

SENATE AMENDMENT NO. 2Offered by Brown of 16

§§

Amend SCS/Senate Bill No. 4, Page 1, Section title, Line 3,

2 by striking "vehicle financial responsibility, with penalty  
 3 provisions" and inserting in lieu thereof the following:  
 4 "vehicles, with penalty provisions and an emergency clause  
 5 for certain sections"; and

6 Further amend said bill and page, Section A, Line 4, by  
 7 inserting after all of said line the following:

8 "301.192. 1. In addition to any other requirements of  
 9 section 301.190, when application is made for a certificate  
 10 of ownership for a motor vehicle or trailer seven years old  
 11 or older and the value of vehicle does not exceed three  
 12 thousand dollars, for which no record of any prior  
 13 application for a certificate of ownership exists in the  
 14 records of the director of revenue or for which the records  
 15 of the director of revenue reflect incomplete or conflicting  
 16 documentation of ownership, the director of revenue may  
 17 issue a certificate of ownership, not less than thirty days  
 18 after receiving the completed application, provided it is  
 19 accompanied by:

20 (1) An affidavit explaining how the motor vehicle or  
 21 trailer was acquired and the reasons a valid certificate of  
 22 ownership cannot be furnished;

23 (2) Presentation of all evidence of ownership in the  
 24 applicant's possession;

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 Adopted "

25           (3) Title verification from a state in which the  
26 vehicle was previously titled or registered if known,  
27 provided the vehicle was so previously titled or registered;

28           (4) A notarized lien release from any lienholder of  
29 record;

30           (5) A vehicle examination certificate issued by the  
31 Missouri state highway patrol, or other law enforcement  
32 agency as authorized by the director of revenue. The  
33 vehicle examination shall include a verification of the  
34 vehicle's identification number and a determination that the  
35 vehicle has not been reported stolen in Missouri or any  
36 other state. The fee for the vehicle examination  
37 certificate shall be twenty-five dollars and shall be  
38 collected by the director of revenue at the time of the  
39 request for the application;

40           (6) A statement certifying the odometer reading of the  
41 motor vehicle if less than ~~ten~~ twenty years of age; and

42           (7) A surety bond or a suitable financial security  
43 instrument in a form prescribed by the director of revenue  
44 and executed by the applicant and a person authorized to  
45 conduct surety business in this state. The bond shall be an  
46 amount equal to two times the value of the vehicle as  
47 determined by the Kelly Blue Book, NADA Used Car Guide or  
48 two appraisals from a licensed motor vehicle dealer. The  
49 bond shall be for a minimum of one hundred dollars and  
50 conditioned to indemnify any prior owner or lienholder and  
51 any subsequent purchaser of the vehicle or person acquiring  
52 any security interest in it, and their respective successors  
53 in interest, against any expense, loss or damage including  
54 reasonable attorneys fees, by reason of the issuance of the  
55 certificate of ownership of the vehicle or on account of any  
56 defect in or undisclosed security interest upon the right,  
57 title and interest of the applicant in and to the vehicle.

58 Any such interested person has a right of action to recover  
59 on the bond for any breach of its conditions, but the  
60 aggregate liability of the surety to all persons shall not  
61 exceed the amount of the bond. The bond shall be returned  
62 at the end of three years, unless the department has been  
63 notified of the pendency of an action to recover on the bond.

64 2. Upon satisfaction with the genuineness of the  
65 application and supporting documents, the director of  
66 revenue shall issue a new certificate of ownership. The  
67 certificate of ownership shall appropriately be designated  
68 with the words "BONDED VEHICLE".

69 301.280. 1. Every motor vehicle dealer and boat  
70 dealer shall make a monthly report to the department of  
71 revenue, on blanks to be prescribed by the department of  
72 revenue, giving the following information: date of the sale  
73 of each motor vehicle, boat, trailer and all-terrain vehicle  
74 sold; the name and address of the buyer; the name of the  
75 manufacturer; year of manufacture; model of vehicle; vehicle  
76 identification number; style of vehicle; odometer setting;  
77 and it shall also state whether the motor vehicle, boat,  
78 trailer or all-terrain vehicle is new or secondhand. Each  
79 monthly sales report filed by a motor vehicle dealer who  
80 collects sales tax under subsection 10 of section 144.070  
81 shall also include the amount of state and local sales tax  
82 collected for each motor vehicle sold if sales tax was due.  
83 The odometer reading is not required when reporting the sale  
84 of any motor vehicle that is [ten] twenty years old or  
85 older, any motor vehicle having a gross vehicle weight  
86 rating of more than sixteen thousand pounds, new vehicles  
87 that are transferred on a manufacturer's statement of origin  
88 between one franchised motor vehicle dealer and another, or  
89 boats, all-terrain vehicles or trailers. The sale of all  
90 temporary permits shall be recorded in the appropriate space

