

SECOND REGULAR SESSION

# HOUSE BILL NO. 835

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CUNNINGHAM (86) (Sponsor) and SANDER (Co-sponsor).

Pre-filed December 11, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2540L.021

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### AN ACT

To amend chapter 301, RSMo, by adding thereto three new sections relating to specialty license plates.

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

Section A. Chapter 301, RSMo, is amended by adding thereto three new sections, to be  
2 known as sections 301.3150, 301.3152, and 301.3154, to read as follows:

**301.3150. 1. An organization, other than an organization seeking a specialty  
2 military license plate, that seeks authorization to establish a new specialty license plate  
3 shall initially petition the department of revenue by submitting the following:**

4 **(1) An application in a form prescribed by the director for the particular specialty  
5 license plate being sought, describing the proposed specialty license plate in general terms.  
6 The application may contain written testimony for support of this specialty plate;**

7 **(2) Each application submitted pursuant to this section shall be accompanied by  
8 a minimum of one hundred applications and the specialty plate fee from eligible applicants  
9 who plan to purchase the specialty plate if the specialty plate is approved pursuant to this  
10 section;**

11 **(3) An application fee, not to exceed five thousand dollars, to defray the  
12 department's cost for reviewing the application and developing the specialty license plate,  
13 if authorized; and**

14 **(4) All moneys received by the Missouri department of revenue, excluding the  
15 twenty-five dollar specialty license plate fee authorized by this section, for the reviewing  
16 and development of specialty plates shall be deposited in the state treasury to the credit of  
17 the "Department of Revenue Specialty Plate Fund" which is hereby created. The state  
18 treasurer shall be custodian of the fund and shall make disbursements from the funds**

19 requested by the Missouri director of revenue for personal services, expenses, and  
20 equipment required to prepare, review, develop, and disseminate a new specialty plate and  
21 process the one hundred applications and to refund deposits for the application of such  
22 specialty plate, if the application is not approved by the joint committee on transportation  
23 oversight and for no other purpose.

24 **2. At the end of each state fiscal year, the Missouri director of revenue shall:**

25 **(1) Determine the amount of all moneys deposited into the department of revenue**  
26 **specialty plate fund;**

27 **(2) Determine the amount of the disbursements from the department of revenue**  
28 **specialty plate fund which were made to produce the specialty plate and process the one**  
29 **hundred applications; and**

30 **(3) Subtract the amount of disbursements from the income figure referred to in**  
31 **subdivision (1) of this subsection and deliver an amount equal to this figure to the state**  
32 **treasurer.**

33 **3. The state treasurer shall transfer an amount of money equal to the figure**  
34 **provided by the director of revenue from the department of revenue specialty plate fund**  
35 **to the state highway department fund. An unexpended balance in the department of**  
36 **revenue specialty plate fund at the end of the biennium not exceeding twenty-five thousand**  
37 **dollars shall be exempt from the provisions of section 33.080, RSMo, relating to transfer**  
38 **of unexpended balances to the general revenue fund.**

39 **4. The documents and fees required pursuant to this section shall be submitted to**  
40 **the department of revenue by July first prior to the next regular session of the general**  
41 **assembly to be approved or denied by the joint committee on transportation oversight as**  
42 **established under section 21.795, RSMo, or its successor, during that legislative session.**

43 **5. The department of revenue shall give notice of any proposed specialty plate in**  
44 **a manner reasonably calculated to advise the public of such proposal. Reasonable notice**  
45 **shall include posting the proposal for the specialty plate on the department's official public**  
46 **web site, making available copies of the specialty plate application to any representative**  
47 **of the news media or public upon request, and posting the application on a bulletin board**  
48 **or other prominent public place which is easily accessible to the public and clearly**  
49 **designated for that purpose at the principal office.**

50 **6. Adequate notice conforming with all of the requirements of subsection 5 of this**  
51 **section shall be given not less than four weeks, exclusive of weekends and holidays when**  
52 **the facility is closed, after the submission of the application by the organization to the**  
53 **department of revenue. Written or electronic testimony in support or opposition of the**  
54 **proposed specialty plate shall be submitted to the department of revenue by November**

55 thirtieth of the year of filing of the original proposal. All written testimony shall contain  
56 the printed name, signature, address, phone number, and e-mail address, if applicable, of  
57 the individual giving the testimony.

