, OR COMPLETION OF DOCUMENTS OR  
27 THE PROVIDING OF LEGAL ADVICE. THIS NOTICE IS REQUIRED BY LAW."

28           7. The general assembly believes that an administrative fee charged in compliance with this  
29 section is not the unauthorized practice of law or the unauthorized business of law so long as the  
30 activity or service for which the fee is charged is in compliance with the provisions of this section  
31 and does not result in the waiver of any rights or remedies. Recognizing, however, that the judiciary  
32 is the sole arbitrator of what constitutes the practice of law, in the event that a court determines that  
33 an administrative fee charged in compliance with this section, and that does not waive any rights or  
34 remedies of the buyer, is the unauthorized practice of law or the unauthorized business of law, then  
35 no person who paid that administrative fee may recover said fee or treble damages, as permitted  
36 under section 484.020, and no person who charged that fee shall be guilty of a misdemeanor, as  
37 provided under section 484.020."; and  
38

1 Further amend said bill, Page 8, Section 407.1034, Line 237, by inserting after said section and line  
2 the following:

3  
4 "Section B. The repeal and reenactment of section 301.140 of this act shall become effective  
5 upon notification by the director of the department of revenue that implementation of the provisions  
6 of the section are technologically feasible following the development and maintenance of a  
7 modernized, integrated system for the titling of vehicles, the issuance and renewal of vehicle  
8 registrations, the issuance and renewal of drivers' licenses and identification cards, and the  
9 perfection and release of liens and encumbrances on vehicles."; and

10  
11 Further amend said bill by amending the title, enacting clause, and intersectional references  
12 accordingly.