91 on the dealer's monthly sales report, unless the sale of the  
92 temporary permit is already recorded by electronic means as  
93 determined by the department. The monthly sales report  
94 shall include a statement of motor vehicles or trailers sold  
95 during the month under subsection 5 of section 301.210. The  
96 monthly sales report shall be completed in full and signed  
97 by an officer, partner, or owner of the dealership, and  
98 actually received by the department of revenue on or before  
99 the fifteenth day of the month succeeding the month for  
100 which the sales are being reported. If no sales occur in  
101 any given month, a report shall be submitted for that month  
102 indicating no sales. Any vehicle dealer who fails to file a  
103 monthly report or who fails to file a timely report shall be  
104 subject to disciplinary action as prescribed in section  
105 301.562 or a penalty assessed by the director not to exceed  
106 three hundred dollars per violation. Every motor vehicle  
107 and boat dealer shall retain copies of the monthly sales  
108 report as part of the records to be maintained at the  
109 dealership location and shall hold them available for  
110 inspection by appropriate law enforcement officials and  
111 officials of the department of revenue. Every vehicle  
112 dealer selling twenty or more vehicles a month shall file  
113 the monthly sales report with the department in an  
114 electronic format. Any dealer filing a monthly sales report  
115 in an electronic format shall be exempt from filing the  
116 notice of transfer required by section 301.196. For any  
117 dealer not filing electronically, the notice of transfer  
118 required by section 301.196 shall be submitted with the  
119 monthly sales report as prescribed by the director.

120 2. Every dealer and every person operating a public  
121 garage shall keep a correct record of the vehicle  
122 identification number, odometer setting, manufacturer's name  
123 of all motor vehicles or trailers accepted by him for the

124 purpose of sale, rental, storage, repair or repainting,  
125 together with the name and address of the person delivering  
126 such motor vehicle or trailer to the dealer or public garage  
127 keeper, and the person delivering such motor vehicle or  
128 trailer shall record such information in a file kept by the  
129 dealer or garage keeper. The record shall be kept for five  
130 years and be open for inspection by law enforcement  
131 officials, members or authorized or designated employees of  
132 the Missouri highway patrol, and persons, agencies and  
133 officials designated by the director of revenue.

134 3. Every dealer and every person operating a public  
135 garage in which a motor vehicle remains unclaimed for a  
136 period of fifteen days shall, within five days after the  
137 expiration of that period, report the motor vehicle as  
138 unclaimed to the director of revenue. Such report shall be  
139 on a form prescribed by the director of revenue. A motor  
140 vehicle left by its owner whose name and address are known  
141 to the dealer or his employee or person operating a public  
142 garage or his employee is not considered unclaimed. Any  
143 dealer or person operating a public garage who fails to  
144 report a motor vehicle as unclaimed as herein required  
145 forfeits all claims and liens for its garaging, parking or  
146 storing.

147 4. The director of revenue shall maintain  
148 appropriately indexed cumulative records of unclaimed  
149 vehicles reported to the director. Such records shall be  
150 kept open to public inspection during reasonable business  
151 hours.

152 5. The alteration or obliteration of the vehicle  
153 identification number on any such motor vehicle shall be  
154 prima facie evidence of larceny, and the dealer or person  
155 operating such public garage shall upon the discovery of  
156 such obliteration or alteration immediately notify the

157 highway patrol, sheriff, marshal, constable or chief of  
158 police of the municipality where the dealer or garage keeper  
159 has his place of business, and shall hold such motor vehicle  
160 or trailer for a period of forty-eight hours for the purpose  
161 of an investigation by the officer so notified.

162         6. Any person who knowingly makes a false statement or  
163 omission of a material fact in a monthly sales report to the  
164 department of revenue, as described in subsection 1 of this  
165 section, shall be deemed guilty of a class A misdemeanor.

166         302.755. 1. A person is disqualified from driving a  
167 commercial motor vehicle for a period of not less than one  
168 year if convicted of a first violation of:

169             (1) Driving a motor vehicle under the influence of  
170 alcohol or a controlled substance, or of an alcohol-related  
171 enforcement contact as defined in subsection 3 of section  
172 302.525;

173             (2) Driving a commercial motor vehicle which causes a  
174 fatality through the negligent operation of the commercial  
175 motor vehicle, including but not limited to the offenses of  
176 vehicular manslaughter, homicide by motor vehicle, and  
177 negligent homicide;

178             (3) Driving a commercial motor vehicle while revoked  
179 pursuant to section 302.727;

180             (4) Leaving the scene of an accident involving a  
181 commercial or noncommercial motor vehicle operated by the  
182 person;

183             (5) Using a commercial or noncommercial motor vehicle  
184 in the commission of any felony, as defined in section  
185 302.700, except a felony as provided in subsection 4 of this  
186 section.

