

FIRST REGULAR SESSION

SENATE BILL NO. 645

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

2472S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 301.190, 307.380, and 643.315, RSMo, and to enact in lieu thereof three new sections relating to motor vehicle inspections.

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

Section A. Sections 301.190, 307.380, and 643.315, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 301.190, 307.380, and 643.315, to read as
4 follows:

301.190. 1. No certificate of registration of any
2 motor vehicle or trailer, or number plate therefor, shall be
3 issued by the director of revenue unless the applicant
4 therefor shall make application for and be granted a
5 certificate of ownership of such motor vehicle or trailer,
6 or shall present satisfactory evidence that such certificate
7 has been previously issued to the applicant for such motor
8 vehicle or trailer. Application shall be made within thirty
9 days after the applicant acquires the motor vehicle or
10 trailer, unless the motor vehicle was acquired under section
11 301.213 or subsection 5 of section 301.210 in which case the
12 applicant shall make application within thirty days after
13 receiving title from the dealer, upon a blank form furnished
14 by the director of revenue and shall contain the applicant's
15 identification number, a full description of the motor
16 vehicle or trailer, the vehicle identification number, and
17 the mileage registered on the odometer at the time of

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

18 transfer of ownership, as required by section 407.536,
19 together with a statement of the applicant's source of title
20 and of any liens or encumbrances on the motor vehicle or
21 trailer, provided that for good cause shown the director of
22 revenue may extend the period of time for making such
23 application. When an owner wants to add or delete a name or
24 names on an application for certificate of ownership of a
25 motor vehicle or trailer that would cause it to be
26 inconsistent with the name or names listed on the notice of
27 lien, the owner shall provide the director with
28 documentation evidencing the lienholder's authorization to
29 add or delete a name or names on an application for
30 certificate of ownership.

31 2. The director of revenue shall use reasonable
32 diligence in ascertaining whether the facts stated in such
33 application are true and shall, to the extent possible
34 without substantially delaying processing of the
35 application, review any odometer information pertaining to
36 such motor vehicle that is accessible to the director of
37 revenue. If satisfied that the applicant is the lawful
38 owner of such motor vehicle or trailer, or otherwise
39 entitled to have the same registered in his name, the
40 director shall thereupon issue an appropriate certificate
41 over his signature and sealed with the seal of his office,
42 procured and used for such purpose. The certificate shall
43 contain on its face a complete description, vehicle
44 identification number, and other evidence of identification
45 of the motor vehicle or trailer, as the director of revenue
46 may deem necessary, together with the odometer information
47 required to be put on the face of the certificate pursuant
48 to section 407.536, a statement of any liens or encumbrances
49 which the application may show to be thereon, and, if

50 ownership of the vehicle has been transferred, the name of
51 the state issuing the transferor's title and whether the
52 transferor's odometer mileage statement executed pursuant to
53 section 407.536 indicated that the true mileage is
54 materially different from the number of miles shown on the
55 odometer, or is unknown.

56 3. The director of revenue shall appropriately
57 designate on the current and all subsequent issues of the
58 certificate the words "Reconstructed Motor Vehicle", "Motor
59 Change Vehicle", "Specially Constructed Motor Vehicle", or
60 "Non-USA-Std Motor Vehicle", as defined in section 301.010.
61 Effective July 1, 1990, on all original and all subsequent
62 issues of the certificate for motor vehicles as referenced
63 in subsections 2 and 3 of section 301.020, the director
64 shall print on the face thereof the following designation:
65 "Annual odometer updates may be available from the
66 department of revenue.". On any duplicate certificate, the
67 director of revenue shall reprint on the face thereof the
68 most recent of either:

69 (1) The mileage information included on the face of
70 the immediately prior certificate and the date of purchase
71 or issuance of the immediately prior certificate; or

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

75 4. The certificate of ownership issued by the director
76 of revenue shall be manufactured in a manner to prohibit as
77 nearly as possible the ability to alter, counterfeit,
78 duplicate, or forge such certificate without ready
79 detection. In order to carry out the requirements of this
80 subsection, the director of revenue may contract with a
81 nonprofit scientific or educational institution specializing

82 in the analysis of secure documents to determine the most
83 effective methods of rendering Missouri certificates of
84 ownership nonalterable or noncounterfeitable.

