

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1002
98TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, Infrastructure and Public Safety, May 5, 2015, with recommendation that the Senate Committee Substitute do pass.

2237S.05C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 301.010, 301.067, 301.130, 301.140, 301.142, 301.190, 301.196, 301.227, 301.562, and 407.581, RSMo, and to enact in lieu thereof eleven new sections relating to motor vehicles, with existing penalty provisions.

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

Section A. Sections 301.010, 301.067, 301.130, 301.140, 301.142, 301.190, 301.196, 301.227, 301.562, and 407.581, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 301.010, 301.067, 301.130, 301.140, 301.142, 301.190, 301.196, 301.213, 301.227, 301.562, and 301.644, 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 which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

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

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

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

14 (5) "Body shop", a business that repairs physical damage on motor
15 vehicles that are not owned by the shop or its officers or employees by mending,
16 straightening, replacing body parts, or painting;

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

19 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used
20 for carrying freight and merchandise, or more than eight passengers but not
21 including vanpools or shuttle buses;

22 (8) "Cotton trailer", a trailer designed and used exclusively for
23 transporting cotton at speeds less than forty miles per hour from field to field or
24 from field to market and return;

25 (9) "Dealer", any person, firm, corporation, association, agent or subagent
26 engaged in the sale or exchange of new, used or reconstructed motor vehicles or
27 trailers;

28 (10) "Director" or "director of revenue", the director of the department of
29 revenue;

30 (11) "Driveaway operation":

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

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

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

46 (12) "Dromedary", a box, deck, or plate mounted behind the cab and
47 forward of the fifth wheel on the frame of the power unit of a truck
48 tractor-semitrailer combination. A truck tractor equipped with a dromedary may
49 carry part of a load when operating independently or in a combination with a

50 semitrailer;

51 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

52 (14) "Fleet", any group of ten or more motor vehicles owned by the same
53 owner;

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

55 (16) "Fullmount", a vehicle mounted completely on the frame of either the
56 first or last vehicle in a saddlemount combination;

57 (17) "Gross weight", the weight of vehicle and/or vehicle combination
58 without load, plus the weight of any load thereon;

59 (18) "Hail-damaged vehicle", any vehicle, the body of which has become
60 dented as the result of the impact of hail;

61 (19) "Highway", any public thoroughfare for vehicles, including state
62 roads, county roads and public streets, avenues, boulevards, parkways or alleys
63 in any municipality;

64 (20) "Improved highway", a highway which has been paved with gravel,
65 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall
66 have a hard, smooth surface;

67 (21) "Intersecting highway", any highway which joins another, whether
68 or not it crosses the same;

69 (22) "Junk vehicle", a vehicle which:

70 **(a)** Is incapable of operation or use upon the highways and has no resale
71 value except as a source of parts or scrap[, and shall not be titled or registered];
72 **or**

73 **(b) Has been designated as junk or a substantially equivalent**
74 **designation by this state or any other state;**

75 (23) "Kit vehicle", a motor vehicle assembled by a person other than a
76 generally recognized manufacturer of motor vehicles by the use of a glider kit or
77 replica purchased from an authorized manufacturer and accompanied by a
78 manufacturer's statement of origin;

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

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

86 (b) An area that extends not more than a radius of fifty miles from its
87 home base of operations when transporting its owner's machinery, equipment, or
88 auxiliary supplies to or from projects not involving soil and water
89 conservation. Nothing in this subdivision shall be construed to prevent any motor
90 vehicle from being registered as a commercial motor vehicle or local commercial
91 motor vehicle;

92 (25) "Local commercial motor vehicle", a commercial motor vehicle whose
93 operations are confined solely to a municipality and that area extending not more
94 than fifty miles therefrom, or a commercial motor vehicle whose property-carrying
95 operations are confined solely to the transportation of property owned by any
96 person who is the owner or operator of such vehicle to or from a farm owned by
97 such person or under the person's control by virtue of a landlord and tenant lease;
98 provided that any such property transported to any such farm is for use in the
99 operation of such farm;

100 (26) "Local log truck", a commercial motor vehicle which is registered
101 pursuant to this chapter to operate as a motor vehicle on the public highways of
102 this state, used exclusively in this state, used to transport harvested forest
103 products, operated solely at a forested site and in an area extending not more
104 than a one hundred-mile radius from such site, carries a load with dimensions not
105 in excess of twenty-five cubic yards per two axles with dual wheels, and when
106 operated on the national system of interstate and defense highways described in
107 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed
108 the weight limits of section 304.180, does not have more than four axles, and does
109 not pull a trailer which has more than two axles. Harvesting equipment which
110 is used specifically for cutting, felling, trimming, delimiting, debarking, chipping,
111 skidding, loading, unloading, and stacking may be transported on a local log
112 truck. A local log truck may not exceed the limits required by law, however, if
113 the truck does exceed such limits as determined by the inspecting officer, then
114 notwithstanding any other provisions of law to the contrary, such truck shall be
115 subject to the weight limits required by such sections as licensed for eighty
116 thousand pounds;

117 (27) "Local log truck tractor", a commercial motor vehicle which is
118 registered under this chapter to operate as a motor vehicle on the public
119 highways of this state, used exclusively in this state, used to transport harvested
120 forest products, operated solely at a forested site and in an area extending not
121 more than a one hundred-mile radius from such site, operates with a weight not

122 exceeding twenty-two thousand four hundred pounds on one axle or with a weight
123 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and
124 when operated on the national system of interstate and defense highways
125 described in Title 23, Section 103(e) of the United States Code, such vehicle does
126 not exceed the weight limits contained in section 304.180, and does not have more
127 than three axles and does not pull a trailer which has more than two
128 axles. Violations of axle weight limitations shall be subject to the load limit
129 penalty as described for in sections 304.180 to 304.220;

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

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

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

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

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

149 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively
150 upon tracks, except farm tractors;

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

154 (a) Offered for hire or lease; or

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

156 (35) "Motorcycle", a motor vehicle operated on two wheels;

157 (36) "Motorized bicycle", any two-wheeled or three-wheeled device having

158 an automatic transmission and a motor with a cylinder capacity of not more than
159 fifty cubic centimeters, which produces less than three gross brake horsepower,
160 and is capable of propelling the device at a maximum speed of not more than
161 thirty miles per hour on level ground;

162 (37) "Motortricycle", a motor vehicle operated on three wheels, including
163 a motorcycle while operated with any conveyance, temporary or otherwise,
164 requiring the use of a third wheel. A motortricycle shall not be included in the
165 definition of all-terrain vehicle;

166 (38) "Municipality", any city, town or village, whether incorporated or not;

167 (39) "Nonresident", a resident of a state or country other than the state
168 of Missouri;

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

171 (41) "Operator", any person who operates or drives a motor vehicle;

172 (42) "Owner", any person, firm, corporation or association, who holds the
173 legal title to a vehicle or in the event a vehicle is the subject of an agreement for
174 the conditional sale or lease thereof with the right of purchase upon performance
175 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
177 of a vehicle is entitled to possession, then such conditional vendee or lessee or
178 mortgagor shall be deemed the owner for the purpose of this law;

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

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

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

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

194 motor vehicle from being registered as a commercial motor vehicle if the motor
195 vehicle could otherwise be so registered;

196 (47) "Recreational off-highway vehicle", any motorized vehicle
197 manufactured and used exclusively for off-highway use which is more than fifty
198 inches but no more than sixty-seven inches in width, with an unladen dry weight
199 of two thousand pounds or less, traveling on four or more nonhighway tires and
200 which may have access to ATV trails;

201 (48) "Rollback or car carrier", any vehicle specifically designed to
202 transport wrecked, disabled or otherwise inoperable vehicles, when the
203 transportation is directly connected to a wrecker or towing service;

204 (49) "Saddlemount combination", a combination of vehicles in which a
205 truck or truck tractor tows one or more trucks or truck tractors, each connected
206 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"
207 is a mechanism that connects the front axle of the towed vehicle to the frame or
208 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
209 connection. When two vehicles are towed in this manner the combination is
210 called a "double saddlemount combination". When three vehicles are towed in
211 this manner, the combination is called a "triple saddlemount combination";

212 (50) "Salvage dealer and dismantler", a business that dismantles used
213 motor vehicles for the sale of the parts thereof, and buys and sells used motor
214 vehicle parts and accessories;

215 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

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

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

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

228 (e) Is abandoned property which is titled pursuant to section 304.155 or
229 section 304.157 and designated with the words "salvage/abandoned

230 property". The total cost of repairs to rebuild or reconstruct the vehicle shall not
231 include the cost of repairing, replacing, or reinstalling inflatable safety restraints,
232 tires, sound systems, or damage as a result of hail, or any sales tax on parts or
233 materials to rebuild or reconstruct the vehicle. For purposes of this definition,
234 "fair market value" means the retail value of a motor vehicle as:

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

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

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

244 (52) "School bus", any motor vehicle used solely to transport students to
245 or from school or to transport students to or from any place for educational
246 purposes;

247 (53) "Scrap processor", a business that, through the use of fixed or mobile
248 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle
249 parts for processing or transportation to a shredder or scrap metal operator for
250 recycling;

251 (54) "Shuttle bus", a motor vehicle used or maintained by any person,
252 firm, or corporation as an incidental service to transport patrons or customers of
253 the regular business of such person, firm, or corporation to and from the place of
254 business of the person, firm, or corporation providing the service at no fee or
255 charge. Shuttle buses shall not be registered as buses or as commercial motor
256 vehicles;

257 (55) "Special mobile equipment", every self-propelled vehicle not designed
258 or used primarily for the transportation of persons or property and incidentally
259 operated or moved over the highways, including farm equipment, implements of
260 husbandry, road construction or maintenance machinery, ditch-digging apparatus,
261 stone crushers, air compressors, power shovels, cranes, graders, rollers,
262 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,
263 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
264 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag
265 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This

266 enumeration shall be deemed partial and shall not operate to exclude other such
267 vehicles which are within the general terms of this section;

268 (56) "Specially constructed motor vehicle", a motor vehicle which shall not
269 have been originally constructed under a distinctive name, make, model or type
270 by a manufacturer of motor vehicles. The term specially constructed motor
271 vehicle includes kit vehicles;

272 (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the
273 fifth wheel is located on a drop frame located behind and below the rearmost axle
274 of the power unit;

275 (58) "Tandem axle", a group of two or more axles, arranged one behind
276 another, the distance between the extremes of which is more than forty inches
277 and not more than ninety-six inches apart;

278 (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor
279 vehicle designed for drawing other vehicles, but not for the carriage of any load
280 when operating independently. When attached to a semitrailer, it supports a part
281 of the weight thereof;

282 (60) "Trailer", any vehicle without motive power designed for carrying
283 property or passengers on its own structure and for being drawn by a
284 self-propelled vehicle, except those running exclusively on tracks, including a
285 semitrailer or vehicle of the trailer type so designed and used in conjunction with
286 a self-propelled vehicle that a considerable part of its own weight rests upon and
287 is carried by the towing vehicle. The term "trailer" shall not include cotton
288 trailers as defined in subdivision (8) of this section and shall not include
289 manufactured homes as defined in section 700.010;