187         2. If any of the violations described in subsection 1  
188 of this section occur while transporting a hazardous

189 material the person is disqualified for a period of not less  
190 than three years.

191         3. Any person is disqualified from operating a  
192 commercial motor vehicle for life if convicted of two or  
193 more violations of any of the offenses specified in  
194 subsection 1 of this section, or any combination of those  
195 offenses, arising from two or more separate incidents. The  
196 director may issue rules and regulations, in accordance with  
197 guidelines established by the Secretary, under which a  
198 disqualification for life under this section may be reduced  
199 to a period of not less than ten years.

200         4. Any person is disqualified from driving a  
201 commercial motor vehicle for life who uses a commercial or  
202 noncommercial motor vehicle in the commission of any felony  
203 involving the manufacture, distribution, or dispensing of a  
204 controlled substance, or possession with intent to  
205 manufacture, distribute, or dispense a controlled substance.

206         5. Any person is disqualified from operating a  
207 commercial motor vehicle for a period of not less than sixty  
208 days if convicted of two serious traffic violations or one  
209 hundred twenty days if convicted of three serious traffic  
210 violations, arising from separate incidents occurring within  
211 a three-year period.

212         6. Any person found to be operating a commercial motor  
213 vehicle while having any measurable alcohol concentration  
214 shall immediately be issued a continuous twenty-four-hour  
215 out-of-service order by a law enforcement officer in this  
216 state.

217         7. Any person who is convicted of operating a  
218 commercial motor vehicle beginning at the time of issuance  
219 of the out-of-service order until its expiration is guilty  
220 of a class A misdemeanor.

221           8. Any person convicted for the first time of driving  
222 while out of service shall be disqualified from driving a  
223 commercial motor vehicle in the manner prescribed in 49 CFR  
224 383, or as amended by the Secretary.

225           9. Any person convicted of driving while out of  
226 service on a second occasion during any ten-year period,  
227 involving separate incidents, shall be disqualified in the  
228 manner prescribed in 49 CFR 383, or as amended by the  
229 Secretary.

230           10. Any person convicted of driving while out of  
231 service on a third or subsequent occasion during any ten-  
232 year period, involving separate incidents, shall be  
233 disqualified for a period of three years.

234           11. Any person convicted of a first violation of an  
235 out-of-service order while transporting hazardous materials  
236 or while operating a motor vehicle designed to transport  
237 sixteen or more passengers, including the driver, is  
238 disqualified for a period of one hundred eighty days.

239           12. Any person convicted of any subsequent violation  
240 of an out-of-service order in a separate incident within ten  
241 years after a previous violation, while transporting  
242 hazardous materials or while operating a motor vehicle  
243 designed to transport fifteen passengers, including the  
244 driver, is disqualified for a period of three years.

245           13. Any person convicted of any other offense as  
246 specified by regulations promulgated by the Secretary of  
247 Transportation shall be disqualified in accordance with such  
248 regulations.

249           14. After suspending, revoking, cancelling, or  
250 disqualifying a driver, the director shall update records to  
251 reflect such action and notify a nonresident's licensing  
252 authority and the commercial driver's license information



253 system within ten days in the manner prescribed in 49 CFR  
254 384, or as amended by the Secretary.

255 15. Any person disqualified from operating a  
256 commercial motor vehicle pursuant to subsection 1, 2, 3 or 4  
257 of this section shall have such commercial driver's license  
258 cancelled, and upon conclusion of the period of  
259 disqualification shall take the written and driving tests  
260 and meet all other requirements of sections 302.700 to  
261 302.780. Such disqualification and cancellation shall not  
262 be withdrawn by the director until such person reapplies for  
263 a commercial driver's license in this or any other state  
264 after meeting all requirements of sections 302.700 to  
265 302.780.

266 16. The director shall disqualify a driver upon  
267 receipt of notification that the Secretary has determined a  
268 driver to be an imminent hazard pursuant to 49 CFR 383.52.  
269 Due process of a disqualification determined by the  
270 Secretary pursuant to this section shall be held in  
271 accordance with regulations promulgated by the Secretary.  
272 The period of disqualification determined by the Secretary  
273 pursuant to this section shall be served concurrently to any  
274 other period of disqualification which may be imposed by the  
275 director pursuant to this section. Both disqualifications  
276 shall appear on the driving record of the driver.

