

FIRST REGULAR SESSION

HOUSE BILL NO. 690

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ST. ONGE.

Read 1st time March 2, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1929L.011

AN ACT

To repeal sections 301.020 and 301.190, and to enact in lieu thereof two new sections relating to salvage motor vehicles, with a penalty provision.

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

Section A. Sections 301.020 and 301.190, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 301.020 and 301.190, RSMo, to read as follows:

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven
2 upon the highways of this state, except as herein otherwise expressly provided, shall annually
3 file, by mail or otherwise, in the office of the director of revenue, an application for registration
4 on a blank to be furnished by the director of revenue for that purpose containing:

5 (1) A brief description of the motor vehicle or trailer to be registered, including the name
6 of the manufacturer, the vehicle identification number, the amount of motive power of the motor
7 vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a
8 motor vehicle primarily for business use as defined in section 301.010;

9 (2) The name, the applicant's identification number and address of the owner of such
10 motor vehicle or trailer;

11 (3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a
12 commercial motor vehicle or trailer.

13 2. If the vehicle is a motor vehicle primarily for business use as defined in section
14 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the
15 odometer information provided in the vehicle inspection report, and provide for prompt access
16 to such information, together with the vehicle identification number for the motor vehicle to

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.

17 which such information pertains, for a period of five years after the receipt of such information.

18 This section shall not apply unless:

19 (1) The application for the vehicle's certificate of ownership was submitted after July 1,
20 1989; and

21 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

22 3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business
23 use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor
24 vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age
25 or less, the director of revenue shall retain the odometer information provided in the vehicle
26 inspection report, and provide for prompt access to such information, together with the vehicle
27 identification number for the motor vehicle to which such information pertains, for a period of
28 five years after the receipt of such information. This subsection shall not apply unless:

29 (1) The application for the vehicle's certificate of ownership was submitted after July 1,
30 1990; and

31 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

32 4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle,
33 specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010,
34 or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the
35 certificate of ownership. The owner shall make an application for a new certificate of ownership,
36 pay the required title fee, and obtain the vehicle examination certificate required pursuant to
37 **subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle**
38 **as defined in section 301.010 and the insured is retaining ownership of the vehicle as prior**
39 **salvage, and the vehicle has sustained only cosmetic damage and is not being reconstructed**
40 **or rebuilt, the vehicle shall only be required to meet the examination requirements of**
41 **subsection 10 of section 301.190.** Notarized bills of sale along with a copy of the front and back
42 of the certificate of ownership for all major component parts installed on the vehicle and invoices
43 for all essential parts which are not defined as major component parts shall accompany the
44 application for a new certificate of ownership. If the vehicle is a specially constructed motor
45 vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the
46 application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the
47 manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special
48 number by the director of revenue or a replacement vehicle identification number, the applicant
49 shall submit the required application and application fee. All applications required under this
50 subsection shall be submitted with any applicable taxes which may be due on the purchase of the
51 vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor
52 Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed

53 Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such
54 vehicle.

55 5. Every insurance company which pays a claim for repair of a motor vehicle which as
56 the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010
57 or which pays a claim on a salvage vehicle as defined in section 301.010 and the insured is
58 retaining ownership of the vehicle, shall in writing notify the claimant, if he is the owner of the
59 vehicle, and the lienholder if a lien is in effect, that he is required to surrender the certificate of
60 ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain
61 a reconstructed motor vehicle certificate of ownership or documents and fees as otherwise
62 required by law to obtain a salvage certificate of ownership, from the director of revenue. The
63 insurance company shall within thirty days of the payment of such claims report to the director
64 of revenue the name and address of such claimant, the year, make, model, vehicle identification
65 number, and license plate number of the vehicle, and the date of loss and payment.

66 6. Anyone who fails to comply with the requirements of this section shall be guilty of
67 a class B misdemeanor.

