

SECOND REGULAR SESSION

# HOUSE BILL NO. 2958

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FARNAN.

4802H.011

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal section 301.010, RSMo, and to enact in lieu thereof four new sections relating to motor vehicle registration, with penalty provisions.

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

Section A. Section 301.010, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 301.010, 301.092, 301.093, and 301.094, to read as follows:  
301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with either:

(a) A seat designed to be straddled by the operator, and handlebars for steering control, but excluding an electric bicycle; or

(b) A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;

(2) "Autocycle", a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or federal motorcycle safety standards;

(3) "Automobile transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used for the transport of assembled motor vehicles, including truck camper units;

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 (4) "Axle load", the total load transmitted to the road by all wheels whose centers are  
19 included between two parallel transverse vertical planes forty inches apart, extending across  
20 the full width of the vehicle;

21 (5) "Backhaul", the return trip of a vehicle transporting cargo or general freight,  
22 especially when carrying goods back over all or part of the same route;

23 (6) "Boat transporter", any vehicle combination capable of carrying cargo on the  
24 power unit and designed and used specifically to transport assembled boats and boat hulls.  
25 Boats may be partially disassembled to facilitate transporting;

26 (7) "Body shop", a business that repairs physical damage on motor vehicles that are  
27 not owned by the shop or its officers or employees by mending, straightening, replacing body  
28 parts, or painting;

29 (8) "Bus", a motor vehicle primarily for the transportation of a driver and eight or  
30 more passengers but not including shuttle buses;

31 (9) "Commercial motor vehicle", a motor vehicle designed or regularly used for  
32 carrying freight and merchandise, or more than eight passengers but not including vanpools or  
33 shuttle buses;

34 (10) "Cotton trailer", a trailer designed for transporting cotton at speeds less than  
35 seventy miles per hour from field to field or from field to market and return;

36 (11) "Dealer", any person, firm, corporation, association, agent or subagent engaged  
37 in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

38 (12) "Director" or "director of revenue", the director of the department of revenue;

39 (13) "Driveaway operation":

40 (a) The movement of a motor vehicle or trailer by any person or motor carrier other  
41 than a dealer over any public highway, under its own power singly, or in a fixed combination  
42 of two or more vehicles, for the purpose of delivery for sale or for delivery either before or  
43 after sale;

44 (b) The movement of any vehicle or vehicles, not owned by the transporter,  
45 constituting the commodity being transported, by a person engaged in the business of  
46 furnishing drivers and operators for the purpose of transporting vehicles in transit from one  
47 place to another by the driveaway or towaway methods; or

48 (c) The movement of a motor vehicle by any person who is lawfully engaged in the  
49 business of transporting or delivering vehicles that are not the person's own and vehicles of a  
50 type otherwise required to be registered, by the driveaway or towaway methods, from a point  
51 of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales  
52 agent of a manufacturer or to any consignee designated by the shipper or consignor;

53 (14) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the  
54 fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck

55 tractor equipped with a dromedary may carry part of a load when operating independently or  
56 in a combination with a semitrailer;

57 (15) "Electric bicycle", a bicycle equipped with fully operable pedals, a saddle or seat  
58 for the rider, and an electric motor of less than 750 watts that meets the requirements of one of  
59 the following three classes:

60 (a) "Class 1 electric bicycle", an electric bicycle equipped with a motor that provides  
61 assistance only when the rider is pedaling and that ceases to provide assistance when the  
62 bicycle reaches the speed of twenty miles per hour;

63 (b) "Class 2 electric bicycle", an electric bicycle equipped with a motor that may be  
64 used exclusively to propel the bicycle and that is not capable of providing assistance when the  
65 bicycle reaches the speed of twenty miles per hour; or

66 (c) "Class 3 electric bicycle", an electric bicycle equipped with a motor that provides  
67 assistance only when the rider is pedaling and that ceases to provide assistance when the  
68 bicycle reaches the speed of twenty-eight miles per hour;

69 (16) "Farm tractor", a tractor used exclusively for agricultural purposes;

70 (17) "Fleet", any group of ten or more motor vehicles owned by the same owner;

71 (18) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

72 (19) "Fullmount", a vehicle mounted completely on the frame of either the first or last  
73 vehicle in a saddlemount combination;

74 (20) "Gross weight", the weight of vehicle and/or vehicle combination without load,  
75 plus the weight of any load thereon;

76 (21) "Hail-damaged vehicle", any vehicle, the body of which has become dented as  
77 the result of the impact of hail;

