

SECOND REGULAR SESSION

HOUSE BILL NO. 2443

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRANDOM.

5469L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 301.025, RSMo, and to enact in lieu thereof one new section relating to motor vehicle registration.

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

Section A. Section 301.025, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.025, to read as follows:

301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due and which reflects that all taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county collector or collector-treasurer of the county in which the applicant's property was assessed, **or if applicable a statement certified by the collector of the city in which the applicant's property was assessed**, showing that the state and county tangible personal property taxes, **or if applicable the city tangible personal property taxes**, for such previous tax year and all delinquent taxes due have been paid by the applicant, or a statement certified by the county or township collector, **or the city collector if applicable**, for such previous year that no such taxes were assessed or due and, the applicant has no unpaid taxes on the collector's tax roll for any subsequent year or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status or, if the applicant is an organization described pursuant to subdivision (5) of section 137.100, RSMo, or subsection 1 of section 137.101, RSMo, the application is accompanied by a document, in a form approved by the director, verifying that the organization is registered with the department of

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.

18 revenue or is determined by the Internal Revenue Service to be a tax-exempt entity. If the
19 director of the department of revenue has been notified by the assessor pursuant to subsection
20 2 of section 137.101, RSMo, that the applicant's personal property is not tax exempt, then the
21 organization's application shall be accompanied by a statement certified by the county collector
22 or collector-treasurer of the county in which the organization's property was assessed, **or a**
23 **statement certified by the city collector if applicable**, showing that the state and county
24 tangible personal property taxes, **or if applicable the city tangible personal property taxes**,
25 for such previous tax year and all delinquent taxes due have been paid by the organization. In
26 the event the registration is a renewal of a registration made two or three years previously, the
27 application shall be accompanied by proof that taxes were not due or have been paid for the two
28 or three years which immediately precede the year in which the motor vehicle's or trailer's
29 registration is due. The county collector or collector-treasurer, **or city collector if applicable**,
30 shall not be required to issue a receipt or certified statement that taxes were not assessed or due
31 for the immediately preceding tax year until all personal property taxes, including all current and
32 delinquent taxes, are paid. If the applicant was a resident of another county **or city** of this state
33 in the applicable preceding years, he or she must submit to the collector or collector-treasurer in
34 the county of residence, **or to the city collector**, proof that the personal property tax was paid
35 in the applicable tax years. Every county collector and collector-treasurer, **and every city**
36 **collector if applicable**, shall give each person a tax receipt or a certified statement of tangible
37 personal property taxes paid. The receipt issued by the county collector in any county of the first
38 classification with a charter form of government which contains part of a city with a population
39 of at least three hundred fifty thousand inhabitants which is located in more than one county, any
40 county of the first classification without a charter form of government with a population of at
41 least one hundred fifty thousand inhabitants which contains part of a city with a population of
42 at least three hundred fifty thousand inhabitants which is located in more than one county and
43 any county of the first classification without a charter form of government with a population of
44 at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be
45 determined null and void if the person paying tangible personal property taxes issues or passes
46 a check or other similar sight order which is returned to the collector because the account upon
47 which the check or order was drawn was closed or did not have sufficient funds at the time of
48 presentation for payment by the collector to meet the face amount of the check or order. The
49 collector may assess and collect in addition to any other penalty or interest that may be owed, a
50 penalty of ten dollars or five percent of the total amount of the returned check or order whichever
51 amount is greater to be deposited in the county general revenue fund, but in no event shall such
52 penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or
53 other similar sight order in payment of any tax currently owed plus penalty or interest from a

