

FIRST REGULAR SESSION

HOUSE BILL NO. 378

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POLLITT.

0176H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to motor vehicle temporary permits, with penalty provisions.

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

Section A. Section 301.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.140, to read as follows:

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

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor

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 vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial
19 motor vehicle) seating capacity, not in excess of that originally registered. When such motor
20 vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying
21 commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the
22 applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in
23 fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-
24 carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the
25 applicant shall not be entitled to a refund.

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

37 4. The director of the department of revenue shall have authority to produce or allow
38 others to produce a weather resistant, nontearing temporary permit authorizing the operation
39 of a motor vehicle or trailer by a buyer for not more than thirty days, or no more than ninety
40 days if issued by a dealer selling the motor vehicle under the provisions of section 301.213, or
41 no more than sixty days if issued by a dealer selling the motor vehicle under the provisions of
42 subsection 5 of section 301.210, from the date of purchase. The temporary permit authorized
43 under this section may be purchased by the purchaser of a motor vehicle or trailer from the
44 central office of the department of revenue or from an authorized agent of the department of
45 revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no
46 registration plate available for transfer and upon proof of financial responsibility, or from a
47 motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has no
48 registration plate available for transfer, or from a motor vehicle dealer upon purchase of a
49 motor vehicle or trailer for which the buyer has registered and is awaiting receipt of
50 registration plates. The director of the department of revenue or a producer authorized by the
51 director of the department of revenue may make temporary permits available to registered
52 dealers in this state, authorized agents of the department of revenue or the department of
53 revenue. The price paid by a motor vehicle dealer, an authorized agent of the department of
54 revenue or the department of revenue for a temporary permit shall not exceed five dollars for

55 each permit. The director of the department of revenue shall direct motor vehicle dealers and
56 authorized agents to obtain temporary permits from an authorized producer. Amounts
57 received by the director of the department of revenue for temporary permits shall constitute
58 state revenue; however, amounts received by an authorized producer other than the director of
59 the department of revenue shall not constitute state revenue and any amounts received by
60 motor vehicle dealers or authorized agents for temporary permits purchased from a producer
61 other than the director of the department of revenue shall not constitute state revenue. In no
62 event shall revenues from the general revenue fund or any other state fund be utilized to
63 compensate motor vehicle dealers or other producers for their role in producing temporary
64 permits as authorized under this section. Amounts that do not constitute state revenue under
65 this section shall also not constitute fees for registration or certificates of title to be collected
66 by the director of the department of revenue under section 301.190. No motor vehicle dealer,
67 authorized agent or the department of revenue shall charge more than five dollars for each
68 permit issued. The permit shall be valid for a period of thirty days, or no more than ninety
69 days if issued by a dealer selling the motor vehicle under the provisions of section 301.213, or
70 no more than sixty days if issued by a dealer selling the motor vehicle under the provisions of
71 subsection 5 of section 301.210, from the date of purchase of a motor vehicle or trailer, or
72 from the date of sale of the motor vehicle or trailer by a motor vehicle dealer for which the
73 purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this
74 section unless the buyer shows proof of financial responsibility. Each temporary permit
75 issued shall be securely fastened to the back or rear of the motor vehicle in a manner and
76 place on the motor vehicle consistent with registration plates so that all parts and qualities of
77 the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not
78 impaired in any way.

79 5. The permit shall be issued on a form prescribed by the director of the department of
80 revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer
81 purchased to enable the applicant to temporarily operate the motor vehicle while proper title
82 and registration plates are being obtained, or while awaiting receipt of registration plates, and
83 shall be displayed on no other motor vehicle. Temporary permits issued pursuant to this
84 section shall not be transferable or renewable, shall not be valid upon issuance of proper
85 registration plates for the motor vehicle or trailer, and shall be returned to the department or to
86 the department's agent upon the issuance of such proper registration plates. Any temporary
87 permit returned to the department or to the department's agent shall be immediately
88 destroyed. The provisions of this subsection shall not apply to temporary permits issued for
89 commercial motor vehicles licensed in excess of twenty-four thousand pounds gross weight.
90 The director of the department of revenue shall determine the size, material, design,
91 numbering configuration, construction, and color of the permit. The director of the

92 department of revenue, at his or her discretion, shall have the authority to reissue, and thereby
93 extend the use of, a temporary permit previously and legally issued for a motor vehicle or
94 trailer while proper title and registration are being obtained.