290 (61) "Truck", a motor vehicle designed, used, or maintained for the
291 transportation of property;

292 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in
293 which the two trailing units are connected with a B-train assembly which is a
294 rigid frame extension attached to the rear frame of a first semitrailer which
295 allows for a fifth-wheel connection point for the second semitrailer and has one
296 less articulation point than the conventional A-dolly connected truck-tractor
297 semitrailer-trailer combination;

298 (63) "Truck-trailer boat transporter combination", a boat transporter
299 combination consisting of a straight truck towing a trailer using typically a ball
300 and socket connection with the trailer axle located substantially at the trailer
301 center of gravity rather than the rear of the trailer but so as to maintain a

302 downward force on the trailer tongue;

303 (64) "Used parts dealer", a business that buys and sells used motor vehicle
304 parts or accessories, but not including a business that sells only new,
305 remanufactured or rebuilt parts. "Business" does not include isolated sales at a
306 swap meet of less than three days;

307 (65) "Utility vehicle", any motorized vehicle manufactured and used
308 exclusively for off-highway use which is more than fifty inches but no more than
309 sixty-seven inches in width, with an unladen dry weight of two thousand pounds
310 or less, traveling on four or six wheels, to be used primarily for landscaping, lawn
311 care, or maintenance purposes;

312 (66) "Vanpool", any van or other motor vehicle used or maintained by any
313 person, group, firm, corporation, association, city, county or state agency, or any
314 member thereof, for the transportation of not less than eight nor more than
315 forty-eight employees, per motor vehicle, to and from their place of employment;
316 however, a vanpool shall not be included in the definition of the term bus or
317 commercial motor vehicle as defined by subdivisions (6) and (7) of this section,
318 nor shall a vanpool driver be deemed a chauffeur as that term is defined by
319 section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements,
320 recreational, personal, or maintenance uses constitute an unlicensed use of the
321 motor vehicle, unless used for monetary profit other than for use in a ride-sharing
322 arrangement;

323 (67) "Vehicle", any mechanical device on wheels, designed primarily for
324 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn
325 by horses or human power, or vehicles used exclusively on fixed rails or tracks,
326 or cotton trailers or motorized wheelchairs operated by handicapped persons;

327 (68) "Wrecker" or "tow truck", any emergency commercial vehicle
328 equipped, designed and used to assist or render aid and transport or tow disabled
329 or wrecked vehicles from a highway, road, street or highway rights-of-way to a
330 point of storage or repair, including towing a replacement vehicle to replace a
331 disabled or wrecked vehicle;

332 (69) "Wrecker or towing service", the act of transporting, towing or
333 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not
334 owned by the operator of the wrecker, tow truck, rollback or car carrier for which
335 the operator directly or indirectly receives compensation or other personal gain.

301.067. 1. For each trailer or semitrailer there shall be paid an annual
2 fee of seven dollars fifty cents, and in addition thereto such permit fee authorized

3 by law against trailers used in combination with tractors operated under the
4 supervision of the [motor carrier and railroad safety division] **highways and**
5 **transportation commission** of the department of [economic development]
6 **transportation**. The fees for tractors used in any combination with trailers or
7 semitrailers or both trailers and semitrailers (other than on passenger-carrying
8 trailers or semitrailers) shall be computed on the total gross weight of the
9 vehicles in the combination with load.

10 2. Any trailer or semitrailer may at the option of the registrant be
11 registered for a period of three years upon payment of a registration fee of
12 twenty-two dollars and fifty cents.

13 3. Any trailer as defined in section 301.010 or semitrailer [which is
14 operated coupled to a towing vehicle by a fifth wheel and kingpin assembly or by
15 a trailer converter dolly] may, at the option of the registrant, be registered
16 permanently upon the payment of a registration fee of fifty-two dollars and fifty
17 cents. The permanent plate and registration fee is vehicle specific. The plate and
18 the registration fee paid is nontransferable and nonrefundable, except those
19 covered under the provisions of section 301.442.

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 vehicle registered at a gross weight in excess
30 of twelve thousand pounds may request and be issued two license plates for such
31 vehicle, and if such plates are issued, the director of revenue shall provide for
32 distinguishing marks on the plates indicating one plate is for the front and the
33 other is for the rear of such vehicle. The director may assess and collect an
34 additional charge from the applicant in an amount not to exceed the fee
35 prescribed for personalized license plates in subsection 1 of section 301.144.

36 4. The plates issued to manufacturers and dealers shall bear the letters
37 and numbers as prescribed by section 301.560, and the director may place upon
38 the plates other letters or marks to distinguish commercial motor vehicles and
39 trailers and other types of motor vehicles.

40 5. No motor vehicle or trailer shall be operated on any highway of this
41 state unless it shall have displayed thereon the license plate or set of license
42 plates issued by the director of revenue or the state highways and transportation
43 commission and authorized by section 301.140. Each such plate shall be securely
44 fastened to the motor vehicle or trailer in a manner so that all parts thereof shall
45 be plainly visible and reasonably clean so that the reflective qualities thereof are
46 not impaired. Each such plate may be encased in a transparent cover so long as
47 the plate is plainly visible and its reflective qualities are not impaired. License
48 plates shall be fastened to all motor vehicles except trucks, tractors, truck
49 tractors or truck-tractors licensed in excess of twelve thousand pounds on the
50 front and rear of such vehicles not less than eight nor more than forty-eight
51 inches above the ground, with the letters and numbers thereon right side up. The
52 license plates on trailers, motorcycles, motortricycles and motorscooters shall be
53 displayed on the rear of such vehicles, [with the letters and numbers thereon
54 right side up] **and may be mounted with the letters and numbers thereon**
55 **right side up or mounted vertically on the left rear of such motor**

56 **vehicles so long as the plate is plainly visible.** The license plate on buses,
57 other than school buses, and on trucks, tractors, truck tractors or truck-tractors
58 licensed in excess of twelve thousand pounds shall be displayed on the front of
59 such vehicles not less than eight nor more than forty-eight inches above the
60 ground, with the letters and numbers thereon right side up or if two plates are
61 issued for the vehicle pursuant to subsection 3 of this section, displayed in the
62 same manner on the front and rear of such vehicles. The license plate or plates
63 authorized by section 301.140, when properly attached, shall be prima facie
64 evidence that the required fees have been paid.

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

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

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

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

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

92 fee, the highways and transportation commission shall issue a certificate of
93 registration or other suitable evidence of payment of the annual fee, and such
94 evidence of payment shall be carried at all times in the vehicle for which it is
95 issued.

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

107 7. The director of revenue and the highways and transportation
108 commission may prescribe rules and regulations for the effective administration
109 of this section. No rule or portion of a rule promulgated under the authority of
110 this section shall become effective unless it has been promulgated pursuant to the
111 provisions of section 536.024.

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

118 9. No later than January 1, 2009, the director of revenue shall commence
119 the reissuance of new license plates of such design as directed by the director
120 consistent with the terms, conditions, and provisions of this section and this
121 chapter. Except as otherwise provided in this section, in addition to all other fees
122 required by law, applicants for registration of vehicles with license plates that
123 expire during the period of reissuance, applicants for registration of trailers or
124 semitrailers with license plates that expire during the period of reissuance and
125 applicants for registration of vehicles that are to be issued new license plates
126 during the period of reissuance shall pay the cost of the plates required by this
127 subsection. The additional cost prescribed in this subsection shall not be charged

128 to persons receiving special license plates issued under section 301.073 or
129 301.443. Historic motor vehicle license plates registered pursuant to section
130 301.131 and specialized license plates are exempt from the provisions of this
131 subsection. Except for new, replacement, and transfer applications, permanent
132 nonexpiring license plates issued to commercial motor vehicles and trailers
133 registered under section 301.041 are exempt from the provisions of this
134 subsection.

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer,
2 the certificate of registration and the right to use the number plates shall expire
3 and the number plates shall be removed by the owner at the time of the transfer
4 of possession, and it shall be unlawful for any person other than the person to
5 whom such number plates were originally issued to have the same in his or her
6 possession whether in use or not, unless such possession is solely for charitable
7 purposes; except that the buyer of a motor vehicle or trailer who trades in a motor
8 vehicle or trailer may attach the license plates from the traded-in motor vehicle
9 or trailer to the newly purchased motor vehicle or trailer. The operation of a
10 motor vehicle with such transferred plates shall be lawful for no more than thirty
11 days, **or no more than ninety days if the dealer is selling the motor**
12 **vehicle under the provisions of section 301.213.** As used in this subsection,
13 the term "trade-in motor vehicle or trailer" shall include any single motor vehicle
14 or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as
15 the license plates for the trade-in motor vehicle or trailer are still valid.

16 2. In the case of a transfer of ownership the original owner may register
17 another motor vehicle under the same number, upon the payment of a fee of two
18 dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a
19 passenger-carrying commercial motor vehicle) seating capacity, not in excess of
20 that originally registered. When such motor vehicle is of greater horsepower,
21 gross weight or (in the case of a passenger-carrying commercial motor vehicle)
22 seating capacity, for which a greater fee is prescribed, applicant shall pay a
23 transfer fee of two dollars and a pro rata portion for the difference in fees. When
24 such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying
25 commercial motor vehicle) seating capacity, for which a lesser fee is prescribed,
26 applicant shall not be entitled to a refund.

27 3. License plates may be transferred from a motor vehicle which will no
28 longer be operated to a newly purchased motor vehicle by the owner of such
29 vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased

30 vehicle is of horsepower, gross weight or (in the case of a passenger-carrying
31 commercial motor vehicle) seating capacity, not in excess of that of the vehicle
32 which will no longer be operated. When the newly purchased motor vehicle is of
33 greater horsepower, gross weight or (in the case of a passenger-carrying
34 commercial motor vehicle) seating capacity, for which a greater fee is prescribed,
35 the applicant shall pay a transfer fee of two dollars and a pro rata portion of the
36 difference in fees. When the newly purchased vehicle is of less horsepower, gross
37 weight or (in the case of a passenger-carrying commercial motor vehicle) seating
38 capacity, for which a lesser fee is prescribed, the applicant shall not be entitled
39 to a refund.

