

SECOND REGULAR SESSION

SENATE BILL NO. 969

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOFFER.

Read 1st time January 30, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4853S.011

AN ACT

To repeal sections 301.055, 301.057, 301.058, 301.070, 301.130, 301.144, 301.560, 311.326, and 430.082, RSMo, and to enact in lieu thereof nine new sections relating to the regulation of motor vehicles, with an effective date for certain sections.

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

Section A. Sections 301.055, 301.057, 301.058, 301.070, 301.130, 301.144, 301.560, 311.326, and 430.082, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 301.055, 301.057, 301.058, 301.130, 301.144, 301.560, 301.2998, 311.326, and 430.082, to read as follows:

301.055. The annual registration fee for **passenger** motor vehicles [other than commercial motor vehicles is:

1	Less than 12 horsepower	\$18.00
2	12 horsepower and less than 24 horsepower	21.00
3	24 horsepower and less than 36 horsepower	24.00
4	36 horsepower and less than 48 horsepower	33.00
5	48 horsepower and less than 60 horsepower	39.00
6	60 horsepower and less than 72 horsepower	45.00
7	72 horsepower and more 51.00] shall be	26.25
8	Motorcycles	8.50
9	Motortricycles	10.00

301.057. The annual registration fee for property-carrying commercial motor vehicles, not including property-carrying local commercial motor vehicles, or land improvement contractors' commercial motor vehicles, based on gross weight is:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5	[6,000 pounds and under	\$ 25.50
6	6,001 pounds to 9,000 pounds	38.00
7	9,001 pounds to 12,000 pounds	38.00]
8	12,000 pounds and under	26.25
9	12,001 pounds to 18,000 pounds	63.00
10	18,001 pounds to [24,000 pounds	100.50
11	24,001 pounds to] 26,000 pounds	127.00
12	26,001 pounds to [30,000 pounds	180.00
13	30,001 pounds to] 36,000 pounds	275.50
14	36,001 pounds to 42,000 pounds	413.00
15	42,001 pounds to 48,000 pounds	550.50
16	48,001 pounds to 54,000 pounds	688.00
17	54,001 pounds to 60,010 pounds	25.50
18	60,011 pounds to [66,000 pounds	1,100.50
19	66,001 pounds to 73,280 pounds	1,375.50
20	73,281 pounds to 78,000 pounds	1650.50
21	78,001 pounds to] 80,000 pounds	1,719.50

301.058. 1. The annual registration fee for property-carrying local commercial motor vehicles, other than a land improvement contractors' commercial motor vehicles, based on gross weight is:

4	[6,000 pounds and under	\$15.50
5	6,001 pounds to 12,000 pounds	18.00]
6	12,001 pounds to 18,000 pounds	20.50
7	18,001 pounds to [24,000 pounds	27.50
8	24,001 pounds to] 26,000 pounds	33.50
9	26,001 pounds to [30,000 pounds	45.50
10	30,001 pounds to] 36,000 pounds	67.50
11	36,001 pounds to 42,000 pounds	100.50
12	42,001 pounds to 48,000 pounds	135.50
13	48,001 pounds to 54,000 pounds	170.50
14	54,001 pounds to 60,010 pounds	200.50
15	60,011 pounds to [6,000 pounds	270.50
16	66,001 pounds to 72,000 pounds	335.50
17	72,001 pounds to] 80,000 pounds	350.50

2. Any person found to have improperly registered a motor vehicle in excess of fifty-four thousand pounds when he or she was not entitled to shall be

20 required to purchase the proper license plates and, in addition to all other
21 penalties provided by law, shall be subject to the annual registration fee for the
22 full calendar year for the vehicle's gross weight as prescribed in section 301.057.

301.130. 1. The director of revenue, upon receipt of a proper application
2 for registration, required fees and any other information which may be required
3 by law, shall issue to the applicant a certificate of registration in such manner
4 and form as the director of revenue may prescribe and a set of license plates, or
5 other evidence of registration, as provided by this section. Each set of license
6 plates shall bear the name or abbreviated name of this state, the words
7 "SHOW-ME STATE", the month and year in which the registration shall expire,
8 and an arrangement of numbers or letters, or both, as shall be assigned from year
9 to year by the director of revenue. The plates shall also contain fully reflective
10 material with a common color scheme and design for each type of license plate
11 issued pursuant to this chapter. The plates shall be clearly visible at night, and
12 shall be aesthetically attractive. Special plates for qualified disabled veterans
13 will have the "DISABLED VETERAN" wording on the license plates in preference
14 to the words "SHOW-ME STATE" and special plates for members of the national
15 guard will have the "NATIONAL GUARD" wording in preference to the words
16 "SHOW-ME STATE".