58 7. The department of revenue shall submit for approval all applications for the  
59 development of specialty plates to the joint committee on transportation oversight as  
60 established under section 21.795, RSMo, or its successor, during a regular session of the  
61 general assembly for approval.

62 8. If the specialty license plate requested by an organization is approved by the  
63 joint committee on transportation oversight, the organization shall submit the proposed  
64 art design for the specialty license plate to the department as soon as practicable, but no  
65 later than sixty days after the approval of the specialty license plate. If the specialty license  
66 plate requested by the organization is not approved by the joint committee on  
67 transportation oversight, ninety-seven percent of the application fee shall be refunded to  
68 the requesting organization along with all specialty plate fees submitted.

69 9. An emblem-use authorization fee may be charged by the organization prior to  
70 the issuance of an approved specialty plate. The organization's specialty plate proposal  
71 approved by the joint committee on transportation oversight shall state what fee is  
72 required to obtain such statement and if such fee is required annually. An organization  
73 applying for specialty plates shall authorize the use of its official emblem to be affixed on  
74 multiyear personalized license plates within the plate area prescribed by the director of  
75 revenue and as provided in this section. Any contribution to the organization derived from  
76 the emblem-use contribution, except reasonable administrative costs, shall be used solely  
77 for the purposes of the organization. Any member of the organization may annually apply  
78 for the use of the emblem, if applicable.

79 10. The department shall begin production and distribution of each new specialty  
80 license plate within one year after approval of the specialty license plate by the joint  
81 committee on transportation oversight.

82 11. The department shall issue a specialty license plate to the owner who meets the  
83 requirements for issuance of the specialty plate for any motor vehicle such owner owns,  
84 either solely or jointly, other than an apportioned motor vehicle or a commercial motor  
85 vehicle licensed in excess of eighteen thousand pounds gross weight.

86 12. Each new or renewed application for an approved specialty license plate shall  
87 be made to the department of revenue, accompanied by an additional fee of twenty-five  
88 dollars and the appropriate emblem-use authorization statement.

89 13. The appropriate registration fees, processing fees and documents otherwise  
90 required for the issuance of registration of the motor vehicle as set forth by law shall be

91 submitted at the time the specialty plates are actually issued and renewed. However, no  
92 additional fee for the personalization of this plate shall be charged.

93 14. Once a specialty plate design is approved, a request for such plate may be made  
94 any time during a registration period. If a request is made for a specialty license plate to  
95 replace a current valid license plate, all documentation, credits, and fees provided for in  
96 this chapter when replacing a current license plate shall apply.

97 15. Specialty license plates shall bear a design approved by the organization  
98 submitting the original application for approval by the joint committee on transportation  
99 oversight. The design shall be within the plate area prescribed by the director of revenue,  
100 and the designated organization's name or slogan shall be in place of the words  
101 "SHOW-ME STATE". Such license plates shall be made with fully reflective material  
102 with a common color scheme and design of the standard license plate, shall be clearly  
103 visible at night, shall have a reflective white background in the area of the plate  
104 configuration, and shall be aesthetically attractive, as prescribed by section 301.130 and  
105 as provided in this section. In addition to a design, the specialty license plates shall be in  
106 accordance with criteria and plate design set forth in this chapter.

107 16. The department is authorized to discontinue the issuance of a specialty license  
108 plate if the organization has stopped providing services and use-emblem authorization  
109 statements are no longer being issued by the organization. Such organizations shall notify  
110 the department immediately to discontinue the issuance of a specialty plate.

111 17. The organization that requested the specialty license plate shall not redesign the  
112 specialty personalized license plate unless such organization pays the director in advance  
113 all redesigned plate fees and all owners of such plates pay for the replacement of the  
114 existing specialty plate. All other applicable license plate fees in accordance with this  
115 chapter shall be required.

2 301.3152. Any person or organization who has received a notice of denial of  
3 application for development of a specialty plate may make a request within fifteen days of  
4 receipt of the notice for a review of the committee's determination at a hearing before the  
5 committee at a time deemed appropriate.

2 301.3154. Notwithstanding the provisions of chapter 301 to the contrary, all  
3 specialty license plate fees shall be twenty-five dollars in addition to registration fees. The  
4 provisions of this section shall not apply to specialty military license plates. The fees for  
5 specialty military license plates shall be assessed as provided for by the statute creating  
6 such license plate.