40 4. The director of the department of revenue shall have authority to
41 produce or allow others to produce a weather resistant, nontearing temporary
42 permit authorizing the operation of a motor vehicle or trailer by a buyer for not
43 more than thirty days, **or no more than ninety days if issued by a dealer**
44 **selling the motor vehicle under the provisions of section 301.213**, from
45 the date of purchase. The temporary permit authorized under this section may
46 be purchased by the purchaser of a motor vehicle or trailer from the central office
47 of the department of revenue or from an authorized agent of the department of
48 revenue upon proof of purchase of a motor vehicle or trailer for which the buyer
49 has no registration plate available for transfer and upon proof of financial
50 responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle
51 or trailer for which the buyer has no registration plate available for transfer, or
52 from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which
53 the buyer has registered and is awaiting receipt of registration plates. The
54 director of the department of revenue or a producer authorized by the director of
55 the department of revenue may make temporary permits available to registered
56 dealers in this state, authorized agents of the department of revenue or the
57 department of revenue. The price paid by a motor vehicle dealer, an authorized
58 agent of the department of revenue or the department of revenue for a temporary
59 permit shall not exceed five dollars for each permit. The director of the
60 department of revenue shall direct motor vehicle dealers and authorized agents
61 to obtain temporary permits from an authorized producer. Amounts received by
62 the director of the department of revenue for temporary permits shall constitute
63 state revenue; however, amounts received by an authorized producer other than
64 the director of the department of revenue shall not constitute state revenue and
65 any amounts received by motor vehicle dealers or authorized agents for temporary

66 permits purchased from a producer other than the director of the department of
67 revenue shall not constitute state revenue. In no event shall revenues from the
68 general revenue fund or any other state fund be utilized to compensate motor
69 vehicle dealers or other producers for their role in producing temporary permits
70 as authorized under this section. Amounts that do not constitute state revenue
71 under this section shall also not constitute fees for registration or certificates of
72 title to be collected by the director of the department of revenue under section
73 301.190. No motor vehicle dealer, authorized agent or the department of revenue
74 shall charge more than five dollars for each permit issued. The permit shall be
75 valid for a period of thirty days, **or no more than ninety days if issued by**
76 **a dealer selling the motor vehicle under the provisions of section**
77 **301.213**, from the date of purchase of a motor vehicle or trailer, or from the date
78 of sale of the motor vehicle or trailer by a motor vehicle dealer for which the
79 purchaser obtains a permit as set out above. No permit shall be issued for a
80 vehicle under this section unless the buyer shows proof of financial
81 responsibility. Each temporary permit issued shall be securely fastened to the
82 back or rear of the motor vehicle in a manner and place on the motor vehicle
83 consistent with registration plates so that all parts and qualities of the temporary
84 permit thereof shall be plainly and clearly visible, reasonably clean and are not
85 impaired in any way.

86 5. The permit shall be issued on a form prescribed by the director of the
87 department of revenue and issued only for the applicant's temporary operation
88 of the motor vehicle or trailer purchased to enable the applicant to temporarily
89 operate the motor vehicle while proper title and registration plates are being
90 obtained, or while awaiting receipt of registration plates, and shall be displayed
91 on no other motor vehicle. Temporary permits issued pursuant to this section
92 shall not be transferable or renewable and shall not be valid upon issuance of
93 proper registration plates for the motor vehicle or trailer. The director of the
94 department of revenue shall determine the size, material, design, numbering
95 configuration, construction, and color of the permit. The director of the
96 department of revenue, at his or her discretion, shall have the authority to
97 reissue, and thereby extend the use of, a temporary permit previously and legally
98 issued for a motor vehicle or trailer while proper title and registration are being
99 obtained.

100 6. Every motor vehicle dealer that issues temporary permits shall keep,
101 for inspection by proper officers, an accurate record of each permit issued by

102 recording the permit number, the motor vehicle dealer's number, buyer's name
103 and address, the motor vehicle's year, make, and manufacturer's vehicle
104 identification number, and the permit's date of issuance and expiration
105 date. Upon the issuance of a temporary permit by either the central office of the
106 department of revenue, a motor vehicle dealer or an authorized agent of the
107 department of revenue, the director of the department of revenue shall make the
108 information associated with the issued temporary permit immediately available
109 to the law enforcement community of the state of Missouri.

110 7. Upon the transfer of ownership of any currently registered motor
111 vehicle wherein the owner cannot transfer the license plates due to a change of
112 motor vehicle category, the owner may surrender the license plates issued to the
113 motor vehicle and receive credit for any unused portion of the original
114 registration fee against the registration fee of another motor vehicle. Such credit
115 shall be granted based upon the date the license plates are surrendered. No
116 refunds shall be made on the unused portion of any license plates surrendered for
117 such credit.

118 8. The provisions of subsections 4, 5, and 6 of this section shall expire
119 July 1, 2019.

120 9. An additional temporary license plate produced in a manner and of
121 materials determined by the director to be the most cost-effective means of
122 production with a configuration that matches an existing or newly issued plate
123 may be purchased by a motor vehicle owner to be placed in the interior of the
124 vehicle's rear window such that the driver's view out of the rear window is not
125 obstructed and the plate configuration is clearly visible from the outside of the
126 vehicle to serve as the visible plate when a bicycle rack or other item obstructs
127 the view of the actual plate. Such temporary plate is only authorized for use
128 when the matching actual plate is affixed to the vehicle in the manner prescribed
129 in subsection 5 of section 301.130. The fee charged for the temporary plate shall
130 be equal to the fee charged for a temporary permit issued under subsection 4 of
131 this section. Replacement temporary plates authorized in this subsection may be
132 issued as needed upon the payment of a fee equal to the fee charged for a
133 temporary permit under subsection 4 of this section. The newly produced third
134 plate may only be used on the vehicle with the matching plate, and the additional
135 plate shall be clearly recognizable as a third plate and only used for the purpose
136 specified in this subsection.

137 10. Notwithstanding the provisions of section [~~301.127~~] **301.217**, the

138 director may issue a temporary permit to an individual who possesses a salvage
139 motor vehicle which requires an inspection under subsection 9 of section
140 301.190. The operation of a salvage motor vehicle for which the permit has been
141 issued shall be limited to the most direct route from the residence, maintenance,
142 or storage facility of the individual in possession of such motor vehicle to the
143 nearest authorized inspection facility and return to the originating
144 location. Notwithstanding any other requirements for the issuance of a
145 temporary permit under this section, an individual obtaining a temporary permit
146 for the purpose of operating a motor vehicle to and from an examination facility
147 as prescribed in this subsection shall also purchase the required motor vehicle
148 examination form which is required to be completed for an examination under
149 subsection 9 of section 301.190 and provide satisfactory evidence that such vehicle
150 has passed a motor vehicle safety inspection for such vehicle as required in
151 section 307.350.

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

162 12. The repeal and reenactment of this section shall become effective on
163 the date the department of revenue or a producer authorized by the director of
164 the department of revenue begins producing temporary permits described in
165 subsection 4 of such section, or on July 1, 2013, whichever occurs first. If the
166 director of revenue or a producer authorized by the director of the department of
167 revenue begins producing temporary permits prior to July 1, 2013, the director
168 of the department of revenue shall notify the revisor of statutes of such fact.

301.142. 1. As used in sections 301.141 to 301.143, the following terms
2 mean:

- 3 (1) "Department", the department of revenue;
- 4 (2) "Director", the director of the department of revenue;
- 5 (3) "Other authorized health care practitioner" includes advanced practice

6 registered nurses licensed pursuant to chapter 335, physician assistants licensed
7 pursuant to chapter 334, chiropractors licensed pursuant to chapter 331,
8 podiatrists licensed pursuant to chapter 330, **physical therapists licensed**
9 **pursuant to chapter 334** and optometrists licensed pursuant to chapter 336;

10 (4) "Physically disabled", a natural person who is blind, as defined in
11 section 8.700, or a natural person with medical disabilities which prohibits,
12 limits, or severely impairs one's ability to ambulate or walk, as determined by a
13 licensed physician or other authorized health care practitioner as follows:

14 (a) The person cannot ambulate or walk fifty or less feet without stopping
15 to rest due to a severe and disabling arthritic, neurological, orthopedic condition,
16 or other severe and disabling condition; or

17 (b) The person cannot ambulate or walk without the use of, or assistance
18 from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other
19 assistive device; or

20 (c) Is restricted by a respiratory or other disease to such an extent that
21 the person's forced respiratory expiratory volume for one second, when measured
22 by spirometry, is less than one liter, or the arterial oxygen tension is less than
23 sixty mm/hg on room air at rest; or

24 (d) Uses portable oxygen; or

25 (e) Has a cardiac condition to the extent that the person's functional
26 limitations are classified in severity as class III or class IV according to standards
27 set by the American Heart Association; or

28 (f) A person's age, in and of itself, shall not be a factor in determining
29 whether such person is physically disabled or is otherwise entitled to disabled
30 license plates and/or disabled windshield hanging placards within the meaning
31 of sections 301.141 to 301.143;

32 (5) "Physician", a person licensed to practice medicine pursuant to chapter
33 334;

34 (6) "Physician's statement", a statement personally signed by a duly
35 authorized person which certifies that a person is disabled as defined in this
36 section;

37 (7) "Temporarily disabled person", a disabled person as defined in this
38 section whose disability or incapacity is expected to last no more than one
39 hundred eighty days;

40 (8) "Temporary windshield placard", a placard to be issued to persons who
41 are temporarily disabled persons as defined in this section, certification of which

42 shall be indicated on the physician's statement;

43 (9) "Windshield placard", a placard to be issued to persons who are
44 physically disabled as defined in this section, certification of which shall be
45 indicated on the physician's statement.

46 2. Other authorized health care practitioners may furnish to a disabled
47 or temporarily disabled person a physician's statement for only those physical
48 health care conditions for which such health care practitioner is legally
49 authorized to diagnose and treat.

50 3. A physician's statement shall:

51 (1) Be on a form prescribed by the director of revenue;

52 (2) Set forth the specific diagnosis and medical condition which renders
53 the person physically disabled or temporarily disabled as defined in this section;

54 (3) Include the physician's or other authorized health care practitioner's
55 license number; and

56 (4) Be personally signed by the issuing physician or other authorized
57 health care practitioner.

58 4. If it is the professional opinion of the physician or other authorized
59 health care practitioner issuing the statement that the physical disability of the
60 applicant, user, or member of the applicant's household is permanent, it shall be
61 noted on the statement. Otherwise, the physician or other authorized health care
62 practitioner shall note on the statement the anticipated length of the disability
63 which period may not exceed one hundred eighty days. If the physician or health
64 care practitioner fails to record an expiration date on the physician's statement,
65 the director shall issue a temporary windshield placard for a period of thirty
66 days.

67 5. A physician or other authorized health care practitioner who issues or
68 signs a physician's statement so that disabled plates or a disabled windshield
69 placard may be obtained shall maintain in such disabled person's medical chart
70 documentation that such a certificate has been issued, the date the statement was
71 signed, the diagnosis or condition which existed that qualified the person as
72 disabled pursuant to this section and shall contain sufficient documentation so
73 as to objectively confirm that such condition exists.

74 6. The medical or other records of the physician or other authorized
75 health care practitioner who issued a physician's statement shall be open to
76 inspection and review by such practitioner's licensing board, in order to verify
77 compliance with this section. Information contained within such records shall be

78 confidential unless required for prosecution, disciplinary purposes, or otherwise
79 required to be disclosed by law.

80 7. Owners of motor vehicles who are residents of the state of Missouri,
81 and who are physically disabled, owners of motor vehicles operated at least fifty
82 percent of the time by a physically disabled person, or owners of motor vehicles
83 used to primarily transport physically disabled members of the owner's household
84 may obtain disabled person license plates. Such owners, upon application,
85 accompanied by the documents and fees provided for in this section, a current
86 physician's statement which has been issued within ninety days preceding the
87 date the application is made and proof of compliance with the state motor vehicle
88 laws relating to registration and licensing of motor vehicles, shall be issued
89 motor vehicle license plates for vehicles, other than commercial vehicles with a
90 gross weight in excess of twenty-four thousand pounds, upon which shall be
91 inscribed the international wheelchair accessibility symbol and the word
92 "DISABLED" in addition to a combination of letters and numbers. Such license
93 plates shall be made with fully reflective material with a common color scheme
94 and design, shall be clearly visible at night, and shall be aesthetically attractive,
95 as prescribed by section 301.130.