17 2. The arrangement of letters and numbers of license plates shall be
18 uniform throughout each classification of registration. The director may provide
19 for the arrangement of the numbers in groups or otherwise, and for other
20 distinguishing marks on the plates.

21 3. All property-carrying commercial motor vehicles to be registered at a
22 gross weight in excess of twelve thousand pounds, all passenger-carrying
23 commercial motor vehicles, local transit buses, school buses, trailers, semitrailers,
24 motorcycles, motortricycles, motorscooters and driveaway vehicles shall be
25 registered with the director of revenue as provided for in subsection 3 of section
26 301.030, or with the state highways and transportation commission as otherwise
27 provided in this chapter, but only one license plate shall be issued for each such
28 vehicle except as provided in this subsection. The applicant for registration of
29 any property-carrying commercial motor vehicle may request and be issued two
30 license plates for such vehicle, and if such plates are issued the director of
31 revenue may assess and collect an additional charge from the applicant in an
32 amount not to exceed the fee prescribed for personalized license plates in
33 subsection 1 of section 301.144.

34 4. The plates issued to manufacturers and dealers shall bear the [letter
35 "D" preceding the number,] **letters and numbers as prescribed by section**
36 **301.560**, and the director may place upon the plates other letters or marks to
37 distinguish commercial motor vehicles and trailers and other types of motor
38 vehicles.

39 5. No motor vehicle or trailer shall be operated on any highway of this
40 state unless it shall have displayed thereon the license plate or set of license
41 plates issued by the director of revenue or the state highways and transportation
42 commission and authorized by section 301.140. Each such plate shall be securely
43 fastened to the motor vehicle in a manner so that all parts thereof shall be
44 plainly visible and reasonably clean so that the reflective qualities thereof are not
45 impaired. License plates shall be fastened to all motor vehicles except trucks,
46 tractors, truck tractors or truck-tractors licensed in excess of twelve thousand
47 pounds on the front and rear of such vehicles not less than eight nor more than
48 forty-eight inches above the ground, with the letters and numbers thereon right
49 side up. The license plates on trailers, motorcycles, motortricycles and
50 motorscooters shall be displayed on the rear of such vehicles, with the letters and
51 numbers thereon right side up. The license plate on buses, other than school
52 buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess
53 of twelve thousand pounds shall be displayed on the front of such vehicles not
54 less than eight nor more than forty-eight inches above the ground, with the
55 letters and numbers thereon right side up or if two plates are issued for the
56 vehicle pursuant to subsection 3 of this section, displayed in the same manner on
57 the front and rear of such vehicles. The license plate or plates authorized by
58 section 301.140, when properly attached, shall be prima facie evidence that the
59 required fees have been paid.

60 6. (1) The director of revenue shall issue annually or biennially a tab or
61 set of tabs as provided by law as evidence of the annual payment of registration
62 fees and the current registration of a vehicle in lieu of the set of
63 plates. Beginning January 1, 2010, the director may prescribe any additional
64 information recorded on the tab or tabs to ensure that the tab or tabs positively
65 correlate with the license plate or plates issued by the department of revenue for
66 such vehicle. Such tabs shall be produced in each license bureau office.

67 (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and
68 display such tab or tabs in the designated area of the license plate, no more than
69 one per plate.

70 (3) A tab or set of tabs issued by the director of revenue when attached
71 to a vehicle in the prescribed manner shall be prima facie evidence that the
72 registration fee for such vehicle has been paid.

73 (4) Except as otherwise provided in this section, the director of revenue
74 shall issue plates for a period of at least six years.

75 (5) For those commercial motor vehicles and trailers registered pursuant
76 to section 301.041, the plate issued by the highways and transportation
77 commission shall be a permanent nonexpiring license plate for which no tabs
78 shall be issued. Nothing in this section shall relieve the owner of any vehicle
79 permanently registered pursuant to this section from the obligation to pay the
80 annual registration fee due for the vehicle. The permanent nonexpiring license
81 plate shall be returned to the highways and transportation commission upon the
82 sale or disposal of the vehicle by the owner to whom the permanent nonexpiring
83 license plate is issued, or the plate may be transferred to a replacement
84 commercial motor vehicle when the owner files a supplemental application with
85 the Missouri highways and transportation commission for the registration of such
86 replacement commercial motor vehicle. Upon payment of the annual registration
87 fee, the highways and transportation commission shall issue a certificate of
88 registration or other suitable evidence of payment of the annual fee, and such
89 evidence of payment shall be carried at all times in the vehicle for which it is
90 issued.

