

FIRST REGULAR SESSION

HOUSE BILL NO. 120

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES (117).

Pre-filed December 20, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0638L.011

AN ACT

To repeal section 301.144, RSMo, and to enact in lieu thereof one new section relating to special license plates.

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

Section A. Section 301.144, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.144, to read as follows:

301.144. 1. The director of revenue shall establish and issue special personalized license plates containing letters or numbers or combinations of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Any person desiring to obtain a special personalized license plate for any motor vehicle **or trailer** the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight shall apply to the director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in addition to the regular registration fees. The director of revenue shall issue rules and regulations setting the standards and establishing the procedure for application for and issuance of the special personalized license plates and shall provide a deadline each year for the applications. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

27 2. Upon application for a personalized plate by the owner of a motor vehicle **or trailer**
28 for which the owner has no registration plate available for transfer as prescribed by section
29 301.140, the director shall issue a temporary permit authorizing the operation of the motor
30 vehicle **or trailer** until the personalized plate is issued.

31 3. No personalized license plates shall be issued containing any letters, numbers or
32 combination of letters and numbers which are obscene, profane, patently offensive or
33 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
34 an unreasonable danger to the health or safety of the applicant, of other users of streets and
35 highways, or of the public in any location where the vehicle with such a plate may be found. The
36 director may recall any personalized license plates, including those issued prior to August 28,
37 1992, if the director determines that the plates are obscene, profane, patently offensive or
38 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
39 an unreasonable danger to the health or safety of the applicant, of other users of streets and
40 highways, or of the public in any location where the vehicle with such a plate may be found.
41 Where the director recalls such plates pursuant to the provisions of this subsection, the director
42 shall reissue personalized license plates to the owner of the motor vehicle **or trailer** for which
43 they were issued at no charge, if the new plates proposed by the owner of the motor vehicle **or**
44 **trailer** meet the standards established pursuant to this section. The director shall not apply the
45 provisions of this statute in a way that violates the Missouri or United States Constitutions as
46 interpreted by the courts with controlling authority in the state of Missouri. The primary purpose
47 of motor vehicle [licence] **license** plates is to identify motor vehicles **or trailers**. Nothing in the
48 issuance of a personalized license plate creates a designated or limited public forum. Nothing
49 contained in this subsection shall be interpreted to prohibit the use of license plates, which are
50 no longer valid for registration purposes, as collector's items or for decorative purposes.

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

57 5. The director of revenue shall issue to residents of the state of Missouri who hold an
58 unrevoked and unexpired official amateur radio license issued by the Federal Communications
59 Commission, upon application and upon payment of the additional fee specified in subsection
60 1 of this section, except for a person exempted from the additional fee pursuant to subsection 7
61 of this section, personalized special license plates bearing the official amateur radio call letters
62 assigned by the Federal Communications Commission to the applicant with the words
63 "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The application shall be
64 accompanied by a statement stating that the applicant has an unrevoked and unexpired amateur
65 radio license issued by the Federal Communications Commission and the official radio call
66 letters assigned by the Federal Communications Commission to the applicant. An owner making
67 a new application and paying a new fee to retain an amateur radio plate may request a
68 replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME
69 STATE". If application is made to retain a plate that is three years old or older, the replacement
70 plate shall be issued upon the payment of required fees.

71 6. Notwithstanding any other provision to the contrary, any business that repossesses
72 motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard
73 displaying the word "Repossessed", provided such business pays the fees presently required of
74 a manufacturer, distributor, or dealer in subsection 1 of section 301.253. Such placard shall bear
75 a number and shall be in such form as the director of revenue shall determine, and shall be only
76 used for demonstrations when displayed substantially as provided for number plates on the rear
77 of the motor vehicle or trailer.

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