78 (22) "Highway", any public thoroughfare for vehicles, including state roads, county  
79 roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

80 (23) "Improved highway", a highway which has been paved with gravel, macadam,  
81 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth  
82 surface;

83 (24) "Intersecting highway", any highway which joins another, whether or not it  
84 crosses the same;

85 (25) "Junk vehicle", a vehicle which:

86 (a) Is incapable of operation or use upon the highways and has no resale value except  
87 as a source of parts or scrap; or

88 (b) Has been designated as junk or a substantially equivalent designation by this state  
89 or any other state;

90 (26) "Kit vehicle", a motor vehicle assembled by a person other than a generally  
91 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from  
92 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

93 (27) "Land improvement contractors' commercial motor vehicle", any not-for-hire  
94 commercial motor vehicle the operation of which is confined to:

95 (a) An area that extends not more than a radius of one hundred fifty miles from its  
96 home base of operations when transporting its owner's machinery, equipment, or auxiliary  
97 supplies to or from projects involving soil and water conservation, or to and from equipment  
98 dealers' maintenance facilities for maintenance purposes; or

99 (b) An area that extends not more than a radius of fifty miles from its home base of  
100 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or  
101 from projects not involving soil and water conservation.

102

103 Nothing in this subdivision shall be construed to prevent any motor vehicle from being  
104 registered as a commercial motor vehicle or local commercial motor vehicle;

105 (28) "Local commercial motor vehicle", a commercial motor vehicle whose  
106 operations are confined to a municipality and that area extending not more than fifty miles  
107 therefrom, or a commercial motor vehicle whose property-carrying operations are confined  
108 solely to the transportation of property owned by any person who is the owner or operator of  
109 such vehicle to or from a farm owned by such person or under the person's control by virtue  
110 of a landlord and tenant lease; provided that any such property transported to any such farm is  
111 for use in the operation of such farm;

112 (29) "Local log truck", a commercial motor vehicle which is registered pursuant to  
113 this chapter to operate as a motor vehicle on the public highways of this state; used  
114 exclusively in this state; used to transport harvested forest products; operated solely at a  
115 forested site and in an area extending not more than a one hundred fifty mile radius from such  
116 site; and when operated on the national system of interstate and defense highways described  
117 in 23 U.S.C. Section 103, as amended, or outside the one hundred fifty mile radius from such  
118 site with an extended distance local log truck permit, does not have more than four axles, and  
119 does not pull a trailer which has more than three axles. Harvesting equipment which is used  
120 specifically for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading,  
121 unloading, and stacking may be transported on a local log truck;

122 (30) "Local log truck tractor", a commercial motor vehicle which is registered under  
123 this chapter to operate as a motor vehicle on the public highways of this state; used  
124 exclusively in this state; used to transport harvested forest products, operated at a forested site  
125 and in an area extending not more than a one hundred fifty mile radius from such site; and  
126 when operated on the national system of interstate and defense highways described in 23

127 U.S.C. Section 103, as amended, or outside the one hundred fifty mile radius from such site  
128 with an extended distance local log truck permit, does not have more than three axles and  
129 does not pull a trailer which has more than three axles;

130 (31) "Local transit bus", a bus whose operations are confined wholly within a  
131 municipal corporation, or wholly within a municipal corporation and a commercial zone, as  
132 defined in section 390.020, adjacent thereto, forming a part of a public transportation system  
133 within such municipal corporation and such municipal corporation and adjacent commercial  
134 zone;

135 (32) "Log truck", a vehicle which is not a local log truck or local log truck tractor and  
136 is used exclusively to transport harvested forest products to and from forested sites which is  
137 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this  
138 state for the transportation of harvested forest products;

139 (33) "Major component parts", the rear clip, cowl, frame, body, cab, front-end  
140 assembly, and front clip, as those terms are defined by the director of revenue pursuant to  
141 rules and regulations or by illustrations;

142 (34) "Manufacturer", any person, firm, corporation or association engaged in the  
143 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

144 (35) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which  
145 receives a new, rebuilt or used engine, and which used the number stamped on the original  
146 engine as the vehicle identification number;

147 (36) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,  
148 except farm tractors and electric bicycles;

149 (37) "Motor vehicle primarily for business use", any vehicle other than a recreational  
150 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over  
151 twelve thousand pounds:

152 (a) Offered for hire or lease; or

153 (b) The owner of which also owns ten or more such motor vehicles;

154 (38) "Motorcycle", a motor vehicle operated on two wheels;