54 person who previously attempted to pay such amount with a check or order that was returned to
55 the collector unless the remittance is in the form of a cashier's check, certified check or money
56 order. If a person does not comply with the provisions of this section, a tax receipt issued
57 pursuant to this section is null and void and no state registration license shall be issued or
58 renewed. Where no such taxes are due each such collector shall, upon request, certify such fact
59 and transmit such statement to the person making the request. Each receipt or statement shall
60 describe by type the total number of motor vehicles on which personal property taxes were paid,
61 and no renewal of any state registration license shall be issued to any person for a number greater
62 than that shown on his or her tax receipt or statement except for a vehicle which was purchased
63 without another vehicle being traded therefor, or for a vehicle previously registered in another
64 state, provided the application for title or other evidence shows that the date the vehicle was
65 purchased or was first registered in this state was such that no personal property tax was owed
66 on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal.
67 The director of revenue shall make necessary rules and regulations for the enforcement of this
68 section, and shall design all necessary forms. If electronic data is not available, residents of
69 counties with a township form of government and with collector-treasurers shall present personal
70 property tax receipts which have been paid for the preceding two years when registering under
71 this section.

72 2. Every county collector in counties with a population of over six hundred thousand and
73 less than nine hundred thousand shall give priority to issuing tax receipts or certified statements
74 pursuant to this section for any person whose motor vehicle registration expires in January. Such
75 collector shall send tax receipts or certified statements for personal property taxes for the
76 previous year within three days to any person who pays the person's personal property tax in
77 person, and within twenty working days, if the payment is made by mail. Any person wishing
78 to have priority pursuant to this subsection shall notify the collector at the time of payment of
79 the property taxes that a motor vehicle registration expires in January. Any person purchasing
80 a new vehicle in December and licensing such vehicle in January of the following year may use
81 the personal property tax receipt of the prior year as proof of payment.

82 3. In addition to all other requirements, the director of revenue shall not register any
83 vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue
84 Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in
85 such form as may be prescribed by the United States Secretary of the Treasury. No proof of
86 payment of such tax shall be required by the director until the form for proof of payment has
87 been prescribed by the Secretary of the Treasury.

88 4. Beginning July 1, 2000, a county collector [or] , collector-treasurer, **or city collector**
89 may notify, by ordinary mail, any owner of a motor vehicle for which personal property taxes

90 have not been paid that if full payment is not received within thirty days the collector may notify
91 the director of revenue to suspend the motor vehicle registration for such vehicle. Any
92 notification returned to the collector or collector-treasurer by the post office shall not result in
93 the notification to the director of revenue for suspension of a motor vehicle registration.
94 Thereafter, if the owner fails to timely pay such taxes the collector or collector-treasurer may
95 notify the director of revenue of such failure. Such notification shall be on forms designed and
96 provided by the department of revenue and shall list the motor vehicle owner's full name,
97 including middle initial, the owner's address, and the year, make, model and vehicle
98 identification number of such motor vehicle. Upon receipt of this notification the director of
99 revenue may provide notice of suspension of motor vehicle registration to the owner at the
100 owner's last address shown on the records of the department of revenue. Any suspension
101 imposed may remain in effect until the department of revenue receives notification from a county
102 collector or collector-treasurer that the personal property taxes have been paid in full. Upon the
103 owner furnishing proof of payment of such taxes and paying a twenty dollar reinstatement fee
104 to the director of revenue the motor vehicle or vehicles registration shall be reinstated. In the
105 event a motor vehicle registration is suspended for nonpayment of personal property tax the
106 owner so aggrieved may appeal to the circuit court of the county of his or her residence for
107 review of such suspension at any time within thirty days after notice of motor vehicle registration
108 suspension. Upon such appeal the cause shall be heard de novo in the manner provided by
109 chapter 536, RSMo, for the review of administrative decisions. The circuit court may order the
110 director to reinstate such registration, sustain the suspension of registration by the director or set
111 aside or modify such suspension. Appeals from the judgment of the circuit court may be taken
112 as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear
113 in behalf of the director, and prosecute or defend, as the case may require.