85 5. The fee for each original certificate so issued
86 shall be eight dollars and fifty cents, in addition to the
87 fee for registration of such motor vehicle or trailer. If
88 application for the certificate is not made within thirty
89 days after the vehicle is acquired by the applicant, or
90 where the motor vehicle was acquired under section 301.213
91 or subsection 5 of section 301.210 and the applicant fails
92 to make application within thirty days after receiving title
93 from the dealer, a delinquency penalty fee of twenty-five
94 dollars for the first thirty days of delinquency and twenty-
95 five dollars for each thirty days of delinquency thereafter,
96 not to exceed a total of two hundred dollars, but such
97 penalty may be waived by the director for a good cause
98 shown. If the director of revenue learns that any person
99 has failed to obtain a certificate within thirty days after
100 acquiring a motor vehicle or trailer, or where the motor
101 vehicle was acquired under section 301.213 or subsection 5
102 of section 301.210 and the applicant fails to make
103 application within thirty days after receiving title from
104 the dealer, or has sold a vehicle without obtaining a
105 certificate, he shall cancel the registration of all
106 vehicles registered in the name of the person, either as
107 sole owner or as a co-owner, and shall notify the person
108 that the cancellation will remain in force until the person
109 pays the delinquency penalty fee provided in this section,
110 together with all fees, charges and payments which the
111 person should have paid in connection with the certificate
112 of ownership and registration of the vehicle. The
113 certificate shall be good for the life of the motor vehicle

114 or trailer so long as the same is owned or held by the
115 original holder of the certificate and shall not have to be
116 renewed annually.

117 6. Any applicant for a certificate of ownership
118 requesting the department of revenue to process an
119 application for a certificate of ownership in an expeditious
120 manner requiring special handling shall pay a fee of five
121 dollars in addition to the regular certificate of ownership
122 fee.

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

127 8. Before an original Missouri certificate of
128 ownership is issued, an inspection of the vehicle and a
129 verification of vehicle identification numbers shall be made
130 by the Missouri state highway patrol on vehicles for which
131 there is a current title issued by another state if a
132 Missouri salvage certificate of title has been issued for
133 the same vehicle but no prior inspection and verification
134 has been made in this state, except that if such vehicle has
135 been inspected in another state by a law enforcement officer
136 in a manner comparable to the inspection process in this
137 state and the vehicle identification numbers have been so
138 verified, the applicant shall not be liable for the twenty-
139 five dollar inspection fee if such applicant submits proof
140 of inspection and vehicle identification number verification
141 to the director of revenue at the time of the application.
142 The applicant, who has such a title for a vehicle on which
143 no prior inspection and verification have been made, shall
144 pay a fee of twenty-five dollars for such verification and
145 inspection, payable to the director of revenue at the time

146 of the request for the application, which shall be deposited
147 in the state treasury to the credit of the state highways
148 and transportation department fund.

149 9. Each application for an original Missouri
150 certificate of ownership for a vehicle which is classified
151 as a reconstructed motor vehicle, specially constructed
152 motor vehicle, kit vehicle, motor change vehicle, non-USA-
153 std motor vehicle, or other vehicle as required by the
154 director of revenue shall be accompanied by a vehicle
155 examination certificate issued by the Missouri state highway
156 patrol, or other law enforcement agency as authorized by the
157 director of revenue. The vehicle examination shall include
158 a verification of vehicle identification numbers and a
159 determination of the classification of the vehicle. The
160 owner of a vehicle which requires a vehicle examination
161 certificate shall present the vehicle for examination and
162 obtain a completed vehicle examination certificate prior to
163 submitting an application for a certificate of ownership to
164 the director of revenue. Notwithstanding any provision of
165 the law to the contrary, an owner presenting a motor vehicle
166 which has been issued a salvage title and which is ten years
167 of age or older to a vehicle examination described in this
168 subsection in order to obtain a certificate of ownership
169 with the designation prior salvage motor vehicle shall not
170 be required to repair or restore the vehicle to its original
171 appearance in order to pass or complete the vehicle
172 examination. The fee for the vehicle examination
173 application shall be twenty-five dollars and shall be
174 collected by the director of revenue at the time of the
175 request for the application and shall be deposited in the
176 state treasury to the credit of the state highways and
177 transportation department fund. If the vehicle is also to

178 be registered in Missouri, the safety inspection required in
179 chapter 307 and the emissions inspection required under
180 chapter 643 shall be completed and the fees required by
181 section 307.365 and section 643.315 shall be charged to the
182 owner.

