

HCS HB 1640 -- MOTOR VEHICLES (Denison)

COMMITTEE OF ORIGIN: Committee on Transportation

This substitute changes the laws regarding motor vehicles.

DEPARTMENT OF REVENUE FEE OFFICES

Currently, the Director of the Department of Revenue must give priority to a tax-exempt organization or a political subdivision when awarding a fee office contract in the competitive bidding process. The substitute requires the department director to give priority to a tax-exempt organization located within the community where the office will be established.

Any not-for-profit entity awarded a contract must prominently display at its business location all charitable entities that will benefit from any fees collected and must submit the most recent annual report, prior to February 1 of each year, to the Director of the Department of Revenue which contains from the immediately preceding year:

- (a) The net receipts of the fee office;
- (b) An itemization of all expenditures and administrative fees paid including both operating expenses and charitable contributions; and
- (c) A list of all charities that benefit from the fees collected under these provisions.

SALES AND USE TAX ON MOTOR VEHICLES

The substitute defines a sale at retail for sales tax purposes to include a motor vehicle, trailer, boat, or outboard motor registration with the Director of the Department of Revenue regardless of whether the sale took place in this state.

MOTOR VEHICLES

The substitute:

- (1) Adds materials, replacement parts, and equipment purchased for use directly upon and for the repair and maintenance and manufacture of motor vehicles used by motor carriers in the transportation of persons or property to the list of items exempt from state and local sales and use taxes. Currently, only motor vehicles that are engaged as common carriers of persons or property are exempt;

(2) Adds any titled manufacturing or mining equipment used to establish new or to expand existing manufacturing, mining, or fabricating plants in the state to the list of items exempt from state and local sales and use taxes;

(3) Authorizes an exemption from state and local sales and use taxes for railroad rolling stock for use by a motor vehicle licensed for a gross weight of 24,000 pounds or more or a trailer used by motor carriers in the transportation of persons or property. Currently, it only applies to motor vehicles and trailers used by common carriers with that gross weight;

(4) Changes the width requirement in the definition of "recreational off-highway vehicle" to a vehicle which is 64 inches or less in width. Currently, it is a vehicle which is 60 inches or less;

(5) Specifies that a fleet owner of at least 50 fleet vehicles may apply for license plates bearing the company name or logo with the size and design subject to the approval of the Director of the Department of Revenue;

(6) Specifies that driveaway license plates can only be used by owners, corporate officers, or employees of the business to which the plate was issued;

(7) Requires that an application for a driveaway license plate include specified information;

(8) Requires the applicant of a driveaway license plate to report any changes of the required information during the registration period to the department within 10 days of the date of the change;

(9) Requires any misrepresentation contained in an application for a driveaway license plate to result in the revocation of the applicant's driveaway license plate and any subsequent application for a driveaway license plate must be denied for two years from the date of violation. An applicant must include any officer of a business or any employee or agent;

(10) Specifies that any person who knowingly uses a revoked driveaway license plate will be guilty of a class A misdemeanor;

(11) Requires, beginning January 1, 2013, a window sticker to be placed on the inside front windshield of a motor vehicle to show the current registration instead of the current license plate tab. A tab, instead of a window sticker, must be issued for a motorcycle or trailer registration;

(12) Removes the provision requiring a removable disability windshield placard to be renewed every four years and specifies that a person who is permanently disabled, regardless of age, is not required to provide a physician's statement when renewing a disabled license plate or windshield placard;

(13) Deems Department of Revenue investigators as peace officers when enforcing the provisions of Chapter 301, RSMo, and any provisions regarding fees, licenses, taxes, or in situations of imminent danger to the investigator or another person, administered by the department director if they have been licensed by the Director of the Department of Public Safety;

(14) Allows any representative of the Department of Revenue to inspect the premises of an auto repair, used parts, salvage, or scrap business to enforce the provisions of Sections 301.217 to 301.229. Currently, only members of the patrol or any police officer can inspect these businesses;

(15) Requires every dealer and every operator of a public garage to keep specified records for five years instead of three;

(16) Specifies that any person who knowingly makes a false statement or omission of a material fact in a monthly sales report to the Department of Revenue will be guilty of a class A misdemeanor;

(17) Specifies that if any peace officer has probable cause to believe that a certificate of ownership, a license plate, a license plate tab, a Missouri driver's license, or a Missouri nondriver identification card was obtained fraudulently, any person in possession of the item must surrender it to the peace officer upon request. Any person failing to do so will be guilty of a class A misdemeanor;

(18) Authorizes the Director of the Department of Revenue to issue dealer licenses for up to two years and to stagger the license periods for efficiency and workload equalization;

(19) Allows a license plate or certificate of number to be seized and surrendered to the Department of Revenue if any law enforcement officer or agent of the department has probable cause to believe that the dealer license plate or certificate of number is being misused in violation of Section 301.560;

(20) Requires the Director of the Department of Revenue to direct any agent or employee of the department or any law enforcement officer to secure the possession and return of the license plates of any licensee who has been suspended or revoked who neglects or refuses to surrender his or her license or

distinctive number license plates issued under Sections 301.550 to 301.580. Failure of the licensee to surrender his or her license or distinctive number license plates upon demand will be a class A misdemeanor;