96 8. The director shall further issue, upon request, to such applicant one,
97 and for good cause shown, as the director may define by rule and regulations, not
98 more than two, removable disabled windshield hanging placards for use when the
99 disabled person is occupying a vehicle or when a vehicle not bearing the
100 permanent handicap plate is being used to pick up, deliver, or collect the
101 physically disabled person issued the disabled motor vehicle license plate or
102 disabled windshield hanging placard.

103 9. No additional fee shall be paid to the director for the issuance of the
104 special license plates provided in this section, except for special personalized
105 license plates and other license plates described in this subsection. Priority for
106 any specific set of special license plates shall be given to the applicant who
107 received the number in the immediately preceding license period subject to the
108 applicant's compliance with the provisions of this section and any applicable rules
109 or regulations issued by the director. If determined feasible by the advisory
110 committee established in section 301.129, any special license plate issued
111 pursuant to this section may be adapted to also include the international
112 wheelchair accessibility symbol and the word "DISABLED" as prescribed in this
113 section and such plate may be issued to any applicant who meets the

114 requirements of this section and the other appropriate provision of this chapter,
115 subject to the requirements and fees of the appropriate provision of this chapter.

116 10. Any physically disabled person, or the parent or guardian of any such
117 person, or any not-for-profit group, organization, or other entity which transports
118 more than one physically disabled person, may apply to the director of revenue
119 for a removable windshield placard. The placard may be used in motor vehicles
120 which do not bear the permanent handicap symbol on the license plate. Such
121 placards must be hung from the front, middle rearview mirror of a parked motor
122 vehicle and may not be hung from the mirror during operation. These placards
123 may only be used during the period of time when the vehicle is being used by a
124 disabled person, or when the vehicle is being used to pick up, deliver, or collect
125 a disabled person. When there is no rearview mirror, the placard shall be
126 displayed on the dashboard on the driver's side.

127 11. The removable windshield placard shall conform to the specifications,
128 in respect to size, color, and content, as set forth in federal regulations published
129 by the Department of Transportation. The removable windshield placard shall
130 be renewed every four years. The director may stagger the expiration dates to
131 equalize workload. Only one removable placard may be issued to an applicant
132 who has been issued disabled person license plates. Upon request, one additional
133 windshield placard may be issued to an applicant who has not been issued
134 disabled person license plates.

135 12. A temporary windshield placard shall be issued to any physically
136 disabled person, or the parent or guardian of any such person who otherwise
137 qualifies except that the physical disability, in the opinion of the physician, is not
138 expected to exceed a period of one hundred eighty days. The temporary
139 windshield placard shall conform to the specifications, in respect to size, color,
140 and content, as set forth in federal regulations published by the Department of
141 Transportation. The fee for the temporary windshield placard shall be two
142 dollars. Upon request, and for good cause shown, one additional temporary
143 windshield placard may be issued to an applicant. Temporary windshield
144 placards shall be issued upon presentation of the physician's statement provided
145 by this section and shall be displayed in the same manner as removable
146 windshield placards. A person or entity shall be qualified to possess and display
147 a temporary removable windshield placard for six months and the placard may
148 be renewed once for an additional six months if a physician's statement pursuant
149 to this section is supplied to the director of revenue at the time of renewal.

150 13. Application for license plates or windshield placards issued pursuant
151 to this section shall be made to the director of revenue and shall be accompanied
152 by a statement signed by a licensed physician or other authorized health care
153 practitioner which certifies that the applicant, user, or member of the applicant's
154 household is a physically disabled person as defined by this section.

155 14. The placard shall be renewable only by the person or entity to which
156 the placard was originally issued. Any placard issued pursuant to this section
157 shall only be used when the physically disabled occupant for whom the disabled
158 plate or placard was issued is in the motor vehicle at the time of parking or when
159 a physically disabled person is being delivered or collected. A disabled license
160 plate and/or a removable windshield hanging placard are not transferable and
161 may not be used by any other person whether disabled or not.

162 15. At the time the disabled plates or windshield hanging placards are
163 issued, the director shall issue a registration certificate which shall include the
164 applicant's name, address, and other identifying information as prescribed by the
165 director, or if issued to an agency, such agency's name and address. This
166 certificate shall further contain the disabled license plate number or, for
167 windshield hanging placards, the registration or identifying number stamped on
168 the placard. The validated registration receipt given to the applicant shall serve
169 as the registration certificate.

170 16. The director shall, upon issuing any disabled registration certificate
171 for license plates and/or windshield hanging placards, provide information which
172 explains that such plates or windshield hanging placards are nontransferable,
173 and the restrictions explaining who and when a person or vehicle which bears or
174 has the disabled plates or windshield hanging placards may be used or be parked
175 in a disabled reserved parking space, and the penalties prescribed for violations
176 of the provisions of this act.

177 17. Every new applicant for a disabled license plate or placard shall be
178 required to present a new physician's statement dated no more than ninety days
179 prior to such application. Renewal applicants will be required to submit a
180 physician's statement dated no more than ninety days prior to such application
181 upon their first renewal occurring on or after August 1, 2005. Upon completing
182 subsequent renewal applications, a physician's statement dated no more than
183 ninety days prior to such application shall be required every fourth year. Such
184 physician's statement shall state the expiration date for the temporary windshield
185 placard. If the physician fails to record an expiration date on the physician's

186 statement, the director shall issue the temporary windshield placard for a period
187 of thirty days. The director may stagger the requirement of a physician's
188 statement on all renewals for the initial implementation of a four-year period.

189 18. The director of revenue upon receiving a physician's statement
190 pursuant to this subsection shall check with the state board of registration for the
191 healing arts created in section 334.120, or the Missouri state board of nursing
192 established in section 335.021, with respect to physician's statements signed by
193 advanced practice registered nurses, **or the advisory commission for**
194 **physical therapists established in section 334.625, with respect to**
195 **physician's statements signed by licensed physical therapists**, or the
196 Missouri state board of chiropractic examiners established in section 331.090,
197 with respect to physician's statements signed by licensed chiropractors, or with
198 the board of optometry established in section 336.130, with respect to physician's
199 statements signed by licensed optometrists, or the state board of podiatric
200 medicine created in section 330.100, with respect to physician's statements signed
201 by physicians of the foot or podiatrists to determine whether the physician is duly
202 licensed and registered pursuant to law. If such applicant obtaining a disabled
203 license plate or placard presents proof of disability in the form of a statement
204 from the United States Veterans' Administration verifying that the person is
205 permanently disabled, the applicant shall be exempt from the four-year
206 certification requirement of this subsection for renewal of the plate or
207 placard. Initial applications shall be accompanied by the physician's statement
208 required by this section. Notwithstanding the provisions of paragraph (f) of
209 subdivision (4) of subsection 1 of this section, any person seventy-five years of age
210 or older who provided the physician's statement with the original application
211 shall not be required to provide a physician's statement for the purpose of
212 renewal of disabled persons license plates or windshield placards.

213 19. The boards shall cooperate with the director and shall supply
214 information requested pursuant to this subsection. The director shall, in
215 cooperation with the boards which shall assist the director, establish a list of all
216 Missouri physicians and other authorized health care practitioners and of any
217 other information necessary to administer this section.

218 20. Where the owner's application is based on the fact that the vehicle is
219 used at least fifty percent of the time by a physically disabled person, the
220 applicant shall submit a statement stating this fact, in addition to the physician's
221 statement. The statement shall be signed by both the owner of the vehicle and

222 the physically disabled person. The applicant shall be required to submit this
223 statement with each application for license plates. No person shall willingly or
224 knowingly submit a false statement and any such false statement shall be
225 considered perjury and may be punishable pursuant to section 301.420.

226 21. The director of revenue shall retain all physicians' statements and all
227 other documents received in connection with a person's application for disabled
228 license plates and/or disabled windshield placards.

229 22. The director of revenue shall enter into reciprocity agreements with
230 other states or the federal government for the purpose of recognizing disabled
231 person license plates or windshield placards issued to physically disabled persons.

232 23. When a person to whom disabled person license plates or a removable
233 or temporary windshield placard or both have been issued dies, the personal
234 representative of the decedent or such other person who may come into or
235 otherwise take possession of the disabled license plates or disabled windshield
236 placard shall return the same to the director of revenue under penalty of
237 law. Failure to return such plates or placards shall constitute a class B
238 misdemeanor.

239 24. The director of revenue may order any person issued disabled person
240 license plates or windshield placards to submit to an examination by a
241 chiropractor, osteopath, or physician, or to such other investigation as will
242 determine whether such person qualifies for the special plates or placards.

243 25. If such person refuses to submit or is found to no longer qualify for
244 special plates or placards provided for in this section, the director of revenue
245 shall collect the special plates or placards, and shall furnish license plates to
246 replace the ones collected as provided by this chapter.

247 26. In the event a removable or temporary windshield placard is lost,
248 stolen, or mutilated, the lawful holder thereof shall, within five days, file with the
249 director of revenue an application and an affidavit stating such fact, in order to
250 purchase a new placard. The fee for the replacement windshield placard shall be
251 four dollars.

252 27. Fraudulent application, renewal, issuance, procurement or use of
253 disabled person license plates or windshield placards shall be a class A
254 misdemeanor. It is a class B misdemeanor for a physician, chiropractor,
255 podiatrist or optometrist to certify that an individual or family member is
256 qualified for a license plate or windshield placard based on a disability, the
257 diagnosis of which is outside their scope of practice or if there is no basis for the

258 diagnosis.

301.190. 1. No certificate of registration of any motor vehicle or trailer,
2 or number plate therefor, shall be issued by the director of revenue unless the
3 applicant therefor shall make application for and be granted a certificate of
4 ownership of such motor vehicle or trailer, or shall present satisfactory evidence
5 that such certificate has been previously issued to the applicant for such motor
6 vehicle or trailer. Application shall be made within thirty days after the
7 applicant acquires the motor vehicle or trailer, **unless the motor vehicle was**
8 **acquired under section 301.213 in which case the applicant shall make**
9 **application within thirty days after receiving title from the dealer,** upon
10 a blank form furnished by the director of revenue and shall contain the
11 applicant's identification number, a full description of the motor vehicle or trailer,
12 the vehicle identification number, and the mileage registered on the odometer at
13 the time of transfer of ownership, as required by section 407.536, together with
14 a statement of the applicant's source of title and of any liens or encumbrances on
15 the motor vehicle or trailer, provided that for good cause shown the director of
16 revenue may extend the period of time for making such application. When an
17 owner wants to add or delete a name or names on an application for certificate
18 of ownership of a motor vehicle or trailer that would cause it to be inconsistent
19 with the name or names listed on the notice of lien, the owner shall provide the
20 director with documentation evidencing the lienholder's authorization to add or
21 delete a name or names on an application for certificate of ownership.