91 (6) Upon the sale or disposal of any vehicle permanently registered under
92 this section, or upon the termination of a lease of any such vehicle, the permanent
93 nonexpiring plate issued for such vehicle shall be returned to the highways and
94 transportation commission and shall not be valid for operation of such vehicle, or
95 the plate may be transferred to a replacement vehicle when the owner files a
96 supplemental application with the Missouri highways and transportation
97 commission for the registration of such replacement vehicle. If a vehicle which
98 is permanently registered under this section is sold, wrecked or otherwise
99 disposed of, or the lease terminated, the registrant shall be given credit for any
100 unused portion of the annual registration fee when the vehicle is replaced by the
101 purchase or lease of another vehicle during the registration year.

102 7. The director of revenue and the highways and transportation
103 commission may prescribe rules and regulations for the effective administration
104 of this section. No rule or portion of a rule promulgated under the authority of
105 this section shall become effective unless it has been promulgated pursuant to the

106 provisions of section 536.024, RSMo.

107 8. Notwithstanding the provisions of any other law to the contrary, owners
108 of motor vehicles other than apportioned motor vehicles or commercial motor
109 vehicles licensed in excess of eighteen thousand pounds gross weight may apply
110 for special personalized license plates. Vehicles licensed for eighteen thousand
111 pounds that display special personalized license plates shall be subject to the
112 provisions of subsections 1 and 2 of section 301.030.

113 9. Commencing January 1, 2009, the director of revenue shall cause to be
114 reissued new license plates of such design as directed by the director consistent
115 with the terms, conditions, and provisions of this section and this
116 chapter. Except as otherwise provided in this section, in addition to all other fees
117 required by law, applicants for registration of vehicles with license plates that
118 expire between January 1, 2009, and December 31, 2011, applicants for
119 registration of trailers or semitrailers with license plates that expire between
120 January 1, 2009, and December 31, 2011, and applicants for registration of
121 vehicles that are to be issued new license plates shall pay an additional fee, based
122 on the actual cost of the reissuance, to cover the cost of the newly reissued plates
123 required by this subsection. The additional fee prescribed in this subsection shall
124 not be charged to persons receiving special license plates issued under section
125 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to
126 section 301.131 and specialized license plates are exempt from the provisions of
127 this subsection.

301.144. 1. The director of revenue shall establish and issue special
2 personalized license plates containing letters or numbers or combinations of
3 letters and numbers. Such license plates shall be made with fully reflective
4 material with a common color scheme and design, shall be clearly visible at night,
5 and shall be aesthetically attractive, as prescribed by section 301.130. Any
6 person desiring to obtain a special personalized license plate for any motor
7 vehicle the person owns, either solely or jointly, other than an apportioned motor
8 vehicle or a commercial motor vehicle licensed in excess of eighteen thousand
9 pounds gross weight shall apply to the director of revenue on a form provided by
10 the director and shall pay a fee of fifteen dollars in addition to the regular
11 registration fees. The director of revenue shall issue rules and regulations
12 setting the standards and establishing the procedure for application for and
13 issuance of the special personalized license plates and shall provide a deadline
14 each year for the applications. Any rule or portion of a rule, as that term is

15 defined in section 536.010, RSMo, that is created under the authority delegated
16 in this section shall become effective only if it complies with and is subject to all
17 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
18 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
19 powers vested with the general assembly pursuant to chapter 536, RSMo, to
20 review, to delay the effective date or to disapprove and annul a rule are
21 subsequently held unconstitutional, then the grant of rulemaking authority and
22 any rule proposed or adopted after August 28, 2001, shall be invalid and void. No
23 two owners shall be issued identical plates. An owner shall make a new
24 application and pay a new fee each year such owner desires to obtain or retain
25 special personalized license plates; however, notwithstanding the provisions of
26 subsection 8 of section 301.130 to the contrary, the director shall allow the special
27 personalized license plates to be replaced with new plates every three years
28 without any additional charge, above the fee established in this section, to the
29 renewal applicant. Any person currently in possession of an approved
30 personalized license plate shall have first priority on that particular plate for
31 each of the following years that timely and appropriate application is made.

32 2. Upon application for a personalized plate by the owner of a motor
33 vehicle for which the owner has no registration plate available for transfer as
34 prescribed by section 301.140, the director shall issue a temporary permit
35 authorizing the operation of the motor vehicle until the personalized plate is
36 issued.