95 6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection
96 by proper officers, an accurate record of each permit issued by recording the permit number,
97 the motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make,
98 and manufacturer's vehicle identification number, and the permit's date of issuance and
99 expiration date. Upon the issuance of a temporary permit by either the central office of the
100 department of revenue, a motor vehicle dealer or an authorized agent of the department of
101 revenue, the director of the department of revenue shall make the information associated with
102 the issued temporary permit immediately available to the law enforcement community of the
103 state of Missouri.

104 7. Upon the transfer of ownership of any currently registered motor vehicle wherein
105 the owner cannot transfer the license plates due to a change of motor vehicle category, the
106 owner may surrender the license plates issued to the motor vehicle and receive credit for any
107 unused portion of the original registration fee against the registration fee of another motor
108 vehicle. Such credit shall be granted based upon the date the license plates are surrendered.
109 No refunds shall be made on the unused portion of any license plates surrendered for such
110 credit.

111 8. An additional temporary license plate produced in a manner and of materials
112 determined by the director to be the most cost-effective means of production with a
113 configuration that matches an existing or newly issued plate may be purchased by a motor
114 vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's
115 view out of the rear window is not obstructed and the plate configuration is clearly visible
116 from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item
117 obstructs the view of the actual plate. Such temporary plate is only authorized for use when
118 the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of
119 section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for
120 a temporary permit issued under subsection 4 of this section. Replacement temporary plates
121 authorized in this subsection may be issued as needed upon the payment of a fee equal to the
122 fee charged for a temporary permit under subsection 4 of this section. The newly produced
123 third plate may only be used on the vehicle with the matching plate, and the additional plate
124 shall be clearly recognizable as a third plate and only used for the purpose specified in this
125 subsection.

126 9. Notwithstanding the provisions of section 301.217, the director may issue a
127 temporary permit to an individual who possesses a salvage motor vehicle which requires an
128 inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle

129 for which the permit has been issued shall be limited to the most direct route from the
130 residence, maintenance, or storage facility of the individual in possession of such motor
131 vehicle to the nearest authorized inspection facility and return to the originating location.
132 Notwithstanding any other requirements for the issuance of a temporary permit under this
133 section, an individual obtaining a temporary permit for the purpose of operating a motor
134 vehicle to and from an examination facility as prescribed in this subsection shall also
135 purchase the required motor vehicle examination form which is required to be completed for
136 an examination under subsection 9 of section 301.190 and provide satisfactory evidence that
137 such vehicle has passed a motor vehicle safety inspection for such vehicle as required in
138 section 307.350.

139 **10. Notwithstanding any provision of law to the contrary, a person may be**
140 **stopped, inspected, or detained by law enforcement, based on reasonable suspicion that**
141 **a temporary permit violation has occurred, in order to determine whether a temporary**
142 **permit is current or valid. Upon a determination by law enforcement that a temporary**
143 **permit is expired by at least sixty days, or that a temporary permit has been altered, the**
144 **law enforcement officer conducting the stop shall issue a citation and such person shall**
145 **be fined in the amount of two hundred fifty dollars. If the person properly registers the**
146 **vehicle within thirty days of the issuance of a citation, the prosecutor shall nolle**
147 **prosequi the citation, court costs shall be waived, and the offense shall not be registered**
148 **as a violation on the person's driving record. If the person fails to register the vehicle**
149 **within the thirty-day period, without good cause, the court with jurisdiction shall**
150 **inform the person by ordinary mail at the persons's last known address that the court is**
151 **ordering the director of revenue to suspend the person's driving privileges. Upon such**
152 **suspension, the director of revenue shall issue limited driving privileges for purposes**
153 **identified under subdivision (2) of subsection 3 of section 302.309 unless the director**
154 **determines that the person is otherwise ineligible for such privileges. Once a person**
155 **properly registers the vehicle, his or her driving privileges shall be restored. If the**
156 **person receives a second or additional citation for a temporary permit offense with**
157 **respect to the same vehicle, the vehicle shall be impounded until such time as the vehicle**
158 **is properly registered.**

159 **11. The director of the department of revenue may promulgate all necessary rules and**
160 **regulations for the administration of this section. Any rule or portion of a rule, as that term is**
161 **defined in section 536.010, that is created under the authority delegated in this section shall**
162 **become effective only if it complies with and is subject to all of the provisions of chapter 536**
163 **and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any**
164 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the**
165 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then**

166 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012,
167 shall be invalid and void.

168 ~~[11.]~~ **12.** The repeal and reenactment of this section shall become effective on the date
169 the department of revenue or a producer authorized by the director of the department of
170 revenue begins producing temporary permits described in subsection 4 of such section, or on
171 July 1, 2013, whichever occurs first. If the director of revenue or a producer authorized by
172 the director of the department of revenue begins producing temporary permits prior to July 1,
173 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

✓