183 10. **(1)** When an application is made for an original
184 Missouri certificate of ownership for a motor vehicle
185 previously registered or titled in a state other than
186 Missouri or as required by section 301.020, it shall be
187 accompanied by a current inspection form certified by a duly
188 authorized official inspection station as described in
189 chapter 307; **except that, such inspection may be completed**
190 **by an employee of a licensed new or used motor vehicle**
191 **dealer for a motor vehicle sold to a person who lives**
192 **outside of this state and intends to register the vehicle**
193 **outside of this state or a motor vehicle having less than**
194 **thirty-six thousand miles for the three-year period**
195 **following the model year of manufacture.** The completed form
196 shall certify that the manufacturer's identification number
197 for the vehicle has been inspected, that it is correctly
198 displayed on the vehicle and shall certify the reading shown
199 on the odometer at the time of inspection. The inspection
200 station **or, in the case of a motor vehicle sold to a person**
201 **who lives outside of this state and intends to register the**
202 **vehicle outside of this state or a motor vehicle having less**
203 **than thirty-six thousand miles for the three-year period**
204 **following the model year of manufacture, the licensed new or**
205 **used motor vehicle dealer** shall collect the same fee as
206 authorized in section 307.365 for making the inspection, and
207 the fee shall be deposited in the same manner as provided in
208 section 307.365. If the vehicle is also to be registered in
209 Missouri, the safety inspection required in chapter 307 and

210 the emissions inspection required under chapter 643 shall be
211 completed **by a duly authorized official inspection station**
212 and only the fees required by section 307.365 and section
213 643.315 shall be charged to the owner. This section shall
214 not apply to vehicles being transferred on a manufacturer's
215 statement of origin.

216 **(2) A licensed new or used motor vehicle dealer who**
217 **knowingly completes an inspection under subdivision (1) of**
218 **this subsection with incomplete information shall be subject**
219 **to disciplinary action, up to and including suspension or**
220 **revocation of their dealer's license, as prescribed in**
221 **section 301.562.**

222 11. Motor vehicles brought into this state in a
223 wrecked or damaged condition or after being towed as an
224 abandoned vehicle pursuant to another state's abandoned
225 motor vehicle procedures shall, in lieu of the inspection
226 required by subsection 10 of this section, be inspected by
227 the Missouri state highway patrol in accordance with
228 subsection 9 of this section. If the inspection reveals the
229 vehicle to be in a salvage or junk condition, the director
230 shall so indicate on any Missouri certificate of ownership
231 issued for such vehicle. Any salvage designation shall be
232 carried forward on all subsequently issued certificates of
233 title for the motor vehicle.

234 12. When an application is made for an original
235 Missouri certificate of ownership for a motor vehicle
236 previously registered or titled in a state other than
237 Missouri, and the certificate of ownership has been
238 appropriately designated by the issuing state as a
239 reconstructed motor vehicle, motor change vehicle, specially
240 constructed motor vehicle, or prior salvage vehicle, the
241 director of revenue shall appropriately designate on the

242 current Missouri and all subsequent issues of the
243 certificate of ownership the name of the issuing state and
244 such prior designation. The absence of any prior
245 designation shall not relieve a transferor of the duty to
246 exercise due diligence with regard to such certificate of
247 ownership prior to the transfer of a certificate. If a
248 transferor exercises any due diligence with regard to a
249 certificate of ownership, the legal transfer of a
250 certificate of ownership without any designation that is
251 subsequently discovered to have or should have had a
252 designation shall be a transfer free and clear of any
253 liabilities of the transferor associated with the missing
254 designation.

255 13. When an application is made for an original
256 Missouri certificate of ownership for a motor vehicle
257 previously registered or titled in a state other than
258 Missouri, and the certificate of ownership has been
259 appropriately designated by the issuing state as non-USA-std
260 motor vehicle, the director of revenue shall appropriately
261 designate on the current Missouri and all subsequent issues
262 of the certificate of ownership the words "Non-USA-Std Motor
263 Vehicle".

264 14. The director of revenue and the superintendent of
265 the Missouri state highway patrol shall make and enforce
266 rules for the administration of the inspections required by
267 this section.

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

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

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

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

284 (4) An inspection certificate, other than a motor
285 vehicle examination certificate required under subsection 9
286 of this section, completed and issued by the Missouri state
287 highway patrol, or other law enforcement agency as
288 authorized by the director of revenue. The inspection
289 performed by the highway patrol or other authorized local
290 law enforcement agency shall include a check for stolen
291 vehicles.

292 The department of revenue shall issue the owner a
293 certificate of ownership designated with the words
294 "Reconstructed Motor Vehicle" and deliver such certificate
295 of ownership in accordance with the provisions of this
296 chapter. Notwithstanding subsection 9 of this section, no
297 owner of a reconstructed motor vehicle described in this
298 subsection shall be required to obtain a vehicle examination
299 certificate issued by the Missouri state highway patrol.