155 (39) "Motorized bicycle", any two-wheeled or three-wheeled device having an  
156 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic  
157 centimeters, which produces less than three gross brake horsepower, and is capable of  
158 propelling the device at a maximum speed of not more than thirty miles per hour on level  
159 ground, but excluding an electric bicycle;

160 (40) "Motortricycle", a motor vehicle upon which the operator straddles or sits astride  
161 that is designed to be controlled by handle bars and is operated on three wheels, including a  
162 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of

163 a third wheel, but excluding an electric bicycle. A motortricycle shall not be included in the  
164 definition of all-terrain vehicle;

165 (41) "Municipality", any city, town or village, whether incorporated or not;

166 (42) "Nonresident", a resident of a state or country other than the state of Missouri;

167 (43) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in  
168 compliance with United States emissions or safety standards;

169 (44) "Operator", any person who operates or drives a motor vehicle;

170 (45) "Owner", any person, firm, corporation or association, who holds the legal title  
171 to a vehicle or who has executed a buyer's order or retail installment sales contract with a  
172 motor vehicle dealer licensed under sections 301.550 to 301.580 for the purchase of a vehicle  
173 with an immediate right of possession vested in the transferee, or in the event a vehicle is the  
174 subject of an agreement for the conditional sale or lease thereof with the right of purchase  
175 upon performance of the conditions stated in the agreement and with an immediate right of  
176 possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle  
177 is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed  
178 the owner;

179 (46) "Public garage", a place of business where motor vehicles are housed, stored,  
180 repaired, reconstructed or repainted for persons other than the owners or operators of such  
181 place of business;

182 (47) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the  
183 rebuilder, but does not include certificated common or contract carriers of persons or  
184 property;

185 (48) "Reconstructed motor vehicle", a vehicle that is altered from its original  
186 construction by the addition or substitution of two or more new or used major component  
187 parts, excluding motor vehicles made from all new parts, and new multistage manufactured  
188 vehicles;

189 (49) "Recreational motor vehicle", any motor vehicle designed, constructed or  
190 substantially modified so that it may be used and is used for the purposes of temporary  
191 housing quarters, including therein sleeping and eating facilities which are either permanently  
192 attached to the motor vehicle or attached to a unit which is securely attached to the motor  
193 vehicle. Nothing herein shall prevent any motor vehicle from being registered as a  
194 commercial motor vehicle if the motor vehicle could otherwise be so registered;

195 (50) "Recreational off-highway vehicle", any motorized vehicle manufactured and  
196 used exclusively for off-highway use which is more than fifty inches but no more than eighty  
197 inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry  
198 weight of three thousand five hundred pounds or less, traveling on four or more nonhighway  
199 tires and which may have access to ATV trails;

200 (51) "Recreational trailer", any trailer designed, constructed, or substantially modified  
201 so that it may be used and is used for the purpose of temporary housing quarters, including  
202 therein sleeping or eating facilities, which can be temporarily attached to a motor vehicle or  
203 attached to a unit which is securely attached to a motor vehicle;

204 (52) **"Residence address", "residence", or "resident address", the location at**  
205 **which a person has been physically present for an aggregated period of six months or**  
206 **more during any calendar year and that the person regards as home. A residence**  
207 **address is a person's true, fixed, principal, and permanent home, to which a person**  
208 **intends to return and remain, even though currently residing elsewhere;**

209 (53) **"Resident", a person who declares himself or herself to be a resident of**  
210 **Missouri for the purpose of obtaining a Missouri driver's license by showing proof of**  
211 **residency as defined in section 302.171 and as a resident of the state to obtain privileges**  
212 **not ordinarily extended to nonresidents including, but not limited to, going to school or**  
213 **placing children in school without paying nonresident tuition or fees;**

214 (54) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,  
215 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a  
216 wrecker or towing service;

217 [~~(53)~~] (55) "Saddlemount combination", a combination of vehicles in which a truck or  
218 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the  
219 frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects  
220 the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and  
221 functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner  
222 the combination is called a "double saddlemount combination". When three vehicles are  
223 towed in this manner, the combination is called a "triple saddlemount combination";

224 [~~(54)~~] (56) "Salvage dealer and dismantler", a business that dismantles used motor  
225 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and  
226 accessories;

227 [~~(55)~~] (57) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

228 (a) Was damaged during a year that is no more than six years after the manufacturer's  
229 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or  
230 reconstruct the vehicle to its condition immediately before it was damaged for legal operation  
231 on the roads or highways exceeds eighty percent of the fair market value of the vehicle  
232 immediately preceding the time it was damaged;

