

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 378**  
**103RD GENERAL ASSEMBLY**

0176H.04C

JOSEPH ENGLER, Chief Clerk

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**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.

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*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Section A. Section 301.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.140, to read as follows: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 vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial

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.

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 or inspected by law enforcement, based on reasonable suspicion that a**  
141 **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 seventy days, or that a temporary permit has been altered,**  
144 **the law enforcement officer conducting the stop shall issue a citation and such person**  
145 **shall be fined in the amount of two hundred fifty dollars. If the person properly**  
146 **registers the vehicle within thirty days of the issuance of a citation, the prosecutor shall**  
147 **nolle prosequi the citation, court costs shall be waived, and the offense shall not be**  
148 **registered as a violation on the person's driving record. If the vehicle is stopped a**  
149 **second time for a temporary permit violation after such thirty-day time period has**  
150 **lapsed, the vehicle shall be impounded until such time as the vehicle is properly**  
151 **registered. It shall be the responsibility of the owner of the vehicle to work with the**  
152 **impound lot owner if there is an issue with the vehicle's safety inspection.**

153 **11.** The director of the department of revenue may promulgate all necessary rules and  
154 regulations for the administration of this section. Any rule or portion of a rule, as that term is  
155 defined in section 536.010, that is created under the authority delegated in this section shall  
156 become effective only if it complies with and is subject to all of the provisions of chapter 536  
157 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any  
158 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
159 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then  
160 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012,  
161 shall be invalid and void.

162 ~~11.~~ **12.** The repeal and reenactment of this section shall become effective on the date  
163 the department of revenue or a producer authorized by the director of the department of  
164 revenue begins producing temporary permits described in subsection 4 of such section, or on  
165 July 1, 2013, whichever occurs first. If the director of revenue or a producer authorized by

166 the director of the department of revenue begins producing temporary permits prior to July 1,  
167 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

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