37 3. No personalized license plates shall be issued containing any letters,
38 numbers or combination of letters and numbers which are obscene, profane,
39 patently offensive or contemptuous of a racial or ethnic group, or offensive to good
40 taste or decency, or would present an unreasonable danger to the health or safety
41 of the applicant, of other users of streets and highways, or of the public in any
42 location where the vehicle with such a plate may be found. The director may
43 recall any personalized license plates, including those issued prior to August 28,
44 1992, if the director determines that the plates are obscene, profane, patently
45 offensive or contemptuous of a racial or ethnic group, or offensive to good taste
46 or decency, or would present an unreasonable danger to the health or safety of
47 the applicant, of other users of streets and highways, or of the public in any
48 location where the vehicle with such a plate may be found. Where the director
49 recalls such plates pursuant to the provisions of this subsection, the director shall
50 reissue personalized license plates to the owner of the motor vehicle for which

51 they were issued at no charge, if the new plates proposed by the owner of the
52 motor vehicle meet the standards established pursuant to this section. The
53 director shall not apply the provisions of this statute in a way that violates the
54 Missouri or United States Constitutions as interpreted by the courts with
55 controlling authority in the state of Missouri. The primary purpose of motor
56 vehicle licence plates is to identify motor vehicles. Nothing in the issuance of a
57 personalized license plate creates a designated or limited public forum. Nothing
58 contained in this subsection shall be interpreted to prohibit the use of license
59 plates, which are no longer valid for registration purposes, as collector's items or
60 for decorative purposes.

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

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

85 6. Notwithstanding any other provision to the contrary, any business that
86 repossesses motor vehicles or trailers and sells or otherwise disposes of them

87 shall be issued a placard displaying the word "Repossessed", provided such
88 business pays the fees presently required of a manufacturer, distributor, or dealer
89 in subsection 1 of section [301.253] **301.560**. Such placard shall bear a number
90 and shall be in such form as the director of revenue shall determine, and shall be
91 only used for demonstrations when displayed substantially as provided for
92 number plates on the rear of the motor vehicle or trailer.

93 7. Notwithstanding any provision of law to the contrary, any person who
94 has retired from any branch of the United States armed forces or reserves, the
95 United States Coast Guard or reserve, the United States Merchant Marines or
96 reserve, the National Guard, or any subdivision of any such services shall be
97 exempt from the additional fee required for personalized license plates issued
98 pursuant to section 301.441. As used in this subsection, "retired" means having
99 served twenty or more years in the appropriate branch of service and having
100 received an honorable discharge.

301.560. 1. In addition to the application forms prescribed by the
2 department, each applicant shall submit the following to the department:

3 (1) Every application other than a renewal application for a motor vehicle
4 franchise dealer shall include a certification that the applicant has a bona fide
5 established place of business. When the application is being made for licensure
6 as a manufacturer, motor vehicle dealer, wholesale motor vehicle dealer,
7 wholesale motor vehicle auction or a public motor vehicle auction, certification
8 shall be performed by a uniformed member of the Missouri state highway patrol
9 stationed in the troop area in which the applicant's place of business is located;
10 except, that in counties of the first classification, certification may be performed
11 by an officer of a metropolitan police department when the applicant's established
12 place of business of distributing or selling motor vehicles or trailers is in the
13 metropolitan area where the certifying metropolitan police officer is
14 employed. When the application is being made for licensure as a boat
15 manufacturer or boat dealer, certification shall be performed by a uniformed
16 member of the Missouri state water patrol stationed in the district area in which
17 the applicant's place of business is located or by a uniformed member of the
18 Missouri state highway patrol stationed in the troop area in which the applicant's
19 place of business is located or, if the applicant's place of business is located
20 within the jurisdiction of a metropolitan police department in a first class county,
21 by an officer of such metropolitan police department. A bona fide established
22 place of business for any new motor vehicle franchise dealer or used motor vehicle

23 dealer shall include a permanent enclosed building or structure, either owned in
24 fee or leased and actually occupied as a place of business by the applicant for the
25 selling, bartering, trading or exchanging of motor vehicles or trailers and wherein
26 the public may contact the owner or operator at any reasonable time, and wherein
27 shall be kept and maintained the books, records, files and other matters required
28 and necessary to conduct the business. The applicant's place of business shall
29 contain a working telephone which shall be maintained during the entire
30 registration year. In order to qualify as a bona fide established place of business
31 for all applicants licensed pursuant to this section there shall be an exterior sign
32 displayed carrying the name of the business set forth in letters at least six inches
33 in height and clearly visible to the public and there shall be an area or lot which
34 shall not be a public street on which one or more vehicles may be displayed,
35 except when licensure is for a wholesale motor vehicle dealer, a lot and sign shall
36 not be required. The sign shall contain the name of the dealership by which it
37 is known to the public through advertising or otherwise, which need not be
38 identical to the name appearing on the dealership's license so long as such name
39 is registered as a fictitious name with the secretary of state, has been approved
40 by its line-make manufacturer in writing in the case of a new motor vehicle
41 franchise dealer and a copy of such fictitious name registration has been provided
42 to the department. When licensure is for a boat dealer, a lot shall not be
43 required. In the case of new motor vehicle franchise dealers, the bona fide
44 established place of business shall include adequate facilities, tools and personnel
45 necessary to properly service and repair motor vehicles and trailers under their
46 franchisor's warranty;