68 7. An applicant for registration may make a donation of one dollar to promote a
69 blindness education, screening and treatment program. The director of revenue shall collect the
70 donations and deposit all such donations in the state treasury to the credit of the blindness
71 education, screening and treatment program fund established in section 192.935, RSMo. Moneys
72 in the blindness education, screening and treatment program fund shall be used solely for the
73 purposes established in section 192.935, RSMo, except that the department of revenue shall
74 retain no more than one percent for its administrative costs. The donation prescribed in this
75 subsection is voluntary and may be refused by the applicant for registration at the time of
76 issuance or renewal. The director shall inquire of each applicant at the time the applicant
77 presents the completed application to the director whether the applicant is interested in making
78 the one-dollar donation prescribed in this subsection.

79 8. An applicant for registration may make a donation of one dollar to promote an organ
80 donor program. The director of revenue shall collect the donations and deposit all such
81 donations in the state treasury to the credit of the organ donor program fund as established in
82 sections 194.297 to 194.304, RSMo. Moneys in the organ donor fund shall be used solely for
83 the purposes established in sections 194.297 to 194.304, RSMo, except that the department of
84 revenue shall retain no more than one percent for its administrative costs. The donation
85 prescribed in this subsection is voluntary and may be refused by the applicant for registration at
86 the time of issuance or renewal. The director shall inquire of each applicant at the time the
87 applicant presents the completed application to the director whether the applicant is interested
88 in making the one-dollar donation prescribed in this subsection.

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate
2 therefor, shall be issued by the director of revenue unless the applicant therefor shall make
3 application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall
4 present satisfactory evidence that such certificate has been previously issued to the applicant for
5 such motor vehicle or trailer. Application shall be made within thirty days after the applicant
6 acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and
7 shall contain the applicant's identification number, a full description of the motor vehicle or
8 trailer, the vehicle identification number, and the mileage registered on the odometer at the time
9 of transfer of ownership, as required by section 407.536, RSMo, together with a statement of the
10 applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer,
11 provided that for good cause shown the director of revenue may extend the period of time for
12 making such application.

13 2. The director of revenue shall use reasonable diligence in ascertaining whether the facts
14 stated in such application are true and shall, to the extent possible without substantially delaying
15 processing of the application, review any odometer information pertaining to such motor vehicle
16 that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of
17 such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the
18 director shall thereupon issue an appropriate certificate over his signature and sealed with the
19 seal of his office, procured and used for such purpose. The certificate shall contain on its face
20 a complete description, vehicle identification number, and other evidence of identification of the
21 motor vehicle or trailer, as the director of revenue may deem necessary, together with the
22 odometer information required to be put on the face of the certificate pursuant to section
23 407.536, RSMo, a statement of any liens or encumbrances which the application may show to
24 be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing
25 the transferor's title and whether the transferor's odometer mileage statement executed pursuant
26 to section 407.536, RSMo, indicated that the true mileage is materially different from the number
27 of miles shown on the odometer, or is unknown.

28 3. The director of revenue shall appropriately designate on the current and all subsequent
29 issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle",
30 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section
31 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for
32 motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print
33 on the face thereof the following designation: "Annual odometer updates may be available from
34 the department of revenue.". On any duplicate certificate, the director of revenue shall reprint
35 on the face thereof the most recent of either:

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

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

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

46 5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in
47 addition to the fee for registration of such motor vehicle or trailer. If application for the
48 certificate is not made within thirty days after the vehicle is acquired by the applicant, a
49 delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and
50 twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of one
51 hundred dollars before November 1, 2003, and not to exceed a total of two hundred dollars on
52 or after November 1, 2003, shall be imposed, but such penalty may be waived by the director for
53 a good cause shown. If the director of revenue learns that any person has failed to obtain a
54 certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle
55 without obtaining a certificate, he shall cancel the registration of all vehicles registered in the
56 name of the person, either as sole owner or as a co-owner, and shall notify the person that the
57 cancellation will remain in force until the person pays the delinquency penalty fee provided in
58 this section, together with all fees, charges and payments which he should have paid in
59 connection with the certificate of ownership and registration of the vehicle. The certificate shall
60 be good for the life of the motor vehicle or trailer so long as the same is owned or held by the
61 original holder of the certificate and shall not have to be renewed annually.