22 2. The director of revenue shall use reasonable diligence in ascertaining
23 whether the facts stated in such application are true and shall, to the extent
24 possible without substantially delaying processing of the application, review any
25 odometer information pertaining to such motor vehicle that is accessible to the
26 director of revenue. If satisfied that the applicant is the lawful owner of such
27 motor vehicle or trailer, or otherwise entitled to have the same registered in his
28 name, the director shall thereupon issue an appropriate certificate over his
29 signature and sealed with the seal of his office, procured and used for such
30 purpose. The certificate shall contain on its face a complete description, vehicle
31 identification number, and other evidence of identification of the motor vehicle
32 or trailer, as the director of revenue may deem necessary, together with the
33 odometer information required to be put on the face of the certificate pursuant to
34 section 407.536, a statement of any liens or encumbrances which the application
35 may show to be thereon, and, if ownership of the vehicle has been transferred, the

36 name of the state issuing the transferor's title and whether the transferor's
37 odometer mileage statement executed pursuant to section 407.536 indicated that
38 the true mileage is materially different from the number of miles shown on the
39 odometer, or is unknown.

40 3. The director of revenue shall appropriately designate on the current
41 and all subsequent issues of the certificate the words "Reconstructed Motor
42 Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or
43 "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1,
44 1990, on all original and all subsequent issues of the certificate for motor vehicles
45 as referenced in subsections 2 and 3 of section 301.020, the director shall print
46 on the face thereof the following designation: "Annual odometer updates may be
47 available from the department of revenue.". On any duplicate certificate, the
48 director of revenue shall reprint on the face thereof the most recent of either:

49 (1) The mileage information included on the face of the immediately prior
50 certificate and the date of purchase or issuance of the immediately prior
51 certificate; or

52 (2) Any other mileage information provided to the director of revenue, and
53 the date the director obtained or recorded that information.

54 4. The certificate of ownership issued by the director of revenue shall be
55 manufactured in a manner to prohibit as nearly as possible the ability to alter,
56 counterfeit, duplicate, or forge such certificate without ready detection. In order
57 to carry out the requirements of this subsection, the director of revenue may
58 contract with a nonprofit scientific or educational institution specializing in the
59 analysis of secure documents to determine the most effective methods of
60 rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

61 5. The fee for each original certificate so issued shall be eight dollars and
62 fifty cents, in addition to the fee for registration of such motor vehicle or trailer.
63 If application for the certificate is not made within thirty days after the vehicle
64 is acquired by the applicant, **or where the motor vehicle was acquired**
65 **under section 301.213 and the applicant fails to make application**
66 **within thirty days after receiving title from the dealer**, a delinquency
67 penalty fee of twenty-five dollars for the first thirty days of delinquency and
68 twenty-five dollars for each thirty days of delinquency thereafter, not to exceed
69 a total of two hundred dollars, but such penalty may be waived by the director for
70 a good cause shown. If the director of revenue learns that any person has failed
71 to obtain a certificate within thirty days after acquiring a motor vehicle or trailer,

72 **or where the motor vehicle was acquired under section 301.213 and the**
73 **applicant fails to make application within thirty days after receiving**
74 **title from the dealer,** or has sold a vehicle without obtaining a certificate, he
75 shall cancel the registration of all vehicles registered in the name of the person,
76 either as sole owner or as a co-owner, and shall notify the person that the
77 cancellation will remain in force until the person pays the delinquency penalty
78 fee provided in this section, together with all fees, charges and payments which
79 the person should have paid in connection with the certificate of ownership and
80 registration of the vehicle. The certificate shall be good for the life of the motor
81 vehicle or trailer so long as the same is owned or held by the original holder of
82 the certificate and shall not have to be renewed annually.

83 6. Any applicant for a certificate of ownership requesting the department
84 of revenue to process an application for a certificate of ownership in an
85 expeditious manner requiring special handling shall pay a fee of five dollars in
86 addition to the regular certificate of ownership fee.

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

90 8. Before an original Missouri certificate of ownership is issued, an
91 inspection of the vehicle and a verification of vehicle identification numbers shall
92 be made by the Missouri state highway patrol on vehicles for which there is a
93 current title issued by another state if a Missouri salvage certificate of title has
94 been issued for the same vehicle but no prior inspection and verification has been
95 made in this state, except that if such vehicle has been inspected in another state
96 by a law enforcement officer in a manner comparable to the inspection process in
97 this state and the vehicle identification numbers have been so verified, the
98 applicant shall not be liable for the twenty-five dollar inspection fee if such
99 applicant submits proof of inspection and vehicle identification number
100 verification to the director of revenue at the time of the application. The
101 applicant, who has such a title for a vehicle on which no prior inspection and
102 verification have been made, shall pay a fee of twenty-five dollars for such
103 verification and inspection, payable to the director of revenue at the time of the
104 request for the application, which shall be deposited in the state treasury to the
105 credit of the state highways and transportation department fund.

106 9. Each application for an original Missouri certificate of ownership for
107 a vehicle which is classified as a reconstructed motor vehicle, specially

108 constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor
109 vehicle, or other vehicle as required by the director of revenue shall be
110 accompanied by a vehicle examination certificate issued by the Missouri state
111 highway patrol, or other law enforcement agency as authorized by the director of
112 revenue. The vehicle examination shall include a verification of vehicle
113 identification numbers and a determination of the classification of the
114 vehicle. The owner of a vehicle which requires a vehicle examination certificate
115 shall present the vehicle for examination and obtain a completed vehicle
116 examination certificate prior to submitting an application for a certificate of
117 ownership to the director of revenue. Notwithstanding any provision of the law
118 to the contrary, an owner presenting a motor vehicle which has been issued a
119 salvage title and which is ten years of age or older to a vehicle examination
120 described in this subsection in order to obtain a certificate of ownership with the
121 designation prior salvage motor vehicle shall not be required to repair or restore
122 the vehicle to its original appearance in order to pass or complete the vehicle
123 examination. The fee for the vehicle examination application shall be twenty-five
124 dollars and shall be collected by the director of revenue at the time of the request
125 for the application and shall be deposited in the state treasury to the credit of the
126 state highways and transportation department fund. If the vehicle is also to be
127 registered in Missouri, the safety inspection required in chapter 307 and the
128 emissions inspection required under chapter 643 shall be completed and the fees
129 required by section 307.365 and section 643.315 shall be charged to the owner.

130 10. When an application is made for an original Missouri certificate of
131 ownership for a motor vehicle previously registered or titled in a state other than
132 Missouri or as required by section 301.020, it shall be accompanied by a current
133 inspection form certified by a duly authorized official inspection station as
134 described in chapter 307. The completed form shall certify that the
135 manufacturer's identification number for the vehicle has been inspected, that it
136 is correctly displayed on the vehicle and shall certify the reading shown on the
137 odometer at the time of inspection. The inspection station shall collect the same
138 fee as authorized in section 307.365 for making the inspection, and the fee shall
139 be deposited in the same manner as provided in section 307.365. If the vehicle
140 is also to be registered in Missouri, the safety inspection required in chapter 307
141 and the emissions inspection required under chapter 643 shall be completed and
142 only the fees required by section 307.365 and section 643.315 shall be charged to
143 the owner. This section shall not apply to vehicles being transferred on a

144 manufacturer's statement of origin.

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

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

168 13. When an application is made for an original Missouri certificate of
169 ownership for a motor vehicle previously registered or titled in a state other than
170 Missouri, and the certificate of ownership has been appropriately designated by
171 the issuing state as non-USA-std motor vehicle, the director of revenue shall
172 appropriately designate on the current Missouri and all subsequent issues of the
173 certificate of ownership the words "Non-USA-Std Motor Vehicle".

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

177 15. Each application for an original Missouri certificate of ownership for
178 a vehicle which is classified as a reconstructed motor vehicle, manufactured forty
179 or more years prior to the current model year, and which has a value of three

180 thousand dollars or less shall be accompanied by:

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

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

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

189 (4) An inspection certificate, other than a motor vehicle examination
190 certificate required under subsection 9 of this section, completed and issued by
191 the Missouri state highway patrol, or other law enforcement agency as authorized
192 by the director of revenue. The inspection performed by the highway patrol or
193 other authorized local law enforcement agency shall include a check for stolen
194 vehicles. The department of revenue shall issue the owner a certificate of
195 ownership designated with the words "Reconstructed Motor Vehicle" and deliver
196 such certificate of ownership in accordance with the provisions of this
197 chapter. Notwithstanding subsection 9 of this section, no owner of a
198 reconstructed motor vehicle described in this subsection shall be required to
199 obtain a vehicle examination certificate issued by the Missouri state highway
200 patrol.

301.196. 1. Beginning January 1, 2006, except as otherwise provided in
2 this section, the transferor of an interest in a motor vehicle or trailer listed on the
3 face of a Missouri title, excluding salvage titles and junking certificates, shall
4 notify the department of revenue of the transfer within thirty days of the date of
5 transfer. The notice shall be in a form determined by the department by rule and
6 shall contain:

7 (1) **The name of the transferor;**

8 (2) A description of the motor vehicle or trailer sufficient to identify it;

9 [(2)] (3) The vehicle identification number of the motor vehicle or trailer;

10 [(3)] (4) The name and address of the transferee;

11 [(4)] (5) The date of birth of the transferee, unless the transferee is not
12 a natural person;

13 [(5)] (6) The date of the transfer or sale;

14 [(6)] (7) The purchase price of the motor vehicle or trailer, if applicable;

15 [(7)] (8) The number of the transferee's drivers license, unless the

16 transferee does not have a drivers license;

17 [(8) The printed name and signature]

18 **(9) The transferor's electronic signature if transmitted**
19 **electronically or the signatures of the transferee and transferor if not**
20 **submitted electronically. For the purposes of this section, "transmitted**
21 **electronically" shall have the same meaning as an electronic signature**
22 **as defined in section 432.205;**

23 [(9)] **(10)** Any other information required by the department by rule.

24 **2. A notice of sale substantially complying with the requirements**
25 **of this section is effective even though it contains minor errors which**
26 **are not materially misleading.**

27 **3.** For purposes of giving notice under this section, if the transfer occurs
28 by operation of law, the personal representative, receiver, trustee, sheriff, or other
29 representative or successor in interest of the person whose interest is transferred
30 shall be considered the transferor. Repossession by a creditor shall not be
31 considered a transfer of ownership requiring such notice.

32 **[3.] 4.** The requirements of this section shall not apply to transfers when
33 there is no complete change of ownership interest or upon award of ownership of
34 a motor vehicle or trailer made by court order, or transfers of ownership of a
35 motor vehicle or trailer to or between vehicle dealers, or transfers of ownership
36 of a motor vehicle or trailer to an insurance company due to a theft or casualty
37 loss, or transfers of beneficial ownership of a motor vehicle owned by a trust.

38 **[4.] 5.** Notification under this section is only required for transfers of
39 ownership that would otherwise require registration and an application for
40 certificate of title in this state under section 301.190, and is for informational
41 purposes only and does not constitute an assignment or release of any interest in
42 the vehicle.