47 (2) If the application is for licensure as a manufacturer, boat
48 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer,
49 wholesale motor vehicle auction, boat dealer or a public motor vehicle auction, a
50 photograph, not to exceed eight inches by ten inches, showing the business
51 building and sign shall accompany the initial application. In the case of a
52 manufacturer, new motor vehicle franchise dealer or used motor vehicle dealer,
53 the photograph shall include the lot of the business. A new motor vehicle
54 franchise dealer applicant who has purchased a currently licensed new motor
55 vehicle franchised dealership shall be allowed to submit a photograph of the
56 existing dealership building, lot and sign but shall be required to submit a new
57 photograph upon the installation of the new dealership sign as required by
58 sections 301.550 to 301.573. Applicants shall not be required to submit a

59 photograph annually unless the business has moved from its previously licensed
60 location, or unless the name of the business or address has changed, or unless the
61 class of business has changed;

62 (3) If the application is for licensure as a wholesale motor vehicle dealer
63 or as a boat dealer, the application shall contain the business address, not a post
64 office box, and telephone number of the place where the books, records, files and
65 other matters required and necessary to conduct the business are located and
66 where the same may be inspected during normal daytime business
67 hours. Wholesale motor vehicle dealers and boat dealers shall file reports as
68 required of new franchised motor vehicle dealers and used motor vehicle dealers;

69 (4) Every applicant as a new motor vehicle franchise dealer, a used motor
70 vehicle dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with
71 the application a corporate surety bond or an irrevocable letter of credit as
72 defined in section 400.5-103, RSMo, issued by any state or federal financial
73 institution in the penal sum of twenty-five thousand dollars on a form approved
74 by the department. The bond or irrevocable letter of credit shall be conditioned
75 upon the dealer complying with the provisions of the statutes applicable to new
76 motor vehicle franchise dealers, used motor vehicle dealers, wholesale motor
77 vehicle dealers and boat dealers, and the bond shall be an indemnity for any loss
78 sustained by reason of the acts of the person bonded when such acts constitute
79 grounds for the suspension or revocation of the dealer's license. The bond shall
80 be executed in the name of the state of Missouri for the benefit of all aggrieved
81 parties or the irrevocable letter of credit shall name the state of Missouri as the
82 beneficiary; except, that the aggregate liability of the surety or financial
83 institution to the aggrieved parties shall, in no event, exceed the amount of the
84 bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter
85 of credit shall be paid upon receipt by the department of a final judgment from
86 a Missouri court of competent jurisdiction against the principal and in favor of
87 an aggrieved party;

88 (5) Payment of all necessary license fees as established by the
89 department. In establishing the amount of the annual license fees, the
90 department shall, as near as possible, produce sufficient total income to offset
91 operational expenses of the department relating to the administration of sections
92 301.550 to 301.573. All fees payable pursuant to the provisions of sections
93 301.550 to 301.573, other than those fees collected for the issuance of dealer
94 plates or certificates of number collected pursuant to subsection 6 of this section,

95 shall be collected by the department for deposit in the state treasury to the credit
 96 of the "Motor Vehicle Commission Fund", which is hereby created. The motor
 97 vehicle commission fund shall be administered by the Missouri department of
 98 revenue. The provisions of section 33.080, RSMo, to the contrary
 99 notwithstanding, money in such fund shall not be transferred and placed to the
 100 credit of the general revenue fund until the amount in the motor vehicle
 101 commission fund at the end of the biennium exceeds two times the amount of the
 102 appropriation from such fund for the preceding fiscal year or, if the department
 103 requires permit renewal less frequently than yearly, then three times the
 104 appropriation from such fund for the preceding fiscal year. The amount, if any,
 105 in the fund which shall lapse is that amount in the fund which exceeds the
 106 multiple of the appropriation from such fund for the preceding fiscal year.

107 2. In the event a new manufacturer, boat manufacturer, motor vehicle
 108 dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle
 109 auction or a public motor vehicle auction submits an application for a license for
 110 a new business and the applicant has complied with all the provisions of this
 111 section, the department shall make a decision to grant or deny the license to the
 112 applicant within eight working hours after receipt of the dealer's application,
 113 notwithstanding any rule of the department.

