

FIRST REGULAR SESSION

# HOUSE BILL NO. 465

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WOLFIN.

1592H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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*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Section A. Section 301.144, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.144, to read as follows: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~~ **fifty** dollars in addition to the regular registration fees. **The additional fifty-dollar fee shall be collected only for new or reissued special personalized license plates and not annually upon the 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

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

29         2. Upon application for a personalized plate by the owner of a motor vehicle for  
30 which the owner has no registration plate available for transfer as prescribed by section  
31 301.140, the director shall issue a temporary permit authorizing the operation of the motor  
32 vehicle until the 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  
36 present an unreasonable danger to the health or safety of the applicant, of other users of  
37 streets and highways, or of the public in any location where the vehicle with such a plate may  
38 be found. The director may recall any personalized license plates, including those issued  
39 prior to August 28, 1992, if the director determines that the plates are obscene, profane,  
40 patently offensive or contemptuous of a racial or ethnic group, or offensive to good taste or  
41 decency, or would present an unreasonable danger to the health or safety of the applicant, of  
42 other users of streets and highways, or of the public in any location where the vehicle with  
43 such a plate may be found. Where the director recalls such plates pursuant to the provisions  
44 of this subsection, the director shall reissue personalized license plates to the owner of the  
45 motor vehicle for which they were issued at no charge, if the new plates proposed by the  
46 owner of the motor vehicle meet the standards established pursuant to this section. The  
47 director shall not apply the provisions of this statute in a way that violates the Missouri or  
48 United States Constitutions as interpreted by the courts with controlling authority in the state  
49 of Missouri. The primary purpose of motor vehicle license plates is to identify motor  
50 vehicles. Nothing in the issuance of a personalized license plate creates a designated or  
51 limited public forum. Nothing contained in this subsection shall be interpreted to prohibit the  
52 use of license plates, which are no longer valid for registration purposes, as collector's items  
53 or for decorative purposes.]~~ **The director shall not apply the provisions of this section in  
54 any manner that violates the Constitution of Missouri or the Constitution of the United**

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

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

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

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

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

92 "retired" means having served twenty or more years in the appropriate branch of service and  
93 having received an honorable discharge.

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