233 (b) By reason of condition or circumstance, has been declared salvage, either by its  
234 owner, or by a person, firm, corporation, or other legal entity exercising the right of security  
235 interest in it;

236 (c) Has been declared salvage by an insurance company as a result of settlement of a  
237 claim;

238 (d) Ownership of which is evidenced by a salvage title; or

239 (e) Is abandoned property which is titled pursuant to section 304.155 or section  
240 304.157 and designated with the words "salvage/abandoned property". The total cost of  
241 repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing,  
242 or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail,  
243 or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of  
244 this definition, "fair market value" means the retail value of a motor vehicle as:

245 a. Set forth in a current edition of any nationally recognized compilation of retail  
246 values, including automated databases, or from publications commonly used by the  
247 automotive and insurance industries to establish the values of motor vehicles;

248 b. Determined pursuant to a market survey of comparable vehicles with regard to  
249 condition and equipment; and

250 c. Determined by an insurance company using any other procedure recognized by the  
251 insurance industry, including market surveys, that is applied by the company in a uniform  
252 manner;

253 ~~[(56)]~~ (58) "School bus", any motor vehicle used solely to transport students to or  
254 from school or to transport students to or from any place for educational purposes;

255 ~~[(57)]~~ (59) "Scrap processor", a business that, through the use of fixed or mobile  
256 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for  
257 processing or transportation to a shredder or scrap metal operator for recycling;

258 ~~[(58)]~~ (60) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or  
259 corporation as an incidental service to transport patrons or customers of the regular business  
260 of such person, firm, or corporation to and from the place of business of the person, firm, or  
261 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as  
262 buses or as commercial motor vehicles;

263 ~~[(59)]~~ (61) "Special mobile equipment", every self-propelled vehicle not designed or  
264 used primarily for the transportation of persons or property and incidentally operated or  
265 moved over the highways, including farm equipment, implements of husbandry, road  
266 construction or maintenance machinery, ditch-digging apparatus, stone crushers, air  
267 compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing  
268 equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers,  
269 leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving  
270 carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving  
271 equipment. This enumeration shall be deemed partial and shall not operate to exclude  
272 other such vehicles which are within the general terms of this section;

273           ~~[(60)]~~ **(62)** "Specially constructed motor vehicle", a motor vehicle which shall not  
274 have been originally constructed under a distinctive name, make, model or type by a  
275 manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit  
276 vehicles;

277           ~~[(61)]~~ **(63)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth  
278 wheel is located on a drop frame located behind and below the rearmost axle of the power  
279 unit;

280           ~~[(62)]~~ **(64)** "Tandem axle", a group of two or more axles, arranged one behind  
281 another, the distance between the extremes of which is more than forty inches and not more  
282 than ninety-six inches apart;

283           ~~[(63)]~~ **(65)** "Towaway trailer transporter combination", a combination of vehicles  
284 consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total  
285 weight that does not exceed twenty-six thousand pounds; and in which the trailers or  
286 semitrailers carry no property and constitute inventory property of a manufacturer, distributor,  
287 or dealer of such trailers or semitrailers;

288           ~~[(64)]~~ **(66)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle  
289 designed for drawing other vehicles, but not for the carriage of any load when operating  
290 independently. When attached to a semitrailer, it supports a part of the weight thereof;

291           ~~[(65)]~~ **(67)** "Trailer", any vehicle without motive power designed for carrying  
292 property or passengers on its own structure and for being drawn by a self-propelled vehicle,  
293 except those running exclusively on tracks, including a semitrailer or vehicle of the trailer  
294 type so designed and used in conjunction with a self-propelled vehicle that a considerable part  
295 of its own weight rests upon and is carried by the towing vehicle. The term trailer shall not  
296 include cotton trailers as defined in this section and shall not include manufactured homes as  
297 defined in section 700.010;

298           ~~[(66)]~~ **(68)** "Trailer transporter towing unit", a power unit that is not used to carry  
299 property when operating in a towaway trailer transporter combination;

300           ~~[(67)]~~ **(69)** "Truck", a motor vehicle designed, used, or maintained for the  
301 transportation of property;

302           ~~[(68)]~~ **(70)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the  
303 two trailing units are connected with a B-train assembly which is a rigid frame extension  
304 attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point  
305 for the second semitrailer and has one less articulation point than the conventional A-dolly  
306 connected truck-tractor semitrailer-trailer combination;