277 17. The director shall disqualify a commercial license  
278 holder or operator of a commercial motor vehicle from  
279 operation of any commercial motor vehicle upon receipt of a  
280 conviction for an offense of failure to appear or pay, and  
281 such disqualification shall remain in effect until the  
282 director receives notice that the person has complied with  
283 the requirement to appear or pay.

284 18. The disqualification period must be in addition to  
285 any other previous periods of disqualification in the manner

286 prescribed in 49 CFR 383, or as amended by the Secretary,  
287 except when the major or serious violations are a result of  
288 the same incident.

289 19. Any person is disqualified from driving a  
290 commercial motor vehicle for life for being convicted of  
291 using a commercial motor vehicle in the commission of a  
292 felony involving an act or practice of severe forms of  
293 trafficking in persons, as defined in U.S.C. 7102(11). A  
294 disqualification for life under this subsection shall not be  
295 reduced."; and

296 Further amend said bill, Page 18, Section 303.440, Line  
297 9, by inserting after all of said line the following:

298 "407.526. 1. A person commits the crime of odometer  
299 fraud in the third degree if, with the intent to defraud, he  
300 operates a motor vehicle less than [ten] twenty years old on  
301 any street or highway knowing that the odometer of the motor  
302 vehicle is disconnected or not functioning.

303 2. Odometer fraud in the third degree is a class C  
304 misdemeanor.

305 407.536. 1. Any person transferring ownership of a  
306 motor vehicle previously titled in this or any other state  
307 shall do so by assignment of title and shall place the  
308 mileage registered on the odometer at the time of transfer  
309 above the signature of the transferor. The signature of the  
310 transferor below the mileage shall constitute an odometer  
311 mileage statement. The transferee shall sign such odometer  
312 mileage statement before an application for certificate of  
313 ownership may be made. If the true mileage is known to the  
314 transferor to be different from the number of miles shown on  
315 the odometer or the true mileage is unknown, a statement  
316 from the transferor shall accompany the assignment of title  
317 which shall contain all facts known by the transferor  
318 concerning the true mileage of the motor vehicle. That

319 statement shall become a part of the permanent record of the  
320 motor vehicle with the Missouri department of revenue. The  
321 department of revenue shall place on all new titles issued  
322 after September 28, 1977, a box titled "mileage at the time  
323 of transfer".

324         2. Any person transferring the ownership of a motor  
325 vehicle previously untitled in this or any other state to  
326 another person shall give an odometer mileage statement to  
327 the transferee. The statement shall include above the  
328 signature of the transferor and transferee the cumulative  
329 mileage registered on the odometer at the time of transfer.  
330 If the true mileage is known to the transferor to be  
331 different from the number of miles shown on the odometer or  
332 the true mileage is unknown, a statement from the transferor  
333 shall accompany the assignment of title which shall contain  
334 all facts known by the transferor concerning the true  
335 mileage of the motor vehicle. That statement shall become a  
336 permanent part of the records of the Missouri department of  
337 revenue.

338         3. If, upon receiving an application for registration  
339 or for a certificate of ownership of a motor vehicle, the  
340 director of revenue has credible evidence that the odometer  
341 reading provided by a transferor is materially inaccurate,  
342 he may place an asterisk on the face of the title document  
343 issued by the Missouri department of revenue, provided that  
344 the process required thereby does not interfere with his  
345 obligations under subdivision (2) of subsection 3 of section  
346 301.190. The asterisk shall refer to a statement on the  
347 face and at the bottom of the title document which shall  
348 read as follows: "This may not be the true and accurate  
349 mileage of this motor vehicle. Consult the documents on  
350 file with the Missouri department of revenue for an  
351 explanation of the inaccuracy.". Nothing in this section

352 shall prevent any person from challenging the determination  
353 by the director of revenue in the circuit courts of the  
354 state of Missouri. The burden of proof shall be on the  
355 director of the department of revenue in all such  
356 proceedings.