43 **[5.] 6.** Retail sales made by licensed dealers including sales of new
44 vehicles shall be reported pursuant to the provisions of section 301.280.

301.213. 1. Notwithstanding the provisions of sections 301.200
2 **and 301.210, any person licensed as a motor vehicle dealer under**
3 **sections 301.550 to 301.580 that has provided to the director of revenue**
4 **a surety bond or irrevocable letter of credit in an amount not less than**
5 **one hundred thousand dollars in a form which complies with the**
6 **requirements of section 301.560 and in lieu of the twenty-five thousand**
7 **dollar bond otherwise required for licensure as a motor vehicle dealer,**

8 shall be authorized to purchase or accept in trade any motor vehicle for
9 which there has been issued a certificate of ownership, and to receive
10 such vehicle subject to any existing liens thereon created and perfected
11 under sections 301.600 to 301.660 provided the licensed dealer receives
12 the following:

13 (1) A signed written contract between the licensed dealer and the
14 owner of the vehicle outlining the terms of the sale or acceptance in
15 trade of such motor vehicle without transfer of the certificate of
16 ownership; and

17 (2) Physical delivery of the vehicle to the licensed dealer; and

18 (3) A power of attorney from the owner to the licensed dealer, in
19 accordance with subsection 4 of section 301.300, authorizing the
20 licensed dealer to obtain a duplicate or replacement title in the owner's
21 name and sign any title assignments on the owner's behalf.

22 2. If the dealer complies with the requirements of subsection 1
23 of this section, the sale or trade of the vehicle to the dealer shall be
24 considered final, subject to any existing liens created and perfected
25 under sections 301.600 to 301.660. Once the prior owner of the motor
26 vehicle has physically delivered the motor vehicle to the licensed
27 dealer, the prior owners' insurable interest in such vehicle shall cease
28 to exist.

29 3. If a licensed dealer complies with the requirements of
30 subsection 1 of this section, and such dealer has provided to the
31 director of revenue a surety bond or irrevocable letter of credit in
32 amount not less than one hundred thousand dollars in a form which
33 complies with the requirements of section 301.560 and in lieu of the
34 twenty-five thousand dollar bond otherwise required for licensure as
35 a motor vehicle dealer, such dealer may sell such vehicle prior to
36 receiving and assigning to the purchaser the certificate of ownership,
37 provided such dealer complies with the following:

38 (1) All outstanding liens created on the vehicle pursuant to
39 sections 301.600 to 301.660 have been paid in full, and the dealer
40 provides a copy of proof or other evidence to the purchaser; and

41 (2) The dealer has obtained proof or other evidence from the
42 department of revenue confirming that no outstanding child support
43 liens exist upon the vehicle at the time of sale and provides a copy of
44 said proof or other evidence to the purchaser; and

45 **(3) The dealer has obtained proof or other evidence from the**
46 **department of revenue confirming that all applicable state sales tax has**
47 **been satisfied on the sale of the vehicle to the previous owner and**
48 **provides a copy of said proof or other evidence to the purchaser; and**

49 **(4) The dealer has signed an application for duplicate or**
50 **replacement title for the vehicle under subsection 4 of section 301.300**
51 **and provides a copy of the application to the purchaser, along with a**
52 **copy of the power of attorney required by subsection 1 of this section,**
53 **and the dealer has prepared and delivered to the purchaser an**
54 **application for title for the vehicle in the purchaser's name; and**

55 **(5) The dealer and the purchaser have entered into a written**
56 **agreement for the subsequent assignment and delivery of such**
57 **certificate of ownership, on a form prescribed by the director of**
58 **revenue, to take place at a time, not to exceed sixty calendar days, after**
59 **the time of delivery of the motor vehicle to the purchaser. Such**
60 **agreement shall require the purchaser to provide to the dealer proof**
61 **of financial responsibility in accordance with chapter 303 and proof of**
62 **comprehensive and collision coverage on the motor vehicle. Such**
63 **dealer shall maintain the original or an electronic copy of the signed**
64 **agreement and deliver a copy of the signed agreement to the**
65 **purchaser. Such dealer shall also complete and deliver to the director**
66 **of revenue such form as the director shall prescribe demonstrating that**
67 **the purchaser has purchased the vehicle without contemporaneous**
68 **delivery of the title.**

69 **Notwithstanding any provision of law to the contrary, completion of the**
70 **requirements of this subsection shall constitute prima facie evidence**
71 **of an ownership interest vested in the purchaser of the vehicle for all**
72 **purposes other than for a subsequent transfer of ownership of the**
73 **vehicle by the purchaser, subject to the rights of any secured lienholder**
74 **of record; however, the purchaser may use the dealer-supplied copy of**
75 **the agreement to transfer his or her ownership of the vehicle to an**
76 **insurance company in situations where the vehicle has been declared**
77 **salvage or a total-loss by the insurance company as a result of a**
78 **settlement of a claim. Such insurance company may apply for a salvage**
79 **certificate of title or junking certificate pursuant to the provisions of**
80 **subsection 3 of section 301.193 in order to transfer its interest in such**
81 **vehicle. The purchaser may also use the dealer-supplied copy of the**

82 agreement on the form prescribed by the director of revenue as proof
83 of ownership interest. Any lender or insurance company may rely upon
84 a copy of the signed written agreement on the form prescribed by the
85 director of revenue as proof of ownership interest. Any lien placed
86 upon a vehicle based upon such signed written agreement shall be valid
87 and enforceable, notwithstanding the absence of a certificate of
88 ownership.

89 4. Following a sale or other transaction in which a certificate of
90 ownership has not been assigned from the owner to the licensed dealer,
91 the dealer shall, within ten business days, apply for a duplicate or
92 replacement certificate of ownership. Upon receipt of a duplicate or
93 replacement certificate of ownership applied for under subsection 4 of
94 section 301.300, the dealer shall assign and deliver said certificate of
95 ownership to the purchaser of the vehicle within five business
96 days. The dealer shall maintain proof of the assignment and delivery
97 of the certificate of ownership to the purchaser. For purposes of this
98 subsection, a dealer shall be deemed to have delivered the certificate
99 of ownership to the purchaser upon either:

100 (1) Physical delivery of the certificate of ownership to any of the
101 purchasers identified in the contract with such dealer; or

102 (2) Mailing of the certificate, postage prepaid, return receipt
103 requested, to any of the purchasers at any of their addresses identified
104 in the contract with such dealer.

105 5. If a licensed dealer fails to comply with subsection 3 of this
106 section, and the purchaser of the vehicle is thereby damaged, then the
107 dealer shall be liable to the purchaser of the vehicle for actual
108 damages, plus court costs and reasonable attorney fees.

109 6. If a licensed dealer fails or is unable to comply with
110 subsection 4 of this section, and the purchaser of the vehicle is thereby
111 damaged, then the dealer shall be liable to the purchaser of the vehicle
112 for actual damages, plus court costs and reasonable attorney fees. If
113 the dealer cannot be found by the purchaser after making reasonable
114 attempts, or if the dealer fails to assign and deliver the duplicate or
115 replacement certificate of ownership to the purchaser by the date
116 agreed upon by the dealer and the purchaser, as required by subsection
117 4 of this section, then the purchaser may deliver to the director a copy
118 of the contract for sale of the vehicle, a copy of the application for

119 duplicate title provided by the dealer to the purchaser, a copy of the
120 secure power of attorney allowing the dealer to assign the duplicate
121 title, and the proof or other evidence obtained by the purchaser from
122 the dealer under subsection 3 of this section. Thereafter, the director
123 shall mail by certified mail, return receipt requested, a notice to the
124 dealer at the last address given to the department by that dealer. That
125 notice shall inform the dealer that the director intends to cancel any
126 prior certificate of title which may have been issued to the dealer on
127 the vehicle and issue to the purchaser a certificate of title in the name
128 of the purchaser, subject to any liens incurred by the purchaser in
129 connection with the purchase of the vehicle, unless the dealer, within
130 ten business days from the date of the director's notice, files with the
131 director a written objection to the director taking such action. If the
132 dealer does file a timely, written objection with the director, then the
133 director shall not take any further action without an order from a court
134 of competent jurisdiction. However, if the dealer does not file a timely,
135 written objection with the director, then the director shall cancel the
136 prior certificate of title issued to the dealer on the vehicle and issue a
137 certificate of title to the purchaser of the vehicle, subject to any liens
138 incurred by the purchaser in connection with the purchase of the
139 vehicle and subject to the purchaser satisfying all applicable taxes and
140 fees associated with registering the vehicle.

141 7. If a seller misrepresents to a dealer that the seller is the
142 owner of a vehicle and the dealer, the owner, any subsequent
143 purchaser, or any prior or subsequent lienholder is thereby damaged,
144 then the seller shall be liable to each such party for actual and punitive
145 damages, plus court costs and reasonable attorney fees.

146 8. When a lienholder is damaged as a result of a licensed dealer's
147 acts, errors, omissions, or violations of this section, then the dealer
148 shall be liable to the lienholder for actual damages, plus court costs
149 and reasonable attorney fees.

150 9. No court costs or attorney fees shall be awarded under this
151 section unless, prior to filing any such action, the following conditions
152 have been met:

153 (1) The aggrieved party seeking damages has delivered an
154 itemized written demand of the party's actual damages to the party
155 from whom damages are sought; and

156 **(2) The party from whom damages are sought has not satisfied**
157 **the written demand within thirty days after receipt of the written**
158 **demand.**

159 **10. The department of revenue may use a dealer's repeated or**
160 **intentional violation of this section as a cause to suspend, revoke, or**
161 **refuse to issue or renew any license required pursuant to sections**
162 **301.550 to 301.580, in addition to the causes set forth in section**
163 **301.562. The hearing process shall be the same as that established in**
164 **subsection 6 of section 301.562.**

301.227. 1. Whenever a vehicle is sold for salvage, dismantling or
2 rebuilding, the purchaser shall forward to the director of revenue within ten days
3 the certificate of ownership or salvage certificate of title and the proper
4 application and fee of eight dollars and fifty cents, and the director shall issue a
5 negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On
6 vehicles purchased during a year that is no more than six years after the
7 manufacturer's model year designation for such vehicle, it shall be mandatory
8 that the purchaser apply for a salvage title. On vehicles purchased during a year
9 that is more than six years after the manufacturer's model year designation for
10 such vehicle, then application for a salvage title shall be optional on the part of
11 the purchaser. Whenever a vehicle is sold for destruction and a salvage
12 certificate of title, junking certificate, or certificate of ownership exists, the seller,
13 if licensed under sections 301.217 to 301.221, shall forward the certificate to the
14 director of revenue within ten days, with the notation of the date sold for
15 destruction and the name of the purchaser clearly shown on the face of the
16 certificate.