307           ~~[(69)]~~ **(71)** "Truck-trailer boat transporter combination", a boat transporter  
308 combination consisting of a straight truck towing a trailer using typically a ball and socket

309 connection with the trailer axle located substantially at the trailer center of gravity rather than  
310 the rear of the trailer but so as to maintain a downward force on the trailer tongue;

311 ~~[(70)]~~ (72) "Used parts dealer", a business that buys and sells used motor vehicle  
312 parts or accessories, but not including a business that sells only new, remanufactured or  
313 rebuilt parts. Business does not include isolated sales at a swap meet of less than three days;

314 ~~[(71)]~~ (73) "Utility vehicle", any motorized vehicle manufactured and used  
315 exclusively for off-highway use which is more than fifty inches but no more than eighty  
316 inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry  
317 weight of three thousand five hundred pounds or less, traveling on four or six wheels, to be  
318 used primarily for landscaping, lawn care, or maintenance purposes;

319 ~~[(72)]~~ (74) "Vanpool", any van or other motor vehicle used or maintained by any  
320 person, group, firm, corporation, association, city, county or state agency, or any member  
321 thereof, for the transportation of not less than eight nor more than forty-eight employees, per  
322 motor vehicle, to and from their place of employment; however, a vanpool shall not be  
323 included in the definition of the term bus or commercial motor vehicle as defined in this  
324 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section  
325 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,  
326 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used  
327 for monetary profit other than for use in a ride-sharing arrangement;

328 ~~[(73)]~~ (75) "Vehicle", any mechanical device on wheels, designed primarily for use,  
329 or used, on highways, except motorized bicycles, electric bicycles, vehicles propelled or  
330 drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or  
331 cotton trailers or motorized wheelchairs operated by handicapped persons;

332 ~~[(74)]~~ (76) "Wrecker" or "tow truck", any emergency commercial vehicle equipped,  
333 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles  
334 from a highway, road, street or highway rights-of-way to a point of storage or repair,  
335 including towing a replacement vehicle to replace a disabled or wrecked vehicle;

336 ~~[(75)]~~ (77) "Wrecker or towing service", the act of transporting, towing or recovering  
337 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the  
338 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly  
339 receives compensation or other personal gain.

**301.092. 1. It shall be unlawful for a resident of this state with a Missouri  
2 residence address, as defined in section 301.010, to register a motor vehicle in another  
3 state with the intent to circumvent the motor vehicle titling and registration  
4 requirements of this chapter.**

**5 2. There shall be a rebuttable presumption that any motor vehicle owned and  
6 operated by a resident of this state with a Missouri residence address shall be subject to**

7 the titling and registration requirements of this chapter and that the owner shall be  
8 responsible for paying all applicable Missouri fees and taxes for such motor vehicle.

9 3. The following factors shall be considered when determining whether a  
10 Missouri resident intended to circumvent the titling and registration requirements of  
11 this chapter by registering the motor vehicle in another state:

12 (1) The person has a Missouri driver's license with a Missouri residence address;

13 (2) The Missouri resident was the initial purchaser of the motor vehicle;

14 (3) The Missouri resident operates or stores the motor vehicle in Missouri; and

15 (4) The Missouri resident has insured the motor vehicle.

16 4. (1) If the department determines that a Missouri resident has violated the  
17 provisions of this section and failed to register a motor vehicle required to be registered  
18 under this chapter, the department shall notify the Missouri resident in writing that:

19 (a) He or she is required to obtain a Missouri certificate of title and registration  
20 for the motor vehicle and pay all taxes and fees for titling and registration owed for the  
21 motor vehicle no later than sixty days from the date of the notice; and

22 (b) Failure to pay such taxes shall result in a five-hundred dollar penalty.

23 (2) If the Missouri resident fails to comply with paragraphs (a) and (b) of  
24 subdivision (1) of this subdivision within the time period specified, the department shall  
25 suspend the Missouri resident's driver's license until all taxes and fees or titling and  
26 registration are paid in full.

301.093. 1. It shall be unlawful for a resident of this state with a Missouri  
2 residence address, as defined in section 301.010, to register a motor vehicle under a  
3 partnership, limited liability company, or corporation that is operating as a shell entity  
4 in another state, with the intent to circumvent the motor vehicle titling and registration  
5 requirements of this chapter.

6 2. There shall be a rebuttable presumption that any motor vehicle owned and  
7 operated by a resident of this state with a Missouri residence address shall be subject to  
8 the titling and registration requirements of this chapter and that the owner shall be  
9 responsible for paying all applicable Missouri fees and taxes for such motor vehicle.