307.380. 1. Every vehicle of the type required to be
2 inspected upon having been involved in an accident and when
3 so directed by a police officer must be inspected and an
4 official certificate of inspection and approval, sticker,

5 seal or other device be obtained for such vehicle before it
6 is again operated on the highways of this state.

7 **2.** At the seller's expense every used motor vehicle of
8 the type required to be inspected by section 307.350 shall
9 **[immediately] no more than sixty days** prior to sale be fully
10 inspected regardless of any current certificate of
11 inspection and approval, and an appropriate new certificate
12 of inspection and approval, sticker, seal or other device
13 shall be obtained; **except that, such inspection shall not be**
14 **required for a motor vehicle sold to a person who lives**
15 **outside of this state and intends to register the vehicle**
16 **outside of this state or a motor vehicle having less than**
17 **thirty-six thousand miles for the three-year period**
18 **following the model year of manufacture when:**

- 19 (1) Sold by a private seller; or
20 (2) Sold by a licensed new or used motor vehicle
21 dealer, provided that such dealer has sold at least two
22 hundred motor vehicles in the previous calendar year.

23 **The seller of a motor vehicle required to be inspected under**
24 **this subsection shall present the certificate of inspection**
25 **and approval to the buyer at the point of sale and the buyer**
26 **shall be required to submit the certificate of inspection**
27 **when applying for registration of the vehicle.**

28 **[2.] 3.** Nothing contained in the provisions of this
29 section shall be construed to prohibit a dealer or any other
30 person from selling a vehicle without a certificate of
31 inspection and approval if the vehicle is sold for junk,
32 salvage, or for rebuilding, or for vehicles sold at public
33 auction or from dealer to dealer. The purchaser of any
34 vehicle which is purchased for junk, salvage, or for
35 rebuilding shall give to the seller an affidavit, on a form

36 prescribed by the superintendent of the Missouri state
37 highway patrol, stating that the vehicle is being purchased
38 for one of the reasons stated herein. No vehicle of the
39 type required to be inspected by section 307.350 which is
40 purchased as junk, salvage, or for rebuilding shall again be
41 registered in this state until the owner has submitted the
42 vehicle for inspection and obtained an official certificate
43 of inspection and approval, sticker, seal or other device
44 for such vehicle.

45 [3.] 4. Notwithstanding the provisions of section
46 307.390, violation of this section shall be deemed an
47 infraction.

643.315. 1. Except as provided in sections 643.300 to
2 643.355, all motor vehicles which are domiciled, registered
3 or primarily operated in an area for which the commission
4 has established a motor vehicle emissions inspection program
5 pursuant to sections 643.300 to 643.355 shall be inspected
6 and approved prior to sale or transfer; provided that, if
7 such vehicle is inspected and approved prior to sale or
8 transfer, such vehicle shall not be subject to another
9 emissions inspection for ninety days after the date of sale
10 or transfer of such vehicle. In addition, any such vehicle
11 manufactured as an even-numbered model year vehicle shall be
12 inspected and approved under the emissions inspection
13 program established pursuant to sections 643.300 to 643.355
14 in each even-numbered calendar year and any such vehicle
15 manufactured as an odd-numbered model year vehicle shall be
16 inspected and approved under the emissions inspection
17 program established pursuant to sections 643.300 to 643.355
18 in each odd-numbered calendar year. All motor vehicles
19 subject to the inspection requirements of sections 643.300
20 to 643.355 shall display a valid emissions inspection

21 sticker, and when applicable, a valid emissions inspection
22 certificate shall be presented at the time of registration
23 or registration renewal of such motor vehicle. The
24 department of revenue shall require evidence of the safety
25 and emission inspection and approval required by this
26 section in issuing the motor vehicle annual registration in
27 conformity with the procedure required by sections 307.350
28 to 307.390 and sections 643.300 to 643.355. The director of
29 revenue may verify that a successful safety and emissions
30 inspection was completed via electronic means.

31 2. The inspection requirement of subsection 1 of this
32 section shall apply to all motor vehicles except:

33 (1) Motor vehicles with a manufacturer's gross vehicle
34 weight rating in excess of eight thousand five hundred
35 pounds;

36 (2) Motorcycles and motortricycles if such vehicles
37 are exempted from the motor vehicle emissions inspection
38 under federal regulation and approved by the commission by
39 rule;

40 (3) Model year vehicles manufactured prior to 1996;

41 (4) Vehicles which are powered exclusively by electric
42 or hydrogen power or by fuels other than gasoline which are
43 exempted from the motor vehicle emissions inspection under
44 federal regulation and approved by the commission by rule;