114 3. Upon the initial issuance of a license by the department, the
 115 department shall assign a distinctive dealer license number or certificate of
 116 number to the applicant and the department shall issue one number plate or
 117 certificate bearing the distinctive dealer license number or certificate of number
 118 within eight working hours after presentment of the application. Upon the
 119 renewal of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer,
 120 public motor vehicle auction, wholesale motor vehicle dealer or wholesale motor
 121 vehicle auction, the department shall issue the distinctive dealer license number
 122 or certificate of number as quickly as possible. The issuance of such distinctive
 123 dealer license number or certificate of number shall be in lieu of registering each
 124 motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat
 125 manufacturer, manufacturer, public motor vehicle auction, wholesale motor
 126 vehicle dealer, wholesale motor vehicle auction or motor vehicle dealer.

127 4. Notwithstanding any other provision of the law to the contrary, the
 128 department shall assign the following distinctive dealer license numbers to:
 129 New motor vehicle franchise dealers D-0 through D-999
 130 [New motor vehicle franchise and commercial

131	motor vehicle dealers	D-1000 through D-1999]
132	Used motor vehicle and trailer dealers	D-2000 through D-5399
133		and D-6000 through D-9999
134	Wholesale motor vehicle dealers	W-1000 through W-1999
135	Wholesale motor vehicle auctions	W-2000 through W-2999
136	[Trailer dealers	T-0 through T-9999
137	Motor vehicle and trailer manufacturers	M-0 through M-9999]
138	Motorcycle dealers	D-5400 through D-5999
139	Public motor vehicle auctions	A-1000 through A-1999
140	Boat dealers and boat manufacturers	[B] M-0 through [B] M-9999

141 5. Upon the sale of a currently licensed new motor vehicle franchise
 142 dealership the department shall, upon request, authorize the new approved dealer
 143 applicant to retain the selling dealer's license number and shall cause the new
 144 dealer's records to indicate such transfer.

145 6. In the case of manufacturers and motor vehicle dealers, the department
 146 shall also issue one number plate bearing the distinctive dealer license number
 147 to the applicant upon payment by the manufacturer or dealer of a fifty dollar
 148 fee. Such license plates shall be made with fully reflective material with a
 149 common color scheme and design, shall be clearly visible at night, and shall be
 150 aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat
 151 manufacturers shall be entitled to one certificate of number bearing such number
 152 upon the payment of a fifty dollar fee. As many additional number plates as may
 153 be desired by manufacturers and motor vehicle dealers and as many additional
 154 certificates of number as may be desired by boat dealers and boat manufacturers
 155 may be obtained upon payment of a fee of ten dollars and fifty cents for each
 156 additional plate or certificate. A motor vehicle dealer, boat dealer, manufacturer,
 157 boat manufacturer, public motor vehicle auction, wholesale motor vehicle dealer
 158 or wholesale motor vehicle auction obtaining a dealer license plate or certificate
 159 of number or additional license plate or additional certificate of number,
 160 throughout the calendar year, shall be required to pay a fee for such license
 161 plates or certificates of number computed on the basis of one-twelfth of the full
 162 fee prescribed for the original and duplicate number plates or certificates of
 163 number for such dealers' licenses, multiplied by the number of months remaining
 164 in the licensing period for which the dealer or manufacturers shall be required
 165 to be licensed. In the event of a renewing dealer, the fee due at the time of
 166 renewal shall not be prorated.

167 7. The plates issued pursuant to subsection 3 or 6 of this section may be
168 displayed on any motor vehicle owned and held for resale by the motor vehicle
169 dealer or manufacturer, and used by a customer who is test driving the motor
170 vehicle, or is used by an employee or officer, but shall not be displayed on any
171 motor vehicle or trailer hired or loaned to others or upon any regularly used
172 service or wrecker vehicle. Motor vehicle dealers may display their dealer plates
173 on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition.

174 8. The certificates of number issued pursuant to subsection 3 or 6 of this
175 section may be displayed on any vessel or vessel trailer owned and held for resale
176 by a boat manufacturer or a boat dealer, and used by a customer who is test
177 driving the vessel or vessel trailer, or is used by an employee or officer, but shall
178 not be displayed on any vessel or vessel trailer hired or loaned to others or upon
179 any regularly used service vessel or vessel trailer. Boat dealers and
180 manufacturers may display their certificate of number on a vessel or vessel trailer
181 which is being transported to an exhibit or show.