10 3. The following factors shall be considered when determining whether a  
11 partnership, limited liability company, or corporation is a shell entity for purposes of  
12 this section:

13 (1) The partnership, limited liability company, or corporation lacks a specific  
14 business activity or purpose;

15 (2) The partnership, limited liability company, or corporation fails to maintain a  
16 bonafide location in the state where the motor vehicle is titled or registered;

17           **(3) The partnership, limited liability company, or corporation fails to employ**  
18 **individual persons or fails to provide employees with Internal Revenue Service form W-**  
19 **2 wage and tax statements; or**

20           **(4) The partnership, limited liability company, or corporation fails to file a**  
21 **federal tax return or fails to file a required state tax return in the state where the motor**  
22 **vehicle is titled and registered.**

23           **4. The following factors shall be considered when determining whether a**  
24 **Missouri resident intended to circumvent the titling and registration requirements of**  
25 **this chapter by registering the motor vehicle under a shell entity:**

26           **(1) The person has a Missouri driver's license with a Missouri residence address;**

27           **(2) The Missouri resident was the initial purchaser of the motor vehicle;**

28           **(3) The Missouri resident operates or stores the motor vehicle in Missouri; and**

29           **(4) The Missouri resident has insured the motor vehicle.**

30           **5. (1) If the department determines that a Missouri resident has violated the**  
31 **provisions of this section and failed to register a motor vehicle required to be registered**  
32 **under this chapter, the department shall notify the Missouri resident in writing that:**

33           **(a) He or she is required to obtain a Missouri certificate of title and registration**  
34 **for the motor vehicle and pay all taxes and fees for titling and registration owed for the**  
35 **motor vehicle no later than sixty days from the date of the notice; and**

36           **(b) Failure to pay such taxes shall result in a five-hundred dollar penalty.**

37           **(2) If the Missouri resident fails to comply with paragraphs (a) and (b) of**  
38 **subdivision (1) of this subdivision within the time period specified, the department shall**  
39 **suspend the Missouri resident's driver's license until all taxes and fees or titling and**  
40 **registration are paid in full.**

**301.094. 1. A Missouri resident who willfully makes a false statement in regard**  
2 **to the purchase of a motor vehicle that is subject to fees and taxes for titling and**  
3 **registration under this chapter, or who willfully attempts in any manner to evade**  
4 **payment of the fees and taxes required under this chapter, is guilty of a fraudulent**  
5 **practice and shall be assessed a fine equal to seventy-five percent of the amount of the**  
6 **unpaid fees and taxes and shall be required to be pay all applicable fees and taxes at the**  
7 **time the motor vehicle is titled and registered.**

8           **2. The department may use the motorist insurance identification database**  
9 **established under section 303.406 to identify and determine the ownership of any motor**  
10 **vehicle not properly titled and registered in the state as required by law. If through the**  
11 **department's investigation it is determined the owner of the motor vehicle is not in**  
12 **compliance with this chapter, the department may impose a penalty on the owner of the**  
13 **motor vehicle in the amount of five hundred dollars.**

14           **3. (1) If the department determines that a Missouri resident has violated the**  
15 **provisions of this section and failed to register a motor vehicle required to be registered**  
16 **under this chapter, the department shall notify the Missouri resident in writing that:**

17           **(a) He or she is required to obtain a Missouri certificate of title and registration**  
18 **for the motor vehicle and pay all taxes and fees for titling and registration owed for the**  
19 **motor vehicle no later than sixty days from the date of the notice; and**

20           **(b) Failure to pay such taxes shall result in a five-hundred dollar penalty.**

21           **(2) If the Missouri resident fails to comply with paragraphs (a) and (b) of**  
22 **subdivision (1) of this subdivision within the time period specified, the department shall**  
23 **suspend the Missouri resident's driver's license until all taxes and fees or titling and**  
24 **registration are paid in full.**

25           **4. If during an investigation under this section the department finds no**  
26 **appropriate fees and taxes were paid when a motor vehicle was purchased, the owner**  
27 **shall pay all appropriate fees, taxes, and penalties to comply with Missouri law.**

28           **5. Notwithstanding the provisions of this section, upon making a record of the**  
29 **department's actions, and upon reasonable cause shown, the director may waive or**  
30 **reduce any penalty imposed under this section.**

31           **6. All revenues received from fines collected under this section for failing to**  
32 **properly title or register a motor vehicle shall be deposited into the county school fund**  
33 **and distributed as provided under section 166.131.**

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