357 4. The mileage disclosed by the odometer mileage  
358 statement for a new or used motor vehicle as described in  
359 subsections 1 and 2 of this section shall be placed by the  
360 transferor on any title or document evidencing ownership.  
361 Additional statements shall be placed on the title document  
362 as follows:

363 (1) If the transferor states that to the best of his  
364 knowledge the mileage disclosed is the actual mileage of the  
365 motor vehicle, an asterisk shall follow the mileage on the  
366 face of the title or document of ownership issued by the  
367 Missouri department of revenue. The asterisk shall  
368 reference to a statement on the face and bottom of the title  
369 document which shall read as follows: "Actual Mileage";

370 (2) Where the transferor has submitted an explanation  
371 why this mileage is incorrect, an asterisk shall follow the  
372 mileage on the face of the title or document of ownership  
373 issued by the Missouri department of revenue. The asterisk  
374 shall reference to a statement on the face and at the bottom  
375 of the title document which shall read as follows: "This is  
376 not the true and accurate mileage of this motor vehicle.  
377 Consult the documents on file with the Missouri department  
378 of revenue for an explanation of the inaccuracy.". Further  
379 wording shall be included as follows:

380 (a) If the transferor states that the odometer  
381 reflects the amount of mileage in excess of the designed  
382 mechanical odometer limit, the above statement on the face  
383 of the title document shall be followed by the words:  
384 "Mileage exceeds the mechanical limits";

385           (b) If the transferor states that the odometer reading  
386 differs from the mileage and that the difference is greater  
387 than that caused by odometer calibration error and the  
388 odometer reading does not reflect the actual mileage and  
389 should not be relied upon, the above statement on the face  
390 of the title document shall be preceded by the words:  
391 "Warning Odometer Discrepancy".

392           5. The department of revenue shall notify all motor  
393 vehicle ownership transferees of the civil and criminal  
394 penalties involving odometer fraud.

395           6. Any person defacing or obscuring or otherwise  
396 falsifying any odometer reading on any document required by  
397 this section shall be guilty of a class E felony.

398           7. The granting or creation of a security interest or  
399 lien shall not be considered a change of ownership for the  
400 purpose of this section, and the grantor of such lien or  
401 security interest shall not be required to make an odometer  
402 mileage statement. The release of a lien by a mortgage  
403 holder shall not be considered a change of ownership of the  
404 motor vehicle for the purposes of this section. The  
405 mortgage holder or lienholder shall not be required to make  
406 an odometer disclosure statement or state the current  
407 odometer setting at the time of the release of the lien  
408 where there is no change of ownership.

409           8. For the purposes of the mileage disclosure  
410 requirements of this section, if a certificate of ownership  
411 is held by a lienholder, if the transferor makes application  
412 for a duplicate certificate of ownership, or as otherwise  
413 provided in the federal Motor Vehicle Information and Cost  
414 Savings Act and related federal regulations, the transferor  
415 may execute a written power of attorney authorizing a  
416 transfer of ownership. The person granted such power of  
417 attorney shall restate exactly on the assignment of title

418 the actual mileage disclosed at the time of transfer. The  
419 power of attorney shall accompany the certificate of  
420 ownership and the original power of attorney and a copy of  
421 the certificate of ownership shall be returned to the  
422 issuing state in the manner prescribed by the director of  
423 revenue, unless otherwise provided by federal law, rule or  
424 regulation. The department of revenue may prescribe a  
425 secure document for use in executing a written power of  
426 attorney, and may allow electronic signatures on such  
427 document. The department shall collect a fee for each form  
428 issued, not to exceed the cost of procuring the form.

429 407.556. 1. A violation of the provisions of sections  
430 407.511 to 407.556 by any person licensed or registered as a  
431 manufacturer or dealer pursuant to the provisions of chapter  
432 301, shall be considered a violation of the provisions of  
433 that chapter, subjecting that person to revocation or  
434 suspension of any license issued pursuant to the provisions  
435 of that chapter.

436 2. The provisions of sections 407.511 to 407.556 do  
437 not apply to the following motor vehicles:

438 (1) Any motor vehicle having a gross vehicle weight  
439 rating of more than sixteen thousand pounds;

440 (2) Any motor vehicle that is [~~ten~~] twenty years old  
441 or older;

442 (3) Any motor vehicle sold directly by the  
443 manufacturer to any agency of the United States in  
444 conformity with contractual specifications; or

445 (4) Any new vehicle prior to its first transfer for  
446 purposes other than resale.

447 Section B. Because of the importance of combating  
448 human trafficking, and because of the importance of securing  
449 federal highway funding to maintain a safe and adequate  
450 system of highways in this state, the repeal and reenactment

451 of sections 301.192, 301.280, 302.755, 407.526, 407.536, and  
452 407.556 of this act is deemed necessary for the immediate  
453 preservation of the public health, welfare, peace, and  
454 safety, and is hereby declared to be an emergency act within  
455 the meaning of the constitution, and the repeal and  
456 reenactment of sections 301.192, 301.280, 302.755, 407.526,  
457 407.536, and 407.556 of this act shall be in full force and  
458 effect upon its passage and approval."; and

459 Further amend the title and enacting clause accordingly.