**301.2998. Notwithstanding any other provisions of this chapter,
2 which establishes the issuance of a specialty plate, if no applications
3 for such plate have been received within five years from the effective
4 date of the section authorizing the plate, then the department of
5 revenue no longer will be required to accept applications and issue
6 such plate.**

311.326. After a period of not less than one year, or upon reaching the age
2 of twenty-one, whichever occurs first, a person who has pleaded guilty to or has
3 been found guilty of violating section 311.325 for the first time, and who since
4 such conviction has not been convicted of any other alcohol-related offense, may
5 apply to the court in which he or she was sentenced for an order to expunge all
6 official records of his or her arrest, plea, trial and conviction. **No records shall
7 be expunged if the person who has plead guilty to or has been found
8 guilty of violating section 311.325 is licensed as a commercial motor
9 vehicle driver or was operating a commercial motor vehicle as defined
10 in section 302.700, RSMo, at the time of the violation.** If the court
11 determines, upon review, that such person has not been convicted of any other
12 alcohol-related offense at the time of the application for expungement, and the
13 person has had no other alcohol-related enforcement contacts, as defined in
14 section 302.525, RSMo, the court shall enter an order of expungement. The effect
15 of such an order shall be to restore such person to the status he or she occupied

16 prior to such arrest, plea or conviction, as if such event had never happened. No
17 person as to whom such order has been entered shall be held thereafter under
18 any provision of any law to be guilty of perjury or otherwise giving a false
19 statement by reason of his or her failure to recite or acknowledge such arrest,
20 plea, trial, conviction or expungement in response to any inquiry made of him or
21 her for any purpose whatsoever. A person shall be entitled to only one
22 expungement pursuant to this section. Nothing contained in this section shall
23 prevent courts or other state officials from maintaining such records as are
24 necessary to ensure that an individual receives only one expungement pursuant
25 to this section.

430.082. 1. Every person expending labor, services, skill or material upon
2 any motor vehicle or trailer, as defined in chapter 301, RSMo, vessel, as defined
3 in chapter 306, RSMo, outboard motor or aircraft at a written request of its
4 owner, authorized agent of the owner, or person in lawful possession thereof, or
5 who provides storage for a motor vehicle, trailer, outboard motor or vessel, at the
6 written request of its owner, authorized agent of the owner, or person in lawful
7 possession thereof, or at the written request of a peace officer in lieu of the owner
8 or owner's agent, where such owner or agent is not available to request storage
9 thereof, shall, where the maximum amount to be charged for labor, services, skill
10 or material has been stated as part of the written request or the daily charge for
11 storage has been stated as part of the written request, have a lien upon the
12 chattel beginning upon the date of commencement of the expenditure of labor,
13 services, skill, materials or storage for the actual value of all the expenditure of
14 labor, services, skill, materials or storage until the possession of that chattel is
15 voluntarily relinquished to the owner, authorized agent, or one entitled to
16 possession thereof. The person furnishing labor, services, skill or material may
17 retain the lien after surrendering possession of the aircraft or part or equipment
18 thereof by filing a statement in the office of the county recorder of the county
19 where the owner of the aircraft or part or equipment thereof resides, if known to
20 the claimant, and in the office of the county recorder of the county where the
21 claimant performed the services. Such statement shall be filed within thirty days
22 after surrendering possession of the aircraft or part or equipment thereof and
23 shall state the claimant's name and address, the items on account, the name of
24 the owner and a description of the property, and shall not bind a bona fide
25 purchaser unless the lien has also been filed with the Federal Aviation
26 Administration Aircraft Registry.

27 2. If the chattel is not redeemed within three months of the completion
28 of the requested labor, services, skill or material, the lienholder may apply to the
29 director of revenue for a certificate of ownership or certificate of title.

30 3. If the charges are for storage or the service of towing the motor vehicle,
31 trailer, outboard motor or vessel, and the chattel has not been redeemed three
32 months after the charges for storage commenced, the lienholder shall notify by
33 certified mail, postage prepaid, the owner and any lienholders of record other
34 than the person making the notification, at the person's last known address that
35 application for a lien title will be made unless the owner or lienholder within
36 forty-five days makes satisfactory arrangements with the person holding the
37 chattel for payment of storage or service towing charges, if any, or makes
38 satisfactory arrangements with the lienholder for paying such charges or for
39 continued storage of the chattel if desired. Forty-five days after the notification
40 has been mailed and the chattel is unredeemed **or the notice has been**
41 **returned marked "not forwardable" or "addressee unknown"** and no
42 satisfactory arrangement has been made with the lienholder for payment or
43 continued storage, the lienholder may apply to the director of revenue for a
44 certificate of ownership or certificate of title as provided in this section.

