

FIRST REGULAR SESSION

# HOUSE BILL NO. 1018

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KNIGHT.

2227H.011

JOSEPH ENGLER, Chief Clerk

### AN ACT

To repeal sections 301.190 and 307.380, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle certificates of ownership, with penalty provisions.

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

Section A. Sections 301.190 and 307.380, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 301.190 and 307.380, to read as follows:

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

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 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. The fee for each original certificate so issued shall be eight dollars and fifty cents,  
55 in addition to the fee for registration of such motor vehicle or trailer. If application for the  
56 certificate is not made within thirty days after the vehicle is acquired by the applicant, or  
57 where the motor vehicle was acquired under section 301.213 or subsection 5 of section  
58 301.210 and the applicant fails to make application within thirty days after receiving title  
59 from the dealer, a delinquency penalty fee of twenty-five dollars for the first thirty days of  
60 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           6. Any applicant for a certificate of ownership requesting the department of revenue  
75 to process an application for a certificate of ownership in an expeditious manner requiring  
76 special handling shall pay a fee of five dollars in addition to the regular certificate of  
77 ownership fee.

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

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

91 which no prior inspection and verification have been made, shall pay a fee of twenty-five  
92 dollars for such verification and inspection, payable to the director of revenue at the time of  
93 the request for the application, which shall be deposited in the state treasury to the credit of  
94 the state highways and transportation department fund.

95 9. Each application for an original Missouri certificate of ownership for a vehicle  
96 which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit  
97 vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by  
98 the director of revenue shall be accompanied by a vehicle examination certificate issued by  
99 the Missouri state highway patrol, or other law enforcement agency as authorized by the  
100 director of revenue. The vehicle examination shall include a verification of vehicle  
101 identification numbers and a determination of the classification of the vehicle. The owner of  
102 a vehicle which requires a vehicle examination certificate shall present the vehicle for  
103 examination and obtain a completed vehicle examination certificate prior to submitting an  
104 application for a certificate of ownership to the director of revenue. Notwithstanding any  
105 provision of the law to the contrary, an owner presenting a motor vehicle which has been  
106 issued a salvage title and which is ten years of age or older to a vehicle examination described  
107 in this subsection in order to obtain a certificate of ownership with the designation prior  
108 salvage motor vehicle shall not be required to repair or restore the vehicle to its original  
109 appearance in order to pass or complete the vehicle examination. The fee for the vehicle  
110 examination application shall be twenty-five dollars and shall be collected by the director of  
111 revenue at the time of the request for the application and shall be deposited in the state  
112 treasury to the credit of the state highways and transportation department fund. If the vehicle  
113 is also to be registered in Missouri, the safety inspection required in chapter 307 and the  
114 emissions inspection required under chapter 643 shall be completed and the fees required by  
115 section 307.365 and section 643.315 shall be charged to the owner.

116 10. When an application is made for an original Missouri certificate of ownership for  
117 a motor vehicle previously registered or titled in a state other than Missouri or as required by  
118 section 301.020, it shall be accompanied by a current inspection form certified by a duly  
119 authorized official inspection station as described in chapter 307, **except that such**  
120 **inspection may be completed by an employee of a licensed new or used motor vehicle**  
121 **dealer for a motor vehicle sold to a person who lives outside of this state and intends to**  
122 **register the vehicle outside of this state or for a motor vehicle having less than fifty**  
123 **thousand miles for the three-year period following the model year of manufacture.** The  
124 completed form shall certify that the manufacturer's identification number for the vehicle has  
125 been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown  
126 on the odometer at the time of inspection. The inspection station **or, in the case of a motor**  
127 **vehicle sold to a person who lives outside of this state and intends to register the vehicle**

128 **outside of this state or a motor vehicle having less than fifty thousand miles for the**  
129 **three-year period following the model year of manufacture, the licensed new or used**  
130 **motor vehicle dealer** shall collect the same fee as authorized in section 307.365 for making  
131 the inspection, and the fee shall be deposited in the same manner as provided in section  
132 307.365. If the vehicle is also to be registered in Missouri, the safety inspection required in  
133 chapter 307 and the emissions inspection required under chapter 643 shall be completed and  
134 only the fees required by section 307.365 and section 643.315 shall be charged to the owner.  
135 This section shall not apply to vehicles being transferred on a manufacturer's statement of  
136 origin. **A licensed new or used motor vehicle dealer completing the inspection under this**  
137 **section shall be subject to disciplinary action up to and including suspension or**  
138 **revocation of their dealer's license for knowingly completing such inspection with**  
139 **incorrect information. Such disciplinary action shall take place in accordance with**  
140 **department of revenue regular procedures for disciplinary action.**

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

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

161 13. When an application is made for an original Missouri certificate of ownership for  
162 a motor vehicle previously registered or titled in a state other than Missouri, and the  
163 certificate of ownership has been appropriately designated by the issuing state as non-USA-  
164 std motor vehicle, the director of revenue shall appropriately designate on the current

165 Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std  
166 Motor Vehicle".

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

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

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

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

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

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

187

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

307.380. 1. Every vehicle of the type required to be inspected upon having been  
2 involved in an accident and when so directed by a police officer must be inspected and an  
3 official certificate of inspection and approval, sticker, seal or other device be obtained for  
4 such vehicle before it is again operated on the highways of this state.

5 2. At the seller's expense every used motor vehicle of the type required to be  
6 inspected by section 307.350 shall immediately prior to sale be fully inspected regardless of  
7 any current certificate of inspection and approval, and an appropriate new certificate of  
8 inspection and approval, sticker, seal or other device shall be obtained **no more than sixty**  
9 **days prior to the date of sale, except that such inspection shall not be required for a**

10 **motor vehicle sold to a person who lives outside of this state and intends to register the**  
11 **vehicle outside of this state or for a motor vehicle having less than fifty thousand miles**  
12 **for the three-year period following the model year of manufacture when:**

13 **(1) Sold by a private seller; or**

14 **(2) Sold by a licensed new or used motor vehicle dealer, provided that such**  
15 **dealer has sold at least two hundred motor vehicles in the previous calendar year.**

16

17 **The seller of a motor vehicle required to be inspected under this subsection shall present**  
18 **the certificate of inspection and approval to the buyer at the point of sale and the buyer**  
19 **shall be required to submit the certificate of inspection when applying for registration of**  
20 **the vehicle.**

21 ~~[2-]~~ **3.** Nothing contained in the provisions of this section shall be construed to  
22 prohibit a dealer or any other person from selling a vehicle without a certificate of inspection  
23 and approval if the vehicle is sold for junk, salvage, or for rebuilding, or for vehicles sold at  
24 public auction or from dealer to dealer. The purchaser of any vehicle which is purchased for  
25 junk, salvage, or for rebuilding shall give to the seller an affidavit, on a form prescribed by the  
26 superintendent of the Missouri state highway patrol, stating that the vehicle is being  
27 purchased for one of the reasons stated herein. No vehicle of the type required to be inspected  
28 by section 307.350 which is purchased as junk, salvage, or for rebuilding shall again be  
29 registered in this state until the owner has submitted the vehicle for inspection and obtained  
30 an official certificate of inspection and approval, sticker, seal or other device for such vehicle.

31 ~~[3-]~~ **4.** Notwithstanding the provisions of section 307.390, violation of this section  
32 shall be deemed an infraction.

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