114 5. Beginning July 1, 2005, a city not within a county or any home rule city with more
115 than four hundred thousand inhabitants and located in more than one county may notify, by
116 ordinary mail, any owner of a motor vehicle who is delinquent in payment of vehicle-related fees
117 and fines that if full payment is not received within thirty days, the city not within a county or
118 any home rule city with more than four hundred thousand inhabitants and located in more than
119 one county may notify the director of revenue to suspend the motor vehicle registration for such
120 vehicle. Any notification returned to the city not within a county or any home rule city with
121 more than four hundred thousand inhabitants and located in more than one county by the post
122 office shall not result in the notification to the director of revenue for suspension of a motor
123 vehicle registration. If the vehicle-related fees and fines are assessed against a car that is
124 registered in the name of a rental or leasing company and the vehicle is rented or leased to
125 another person at the time the fees or fines are assessed, the rental or leasing company may rebut

126 the presumption by providing the city not within a county or any home rule city with more than
127 four hundred thousand inhabitants and located in more than one county with a copy of the rental
128 or lease agreement in effect at the time the fees or fines were assessed. A rental or leasing
129 company shall not be charged for fees or fines under this subsection, nor shall the registration
130 of a vehicle be suspended, unless prior written notice of the fees or fines has been given to that
131 rental or leasing company by ordinary mail at the address appearing on the registration and the
132 rental or leasing company has failed to provide the rental or lease agreement copy within fifteen
133 days of receipt of such notice. Any notification to a rental or leasing company that is returned
134 to the city not within a county or any home rule city with more than four hundred thousand
135 inhabitants and located in more than one county by the post office shall not result in the
136 notification to the director of revenue for suspension of a motor vehicle registration. For the
137 purpose of this section, "vehicle-related fees and fines" includes, but is not limited to, traffic
138 violation fines, parking violation fines, vehicle towing, storage and immobilization fees, and any
139 late payment penalties, other fees, and court costs associated with the adjudication or collection
140 of those fines.

141 6. If after notification under subsection 5 of this section the vehicle owner fails to pay
142 such vehicle-related fees and fines to the city not within a county or any home rule city with
143 more than four hundred thousand inhabitants and located in more than one county within thirty
144 days from the date of such notice, the city not within a county or any home rule city with more
145 than four hundred thousand inhabitants and located in more than one county may notify the
146 director of revenue of such failure. Such notification shall be on forms or in an electronic format
147 approved by the department of revenue and shall list the vehicle owner's full name and address,
148 and the year, make, model, and vehicle identification number of such motor vehicle and such
149 other information as the director shall require.

150 7. Upon receipt of notification under subsection 5 of this section, the director of revenue
151 may provide notice of suspension of motor vehicle registration to the owner at the owner's last
152 address shown on the records of the department of revenue. Any suspension imposed may
153 remain in effect until the department of revenue receives notification from a city not within a
154 county or any home rule city with more than four hundred thousand inhabitants and located in
155 more than one county that the vehicle-related fees or fines have been paid in full. Upon the
156 owner furnishing proof of payment of such fees and fines and paying a twenty dollar
157 reinstatement fee to the director of revenue the motor vehicle registration shall be reinstated. In
158 the event a motor vehicle registration is suspended for nonpayment of vehicle-related fees or
159 fines the owner so aggrieved may appeal to the circuit court of the county where the violation
160 occurred for review of such suspension at any time within thirty days after notice of motor
161 vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the

162 manner provided by chapter 536, RSMo, for the review of administrative decisions. The circuit
163 court may order the director to reinstate such registration, sustain the suspension of registration
164 by the director or set aside or modify such suspension. Appeals from the judgment of the circuit
165 court may be taken as in civil cases. The prosecuting attorney of the county where such appeal
166 is taken shall appear in behalf of the director, and prosecute or defend, as the case may require.

167 8. The city not within a county or any home rule city with more than four hundred
168 thousand inhabitants and located in more than one county shall reimburse the department of
169 revenue for all administrative costs associated with the administration of subsections 5 to 8 of
170 this section.

171 9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
172 is created under the authority delegated in this section shall become effective only if it complies
173 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
174 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
175 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
176 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
177 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
178 invalid and void.

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