45 4. The application shall be accompanied by:

46 (1) The original or a conformed or photostatic copy of the written request
47 of the owner or the owner's agent or of a peace officer with the maximum amount
48 to be charged stated therein;

49 (2) An affidavit [of the] **from the lienholder that written notice was**
50 **provided to all owners and lienholders of the applicants intent to apply**
51 **for a certificate of ownership and** that the owner has defaulted on payment
52 of labor, services, skill or material and that payment is three months past due,
53 or that owner has defaulted on payment or has failed to make satisfactory
54 arrangements for continued storage of the chattel for forty-five days since
55 notification of intent to make application for a certificate of ownership or
56 certificate of title. **The affidavit shall be accompanied by a copy of the**
57 **forty-five day notice given by certified mail to any owner and person**
58 **holding a valid security interest and a copy of the certified mail receipt**
59 **indicating that the owner and lienholder of record was sent a notice as**
60 **required in this section;**

61 (3) A statement of the actual value of the expenditure of labor, services,
62 skill or material, or the amount of storage due on the date of application for a

63 certificate of ownership or certificate of title, and the amount which is unpaid;
64 and

65 (4) A fee of ten dollars.

66 5. If the director is satisfied with the genuineness of the application and
67 supporting documents, [the director shall notify by certified mail, postage
68 prepaid, the owner and any lienholders of record, other than the applicant, at
69 their last known address that application has been made for a lien title on the
70 chattel.

71 6. Thirty days after notification of the owner and lienholders,] **and** if no
72 lienholder or the owner has redeemed the chattel or no satisfactory arrangement
73 has been made concerning payment or continuation of storage [and the
74 application has not been withdrawn], and if no owner or lienholder has informed
75 the director that the owner or lienholder demands a hearing [and enforcement of
76 the lien] as provided in **this** section [430.160], the director shall issue, in the
77 same manner as a repossessed title is issued, a certificate of ownership or
78 certificate of title to the applicant which shall clearly be captioned "Lien Title".

79 **6. The owner or lienholder of any motor vehicle or trailer, as**
80 **defined in chapter 301, RSMo, vessel, as defined in chapter 306, RSMo,**
81 **outboard motor, or aircraft may file a petition in the associate circuit**
82 **court in the county where the motor vehicle, trailer, vessel, outboard**
83 **motor, or aircraft is stored to determine if the motor vehicle, trailer,**
84 **vessel, outboard motor, or aircraft was wrongfully taken or withheld**
85 **from the owner. The petition shall name the person expending labor,**
86 **services, skill, or material among the defendants. The director of**
87 **revenue shall not be a party to such petition, but a copy of the petition**
88 **shall be served on the director of revenue, who shall not issue title to**
89 **such motor vehicle, trailer, vessel, outboard motor, or aircraft under**
90 **this section until the petition is finally decided.**

91 7. Upon receipt of a lien title, the holder shall within ten days begin
92 proceedings to sell the chattel as prescribed in section 430.100.

93 8. The provisions of section 430.110 shall apply to the disposition of
94 proceeds, and the lienholder shall also be entitled to any actual and necessary
95 expenses incurred in obtaining the lien title, including, but not limited to, court
96 costs and reasonable attorney's fees.

[301.070. 1. In determining fees based on the horsepower
2 of vehicles propelled by internal combustion engines, the horsepower shall be

3 computed and recorded upon the following formula established by the National
4 Automobile Chamber of Commerce: Square the bore of the cylinder in inches
5 multiplied by the number of cylinders, divided by two and one-half.

6 2. The horsepower of all motor vehicles propelled by steam
7 may be accepted as rated by the manufacturers thereof, or may be
8 determined in accordance with regulations promulgated by the
9 director.

10 3. The horsepower of all motor vehicles, except commercial
11 motor vehicles, propelled by electric power, shall be rated as being
12 between twelve and twenty-four horsepower.

13 4. Fees of commercial motor vehicles, other than
14 passenger-carrying commercial motor vehicles, shall be based on
15 the gross weight of the vehicle or any combination of vehicles and
16 the maximum load to be carried at any one time during the license
17 period, except the fee for a wrecker, tow truck, rollback or car
18 carrier used in a towing service shall be based on the empty weight
19 of such vehicle fully equipped for the recovery or towing of vehicles.

20 5. The decision of the director as to the type of motor
21 vehicles and their classification for the purpose of registration and
22 the computation of fees therefor shall be final and conclusive.]

Section B. The repeal and reenactment of sections 301.055, 301.057, and
2 301.058 shall become effective July 1, 2007. The repeal of section 301.070 shall
3 be effective July 1, 2007.

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