17 2. Whenever a vehicle is classified as "junk", as defined in section 301.010,
18 the purchaser may forward to the director of revenue **a properly completed**
19 **application for a junking certificate as well as** the salvage certificate of
20 title or certificate of ownership and the director shall issue a negotiable junking
21 certificate to the purchaser of the vehicle. The director may also issue a junking
22 certificate to a possessor of a vehicle manufactured twenty-six years or more prior
23 to the current model year who has a bill of sale for said vehicle but does not
24 possess a certificate of ownership, provided no claim of theft has been made on
25 the vehicle and the highway patrol has by letter stated the vehicle is not listed
26 as stolen after checking the registration number through its nationwide computer
27 system. Such **junking** certificate may be granted within thirty days of the

28 submission of a request. **A junking certificate shall authorize the holder**
29 **to possess, transport, or, by assignment, transfer ownership in such**
30 **parts, scrap, or junk.**

31 3. [Upon receipt of a properly completed application for a junking
32 certificate, the director of revenue shall issue to the applicant a junking
33 certificate which shall authorize the holder to possess, transport, or, by
34 assignment, transfer ownership in such parts, scrap or junk, and a certificate of
35 title shall not again be issued for such vehicle; except that, the initial purchaser]
36 **For any vehicle issued a junking certificate or such similar document**
37 **or classification pursuant to the laws of another state, regardless of**
38 **whether such designation has been subsequently changed by law in any**
39 **other state, the department shall only issue a junking certificate, and**
40 **a salvage certificate of title or original certificate of ownership shall**
41 **not thereafter be issued for such vehicle. Notwithstanding the**
42 **provisions of this subsection, if the vehicle has not previously been**
43 **classified as "junk", the applicant making the original junking**
44 **certification application** shall, within ninety days, be allowed to rescind his
45 application for a junking certificate by surrendering the junking certificate and
46 apply for a salvage certificate of title in his name. The seller of a vehicle for
47 which a junking certificate has been applied for or issued shall disclose such fact
48 in writing to any prospective buyers before sale of such vehicle; otherwise the sale
49 shall be voidable at the option of the buyer.

50 4. No scrap metal operator shall acquire or purchase a motor vehicle or
51 parts thereof without, at the time of such acquisition, receiving the original
52 certificate of [title] **ownership** or salvage certificate of title or junking certificate
53 from the seller of the vehicle or parts, unless the seller is a licensee under
54 sections 301.219 to 301.221.

55 5. All titles and certificates required to be received by scrap metal
56 operators from nonlicensees shall be forwarded by the operator to the director of
57 revenue within ten days of the receipt of the vehicle or parts.

58 6. The scrap metal operator shall keep a record, for three years, of the
59 seller's name and address, the salvage business license number of the licensee,
60 date of purchase, and any vehicle or parts identification numbers open for
61 inspection as provided in section 301.225.

62 7. Notwithstanding any other provision of this section, a motor vehicle
63 dealer as defined in section 301.550 and licensed under the provisions of sections

64 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title
65 on the back thereof.

66 8. Notwithstanding the provisions of subsection 1 of this section, an
67 insurance company which settles a claim for a stolen vehicle may apply for and
68 shall be issued a negotiable salvage certificate of title without the payment of any
69 fee upon proper application within thirty days after settlement of the claim for
70 such stolen vehicle. However, if the insurance company upon recovery of a stolen
71 vehicle determines that the stolen vehicle has not sustained damage to the extent
72 that the vehicle would have otherwise been declared a salvage vehicle pursuant
73 to subdivision (51) of section 301.010, then the insurance company may have the
74 vehicle inspected by the Missouri state highway patrol, or other law enforcement
75 agency authorized by the director of revenue, in accordance with the inspection
76 provisions of subsection 9 of section 301.190. Upon receipt of title application,
77 applicable fee, the completed inspection, and the return of any previously issued
78 negotiable salvage certificate, the director shall issue an original title with no
79 salvage or prior salvage designation. Upon the issuance of an original title the
80 director shall remove any indication of the negotiable salvage title previously
81 issued to the insurance company from the department's electronic records.

82 9. Notwithstanding subsection 4 of this section or any other provision of
83 the law to the contrary, if a motor vehicle is inoperable and is at least ten model
84 years old, or the parts are from a motor vehicle that is inoperable and is at least
85 ten model years old, a scrap metal operator may purchase or acquire such motor
86 vehicle or parts without receiving the original certificate of **[title] ownership,**
87 salvage certificate of title, or junking certificate from the seller of the vehicle or
88 parts, provided the scrap metal operator verifies with the department of revenue,
89 via the department's online record access, that the motor vehicle is not subject to
90 any recorded security interest or lien and the scrap metal operator complies with
91 the requirements of this subsection. In lieu of forwarding certificates of **[titles]**
92 **title or ownership** for such motor vehicles as required by subsection 5 of this
93 section, the scrap metal operator shall forward a copy of the seller's state
94 identification along with a bill of sale to the department of revenue. The bill of
95 sale form shall be designed by the director and such form shall include, but not
96 be limited to, a certification that the motor vehicle is at least ten model years old,
97 is inoperable, is not subject to any recorded security interest or lien, and a
98 certification by the seller that the seller has the legal authority to sell or
99 otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt

100 of the information required by this subsection, the department of revenue shall
101 cancel any certificate of title **or ownership** and registration for the motor
102 vehicle. If the motor vehicle is inoperable and at least twenty model years old,
103 then the scrap metal operator shall not be required to verify with the department
104 of revenue whether the motor vehicle is subject to any recorded security interests
105 or liens. As used in this subsection, the term "inoperable" means a motor vehicle
106 that is in a rusted, wrecked, discarded, worn out, extensively damaged,
107 dismantled, and mechanically inoperative condition and the vehicle's highest and
108 best use is for scrap purposes. The director of the department of revenue is
109 directed to promulgate rules and regulations to implement and administer the
110 provisions of this section, including but not limited to, the development of a
111 uniform bill of sale. Any rule or portion of a rule, as that term is defined in
112 section 536.010, that is created under the authority delegated in this section shall
113 become effective only if it complies with and is subject to all of the provisions of
114 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
115 nonseverable and if any of the powers vested with the general assembly pursuant
116 to chapter 536 to review, to delay the effective date, or to disapprove and annul
117 a rule are subsequently held unconstitutional, then the grant of rulemaking
118 authority and any rule proposed or adopted after August 28, 2012, shall be
119 invalid and void.

301.562. 1. The department may refuse to issue or renew any license
2 required pursuant to sections 301.550 to [301.573] **301.580** for any one or any
3 combination of causes stated in subsection 2 of this section. The department
4 shall notify the applicant or licensee in writing at his or her last known address
5 of the reasons for the refusal to issue or renew the license and shall advise the
6 applicant or licensee of his or her right to file a complaint with the administrative
7 hearing commission as provided by chapter 621.

8 2. The department may cause a complaint to be filed with the
9 administrative hearing commission as provided by chapter 621 against any holder
10 of any license issued under sections 301.550 to [301.573] **301.580** for any one or
11 any combination of the following causes:

12 (1) The applicant or license holder was previously the holder of a license
13 issued under sections 301.550 to [301.573] **301.580**, which license was revoked
14 for cause and never reissued by the department, or which license was suspended
15 for cause and the terms of suspension have not been fulfilled;

16 (2) The applicant or license holder was previously a partner, stockholder,

17 director or officer controlling or managing a partnership or corporation whose
18 license issued under sections 301.550 to [301.573] **301.580** was revoked for cause
19 and never reissued or was suspended for cause and the terms of suspension have
20 not been fulfilled;

21 (3) The applicant or license holder has, within ten years prior to the date
22 of the application, been finally adjudicated and found guilty, or entered a plea of
23 guilty or nolo contendere, in a prosecution under the laws of any state or of the
24 United States, for any offense reasonably related to the qualifications, functions,
25 or duties of any business licensed under sections 301.550 to [301.573] **301.580**;
26 for any offense, an essential element of which is fraud, dishonesty, or an act of
27 violence; or for any offense involving moral turpitude, whether or not sentence is
28 imposed;

29 (4) Use of fraud, deception, misrepresentation, or bribery in securing any
30 license issued pursuant to sections 301.550 to [301.573] **301.580**;

31 (5) Obtaining or attempting to obtain any money, commission, fee, barter,
32 exchange, or other compensation by fraud, deception, or misrepresentation;

33 (6) Violation of, or assisting or enabling any person to violate any
34 provisions of this chapter and chapters 143, 144, 306, 307, 407, 578, and 643 or
35 of any lawful rule or regulation adopted pursuant to this chapter and chapters
36 143, 144, 306, 307, 407, 578, and 643;

37 (7) The applicant or license holder has filed an application for a license
38 which, as of its effective date, was incomplete in any material respect or
39 contained any statement which was, in light of the circumstances under which it
40 was made, false or misleading with respect to any material fact;

41 (8) The applicant or license holder has failed to pay the proper application
42 or license fee or other fees required pursuant to this chapter or chapter 306 or
43 fails to establish or maintain a bona fide place of business;

44 (9) Uses or permits the use of any special license or license plate assigned
45 to the license holder for any purpose other than those permitted by law;

46 (10) The applicant or license holder is finally adjudged insane or
47 incompetent by a court of competent jurisdiction;

48 (11) Use of any advertisement or solicitation which is false;

49 (12) Violations of sections 407.511 to 407.556, section 578.120, which
50 resulted in a conviction or finding of guilt or violation of any federal motor vehicle
51 laws which result in a conviction or finding of guilt.

52 3. Any such complaint shall be filed within one year of the date upon

53 which the department receives notice of an alleged violation of an applicable
54 statute or regulation. After the filing of such complaint, the proceedings shall,
55 except for the matters set forth in subsection 5 of this section, be conducted in
56 accordance with the provisions of chapter 621. Upon a finding by the
57 administrative hearing commission that the grounds, provided in subsection 2 of
58 this section, for disciplinary action are met, the department may, singly or in
59 combination, refuse to issue the person a license, issue a license for a period of
60 less than two years, issue a private reprimand, place the person on probation on
61 such terms and conditions as the department deems appropriate for a period of
62 one day to five years, suspend the person's license from one day to six days, or
63 revoke the person's license for such period as the department deems
64 appropriate. The applicant or licensee shall have the right to appeal the decision
65 of the administrative hearing commission and department in the manner
66 provided in chapter 536.

67 4. Upon the suspension or revocation of any person's license issued under
68 sections 301.550 to ~~[301.573]~~ **301.580**, the department shall recall any distinctive
69 number plates that were issued to that licensee. If any licensee who has been
70 suspended or revoked shall neglect or refuse to surrender his or her license or
71 distinctive number license plates issued under sections 301.550 to 301.580, the
72 director shall direct any agent or employee of the department or any law
73 enforcement officer, to secure possession thereof and return such items to the
74 director. For purposes of this subsection, a "law enforcement officer" means any
75 member of the highway patrol, any sheriff or deputy sheriff, or any peace officer
76 certified under chapter 590 acting in his or her official capacity. Failure of the
77 licensee to surrender his or her license or distinctive number license plates upon
78 demand by the director, any agent or employee of the department, or any law
79 enforcement officer shall be a class A misdemeanor.