45 (5) Motor vehicles registered in an area subject to
46 the inspection requirements of sections 643.300 to 643.355
47 which are domiciled and operated exclusively in an area of
48 the state not subject to the inspection requirements of
49 sections 643.300 to 643.355, but only if the owner of such
50 vehicle presents to the department an affidavit that the
51 vehicle will be operated exclusively in an area of the state
52 not subject to the inspection requirements of sections

53 643.300 to 643.355 for the next twenty-four months, and the
54 owner applies for and receives a waiver which shall be
55 presented at the time of registration or registration
56 renewal;

57 (6) New and unused motor vehicles, of model years of
58 the current calendar year and of any calendar year within
59 two years of such calendar year, which have an odometer
60 reading of less than six thousand miles at the time of
61 original sale by a motor vehicle manufacturer or licensed
62 motor vehicle dealer to the first user;

63 (7) Historic motor vehicles registered pursuant to
64 section 301.131;

65 (8) School buses;

66 (9) Heavy-duty diesel-powered vehicles with a gross
67 vehicle weight rating in excess of eight thousand five
68 hundred pounds;

69 (10) New motor vehicles that have not been previously
70 titled and registered, for the four-year period following
71 their model year of manufacture, provided the odometer
72 reading for such motor vehicles are under forty thousand
73 miles at their first required biennial safety inspection
74 conducted under sections 307.350 to 307.390; otherwise such
75 motor vehicles shall be subject to the emissions inspection
76 requirements of subsection 1 of this section during the same
77 period that the biennial safety inspection is conducted;

78 (11) Motor vehicles that are driven fewer than twelve
79 thousand miles between biennial safety inspections; and

80 (12) Qualified plug-in electric drive vehicles. For
81 the purposes of this section, "qualified plug-in electric
82 drive vehicle" shall mean a plug-in electric drive vehicle
83 that is made by a manufacturer, has not been modified from
84 original manufacturer specifications, and can operate solely

85 on electric power and is capable of recharging its battery
86 from an on-board generation source and an off-board
87 electricity source.

88 3. The commission may, by rule, allow inspection
89 reciprocity with other states having equivalent or more
90 stringent testing and waiver requirements than those
91 established pursuant to sections 643.300 to 643.355.

92 4. (1) At the time of sale, a licensed motor vehicle
93 dealer, as defined in section 301.550, may choose to sell a
94 motor vehicle subject to the inspection requirements of
95 sections 643.300 to 643.355 either:

96 (a) With prior inspection and approval as provided in
97 subdivision (2) of this subsection; or

98 (b) Without prior inspection and approval as provided
99 in subdivision (3) of this subsection.

100 (2) If the dealer chooses to sell the vehicle with
101 prior inspection and approval, the dealer shall disclose, in
102 writing, prior to sale, whether the vehicle obtained
103 approval by meeting the emissions standards established
104 pursuant to sections 643.300 to 643.355 or by obtaining a
105 waiver pursuant to section 643.335. A vehicle sold pursuant
106 to this subdivision by a licensed motor vehicle dealer shall
107 be inspected and approved within the one hundred twenty days
108 immediately preceding the date of sale, and, for the purpose
109 of registration of such vehicle, such inspection shall be
110 considered timely.

111 (3) If the dealer chooses to sell the vehicle without
112 prior inspection and approval, the purchaser may return the
113 vehicle within ten days of the date of purchase, provided
114 that the vehicle has no more than one thousand additional
115 miles since the time of sale, if the vehicle fails, upon
116 inspection, to meet the emissions standards specified by the

117 commission and the dealer shall have the vehicle inspected
118 and approved without the option for a waiver of the
119 emissions standard and return the vehicle to the purchaser
120 with a valid emissions certificate and sticker within five
121 working days or the purchaser and dealer may enter into any
122 other mutually acceptable agreement. If the dealer chooses
123 to sell the vehicle without prior inspection and approval,
124 the dealer shall disclose conspicuously on the sales
125 contract and bill of sale that the purchaser has the option
126 to return the vehicle within ten days, provided that the
127 vehicle has no more than one thousand additional miles since
128 the time of sale, to have the dealer repair the vehicle and
129 provide an emissions certificate and sticker within five
130 working days if the vehicle fails, upon inspection, to meet
131 the emissions standards established by the commission, or
132 enter into any mutually acceptable agreement with the
133 dealer. A violation of this subdivision shall be an
134 unlawful practice as defined in section 407.020. No
135 emissions inspection shall be required pursuant to sections
136 643.300 to 643.360 for the sale of any motor vehicle which
137 may be sold without a certificate of inspection and
138 approval, as provided pursuant to subsection 2 **or** 3 of
139 section 307.380.

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