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

65 7. It is unlawful for any person to operate in this state a motor vehicle or trailer required
66 to be registered under the provisions of the law unless a certificate of ownership has been issued
67 as herein provided.

68 8. Before an original Missouri certificate of ownership is issued, an inspection of the
69 vehicle and a verification of vehicle identification numbers shall be made by the Missouri state
70 highway patrol on vehicles for which there is a current title issued by another state if a Missouri
71 salvage certificate of title has been issued for the same vehicle but no prior inspection and

72 verification has been made in this state, except that if such vehicle has been inspected in another
73 state by a law enforcement officer in a manner comparable to the inspection process in this state
74 and the vehicle identification numbers have been so verified, the applicant shall not be liable for
75 the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle
76 identification number verification to the director of revenue at the time of the application. The
77 applicant, who has such a title for a vehicle on which no prior inspection and verification have
78 been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable
79 to the director of revenue at the time of the request for the application, which shall be deposited
80 in the state treasury to the credit of the state highways and transportation department fund.

81 9. Each application for an original Missouri certificate of ownership for a vehicle which
82 is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle,
83 motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director
84 of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state
85 highway patrol, or other law enforcement agency as authorized by the director of revenue. The
86 vehicle examination shall include a verification of vehicle identification numbers and a
87 determination of the classification of the vehicle. The owner of a vehicle which requires a
88 vehicle examination certificate shall present the vehicle for examination and obtain a completed
89 vehicle examination certificate prior to submitting an application for a certificate of ownership
90 to the director of revenue. The fee for the vehicle examination application shall be twenty-five
91 dollars and shall be collected by the director of revenue at the time of the request for the
92 application and shall be deposited in the state treasury to the credit of the state highways and
93 transportation department fund.

94 10. When an application is made for an original Missouri certificate of ownership for a
95 motor vehicle previously registered or titled in a state other than Missouri **or as required by**
96 **section 301.020**, it shall be accompanied by a current inspection form certified by a duly
97 authorized official inspection station as described in chapter 307, RSMo. The completed form
98 shall certify that the manufacturer's identification number for the vehicle has been inspected, that
99 it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the
100 time of inspection. The inspection station shall collect the same fee as authorized in section
101 307.365, RSMo, for making the inspection, and the fee shall be deposited in the same manner
102 as provided in section 307.365, RSMo. If the vehicle is also to be registered in Missouri, the
103 safety and emissions inspections required in chapter 307, RSMo, shall be completed and only
104 the fees required by sections 307.365 and 307.366, RSMo, shall be charged to the owner. This
105 section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

106 11. Motor vehicles brought into this state in a wrecked or damaged condition or after
107 being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle

108 procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected
109 by the Missouri state highway patrol in accordance with subsection 9 of this section. If the
110 inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate
111 on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall
112 be carried forward on all subsequently issued certificates of title for the motor vehicle.

113 12. When an application is made for an original Missouri certificate of ownership for a
114 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of
115 ownership has been appropriately designated by the issuing state as a reconstructed motor
116 vehicle, motor change vehicle, or specially constructed motor vehicle, the director of revenue
117 shall appropriately designate on the current Missouri and all subsequent issues of the certificate
118 of ownership the name of the issuing state and such prior designation.

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

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

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

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

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

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

137 (4) An inspection certificate, other than a motor vehicle examination certificate required
138 under subsection 9 of this section, completed and issued by the Missouri state highway patrol,
139 or other law enforcement agency as authorized by the director of revenue. The inspection
140 performed by the highway patrol or other authorized local law enforcement agency shall include
141 a check for stolen vehicles.

142

143 The department of revenue shall issue the owner a certificate of ownership designated with the
144 words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance
145 with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of
146 a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle
147 examination certificate issued by the Missouri state highway patrol.