80 5. Notwithstanding the foregoing provisions of this section, the following
81 events or acts by the holder of any license issued under sections 301.550 to
82 301.580 are deemed to present a clear and present danger to the public welfare
83 and shall be considered cause for suspension or revocation of such license under
84 the procedure set forth in subsection 6 of this section, at the discretion of the
85 director:

86 (1) The expiration or revocation of any corporate surety bond or
87 irrevocable letter of credit, as required by section 301.560, without submission of
88 a replacement bond or letter of credit which provides coverage for the entire

89 period of licensure;

90 (2) The failure to maintain a bona fide established place of business as
91 required by section 301.560;

92 (3) Criminal convictions as set forth in subdivision (3) of subsection 2 of
93 this section; or

94 (4) Three or more occurrences of violations which have been established
95 following proceedings before the administrative hearing commission under
96 subsection 3 of this section, or which have been established following proceedings
97 before the director under subsection 6 of this section, of this chapter and chapters
98 143, 144, 306, 307, 578, and 643 or of any lawful rule or regulation adopted under
99 this chapter and chapters 143, 144, 306, 307, 578, and 643, not previously set
100 forth herein.

101 6. (1) Any license issued under sections 301.550 to 301.580 shall be
102 suspended or revoked, following an evidentiary hearing before the director or his
103 or her designated hearing officer, if affidavits or sworn testimony by an
104 authorized agent of the department alleges the occurrence of any of the events or
105 acts described in subsection 5 of this section.

106 (2) For any license which the department believes may be subject to
107 suspension or revocation under this subsection, the director shall immediately
108 issue a notice of hearing to the licensee of record. The director's notice of
109 hearing:

110 (a) Shall be served upon the licensee personally or by first class mail to
111 the dealer's last known address, as registered with the director;

112 (b) Shall be based on affidavits or sworn testimony presented to the
113 director, and shall notify the licensee that such information presented therein
114 constitutes cause to suspend or revoke the licensee's license;

115 (c) Shall provide the licensee with a minimum of ten days' notice prior to
116 hearing;

117 (d) Shall specify the events or acts which may provide cause for
118 suspension or revocation of the license, and shall include with the notice a copy
119 of all affidavits, sworn testimony or other information presented to the director
120 which support discipline of the license; and

121 (e) Shall inform the licensee that he or she has the right to attend the
122 hearing and present any evidence in his or her defense, including evidence to
123 show that the event or act which may result in suspension or revocation has been
124 corrected to the director's satisfaction, and that he or she may be represented by

125 counsel at the hearing.

126 (3) At any hearing before the director conducted under this subsection, the
127 director or his or her designated hearing officer shall consider all evidence
128 relevant to the issue of whether the license should be suspended or revoked due
129 to the occurrence of any of the acts set forth in subsection 5 herein. Within
130 twenty business days after such hearing, the director or his or her designated
131 hearing officer shall issue a written order, with findings of fact and conclusions
132 of law, which either grants or denies the issuance of an order of suspension or
133 revocation. The suspension or revocation shall be effective ten days after the date
134 of the order. The written order of the director or his or her hearing officer shall
135 be the final decision of the director and shall be subject to judicial review under
136 the provisions of chapter 536.

137 (4) Notwithstanding the provisions of this chapter or chapter 610 or 621
138 to the contrary, the proceedings under this section shall be closed and no order
139 shall be made public until it is final, for purposes of appeal.

140 **7. In lieu of acting under subsection 2 or subsection 6 of this**
141 **section, the department of revenue may enter into an agreement with**
142 **the holder of the license to ensure future compliance with sections**
143 **301.210, 301.213, 307.380, sections 301.217 to 301.229, and sections**
144 **301.550 to 301.580. Such agreement may include an assessment fee not**
145 **to exceed five hundred dollars per violation or five thousand dollars in**
146 **the aggregate unless otherwise permitted by law, probation terms and**
147 **conditions, and other requirements as may be deemed appropriate by**
148 **the department of revenue and the holder of the license. Any fees**
149 **collected by the department of revenue under this subsection shall be**
150 **deposited into the motor vehicle commission fund created in section**
151 **301.560.**

301.644. 1. In cases where an insurance company has paid or is
2 paying a total loss claim on a motor vehicle or trailer, the registered
3 owner or owners of a motor vehicle or trailer may use an electronic
4 signature in a similar form as that prescribed in sections 432.200 to
5 432.295 on a limited power of attorney, affidavit, or other documents to
6 authorize the insurance company to assign ownership of such motor
7 vehicle or trailer. A power of attorney, affidavit, or other similar
8 document executed with an electronic signature for the authority to
9 execute the assignment of a certificate of ownership by an insurance

10 **company under the authority of this section shall not require**
11 **notarization.**

12 **2. The director of the department of revenue may promulgate**
13 **rules and regulations to implement and administer the provisions of**
14 **this section. Any rule or portion of a rule, as that term is defined in**
15 **section 536.010, that is created under the authority delegated in this**
16 **section shall become effective only if it complies with and is subject to**
17 **all of the provisions of chapter 536 and, if applicable, section**
18 **536.028. This section and chapter 536 are nonseverable and if any of**
19 **the powers vested with the general assembly under chapter 536 to**
20 **review, to delay the effective date, or to disapprove and annul a rule**
21 **are subsequently held unconstitutional, then the grant of rulemaking**
22 **authority and any rule proposed or adopted after August 28, 2015, shall**
23 **be invalid and void.**

[407.581. 1. Notwithstanding the provisions of sections
2 301.200 and 301.210, any person licensed as a motor vehicle dealer
3 under sections 301.550 to 301.573 shall be authorized to purchase
4 or accept in trade any motor vehicle for which there has been
5 issued a certificate of title, and to receive such vehicle subject to
6 any existing liens thereon created and perfected under sections
7 301.600 to 301.660 provided the licensed dealer receives the
8 following:

9 (1) A signed written contract between the licensed dealer
10 and the owner of the vehicle; and

11 (2) Physical delivery of the vehicle to the licensed dealer;
12 and

13 (3) A power of attorney from the owner to the licensed
14 dealer, in accordance with subsection 4 of section 301.300,
15 authorizing the licensed dealer to obtain a duplicate or replacement
16 title in the owner's name and sign any title assignments on the
17 owner's behalf.

18 2. If the dealer complies with the requirements of
19 subsection 1 of this section, the sale or trade of the vehicle to the
20 dealer shall be considered final.

21 3. If a licensed dealer complies with the requirements of
22 subsection 1 of this section, the licensed dealer may sell such

23 vehicle prior to receiving and assigning to the purchaser the
24 certificate of title, provided such dealer complies with the following:

25 (1) All outstanding liens created on the vehicle pursuant to
26 sections 301.600 to 301.660 have been paid in full, and the dealer
27 provides a copy of proof or other evidence to the purchaser; and

28 (2) The dealer has obtained proof or other evidence from the
29 department of revenue confirming that no outstanding child
30 support liens exist upon the vehicle at the time of sale and provides
31 a copy of said proof or other evidence to the purchaser; and

32 (3) The dealer has obtained proof or other evidence from the
33 department of revenue confirming that all applicable state sales
34 tax has been satisfied on the sale of the vehicle to the previous
35 owner and provides a copy of said proof or other evidence to the
36 purchaser; and

37 (4) The dealer has signed and submitted an application for
38 duplicate or replacement title for the vehicle pursuant to
39 subsection 4 of section 301.300 and provides a copy of the
40 application to the purchaser, along with a copy of the power of
41 attorney required under subsection 1 of this section.

42 4. Following a sale or other transaction in which a
43 certificate of title has not been assigned from the owner to the
44 dealer, a licensed dealer shall, within five business days, apply for
45 a duplicate or replacement title. Upon receipt of a duplicate or
46 replacement title applied for pursuant to subsection 4 of section
47 301.300, the dealer shall assign and deliver said certificate of title
48 to the purchaser of the vehicle within five business days. The
49 dealer shall maintain proof of the assignment and delivery of the
50 certificate of title to the purchaser. For purposes of this
51 subsection, a dealer shall be deemed to have delivered the
52 certificate of title to the purchaser upon either:

53 (1) Physical delivery of the certificate of title to any of the
54 purchasers identified in the contract with the dealer; or

55 (2) Mailing of the certificate, postage prepaid, return receipt
56 requested, to any of the purchasers at any of their addresses
57 identified in the contract with the dealer.

58 5. If a dealer fails to comply with subsection 3 of this

59 section, and the purchaser of the vehicle is thereby damaged, then
60 the dealer shall be liable to the purchaser of the vehicle for actual
61 damages, plus court costs and reasonable attorney fees.

62 6. If a dealer fails to comply with subsection 4 of this
63 section, and the purchaser of the vehicle is thereby damaged, then
64 the dealer shall be liable to the purchaser of the vehicle for actual
65 damages, plus court costs and reasonable attorney fees. If the
66 dealer cannot be found by the purchaser after making reasonable
67 attempts, and thereby fails to assign and deliver the duplicate or
68 replacement certificate of title to the purchaser, as required by
69 subsection 4 of this section, then the purchaser may deliver to the
70 director a copy of the contract for sale of the vehicle, a copy of the
71 application for duplicate title provided by the dealer to the
72 purchaser, a copy of the secure power of attorney allowing the
73 dealer to assign the duplicate title, and the proof or other evidence
74 obtained by the purchaser from the dealer under subsection 3 of
75 this section. Thereafter, the director shall mail by certified mail,
76 return receipt requested, a notice to the dealer at the last address
77 given to the department by that dealer. That notice shall inform
78 the dealer that the director intends to cancel any prior certificate
79 of title issued to the dealer on the vehicle and issue to the
80 purchaser a certificate of title in the name of the purchaser, subject
81 to any liens incurred by the purchaser in connection with the
82 purchase of the vehicle, unless the dealer, within ten business days
83 from the date of the director's notice, files with the director a
84 written objection to the director taking such action. If the dealer
85 does file a timely, written objection with the director, then the
86 director shall not take any further action without an order from a
87 court of competent jurisdiction. However, if the dealer does not file
88 a timely, written objection with the director, then the director shall
89 cancel the prior certificate of title issued to the dealer on the
90 vehicle and issue a certificate of title to the purchaser of the
91 vehicle, subject to any liens incurred by the purchaser in
92 connection with the purchase of the vehicle and subject to the
93 purchaser satisfying all applicable taxes and fees associated with
94 registering the vehicle.

95 7. If a seller fraudulently misrepresents to a dealer that the
96 seller is the owner of a vehicle and the dealer or any subsequent
97 purchaser is thereby damaged, then the seller shall be liable to the
98 dealer and any subsequent purchaser for actual damages, plus
99 court costs and reasonable attorney fees.

100 8. When a lienholder is damaged as a result of acts or
101 omissions by the dealer to the lienholder or any party covered by
102 subsections 5, 6, and 7 of this section, or by any combination of
103 claims under this subsection, then the dealer shall be liable to the
104 lienholder for actual damages, plus court costs and reasonable
105 attorney fees.

106 9. No court costs or attorney fees shall be awarded under
107 this section unless, prior to filing any such action, the following
108 conditions have been met:

109 (1) The aggrieved party seeking damages has delivered an
110 itemized written demand of the party's actual damages to the party
111 from whom damages are sought; and

112 (2) The party from whom damages are sought has not
113 satisfied the written demand within thirty days after receipt of the
114 written demand.]

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