(21) Specifies the events or acts by a licensee under Sections 301.550 to 301.580 which are deemed to present a clear and present danger to the public welfare and must be considered cause for suspension or revocation of his or her license under the procedures in the substitute at the discretion of the Director of the Department of Revenue;

(22) Establishes the evidentiary hearing procedure for a suspension or revocation of a license;

(23) Specifies that a second or subsequent conviction of selling six or more vehicles in a year without a license with specified exceptions will be a class D felony;

(24) Allows the Department of Revenue to issue a special event motor vehicle auction license for a fee of \$1,000. A "special event motor vehicle auction" is a motor vehicle auction which:

(a) Ninety percent of the vehicles being auctioned are at least 10 years old or older;

(b) The licensee must auction no more than 3% of the total number of vehicles presented for auction which are owned and titled in the name of the licensee or its owners; and

(c) The duration of no more than three consecutive days and is held no more than two times in a calendar year by a licensee;

(25) Changes from six months to three months the period of time that a temporary motorcycle permit is valid and allows for two additional renewals for a total maximum period of nine months;

(26) Removes the restriction for a temporary motorcycle permit holder who is 16 years of age or older that the motorcycle or motortricycle may not have an engine with a displacement greater than 250 cubic centimeters and the restriction that the operator cannot travel over 50 miles from the operator's home address; and

(27) Revises the definition of "common carrier" by removing the requirement that it must hold itself out to the general public to engage in the transportation of passengers or property for hire or compensation.

MISSOURI YELLOW DOT PROGRAM

The substitute establishes the Missouri Yellow Dot Program within the Department of Revenue to provide emergency responders with critical health and emergency contact information about program participants so emergency responders may aid program participants when those individuals are involved in motor vehicle emergencies or accidents and are unable to communicate.

The department must design program materials including a yellow decal designed by the department to be affixed to the rear driver's side window of the program participant's vehicle; a health information card providing space for an individual to attach a recent photograph and indicate the individual's name, emergency contact information, physician's names and contact information, medical conditions, recent surgeries, allergies, medications, and any other information the director deems relevant to emergency responders in the case of emergency; a yellow envelope designed by the department director into which the health information card is to be inserted and placed into the program participant's glove compartment; and a program instruction sheet including an electronic mail address as required under this program.

The department must provide sufficient program materials to other state departments or agencies seeking to distribute or make the materials available to interested persons. The department director must notify the State Highway Patrol regarding the implementation of this program so that all emergency responders are informed about the program.

MOVING VIOLATIONS AND TRAFFIC OFFENSES OCCURRING WITHIN AN ACTIVE EMERGENCY ZONE

The substitute changes the laws regarding moving violations and traffic offenses occurring within an active emergency zone. The substitute:

- (1) Increases the penalties for moving violations and traffic offenses occurring within an active emergency zone which is defined as an area that is visibly marked by emergency responders on, or around, a highway, and where an active emergency or incident removal is temporarily occurring;
- (2) Requires any person convicted of a first moving violation or traffic offense within an active emergency zone to be assessed a fine of \$35 in addition to any other fine authorized by law. A second or subsequent offense will result in a \$75 fine;
- (3) Specifies that a person will be guilty of a class C misdemeanor for passing another vehicle in an active emergency zone. A person who pled guilty to or is convicted of a speeding

or passing violation will be assessed a fine of \$250 in addition to any other fine authorized by law. A second or subsequent violation will result in a \$300 fine;

(4) Specifies that a person commits the offense of endangerment of an emergency responder if, while in an active emergency zone while emergency responders are present, the person:

(a) Exceeds the posted speed limit by 15 m.p.h. or more;

(b) Passes another vehicle;

(c) Fails to stop for a flagman, an emergency responder, or a traffic control signal in the active emergency zone;

(d) Drives through or around an active emergency zone via any lane that is not for motorists;

(e) Physically assaults, threatens, or attempts to assault an emergency responder with a motor vehicle or other instrument;

(f) Intentionally strikes or moves barrels, barriers, signs, or other devices for a reason other than to avoid an obstacle, emergency, or to protect the health and safety of another person; or

(g) Commits various specified offenses that allow for the assessment of points under Section 302.302;

(5) Specifies that when no injury or death results, a person who pleads guilty to or is convicted of endangering an emergency responder will be subject to a fine of up to \$1,000 and have four points assessed to his or her license. If a death or injury results, the person commits aggravated endangerment of an emergency responder and will be subject to a fine of up to \$5,000 if a responder is injured and up to \$10,000 if death resulted and have 12 points assessed to his or her license; and

(6) Specifies that any person committing endangerment or aggravated endangerment of an emergency responder as a result of a vehicle's mechanical failure or the negligence of another person will not be cited for or convicted of the offense.

The provisions regarding the Missouri Yellow Dot Program expire six years after the effective date.

The provisions regarding Department of Revenue fee offices and the provisions regarding window stickers become effective January 1, 2013.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of \$505,009 to Unknown in FY 2013, FY 2014, and FY 2015. Estimated Net Cost on Other State Funds of Unknown in FY 2013, FY 2014, and FY 2015.