

SECOND REGULAR SESSION

# HOUSE BILL NO. 2325

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JOHNSON.

6049H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to the registration of a motor vehicle.

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

Section A. Section 301.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.140, to read as follows:

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than **[thirty] sixty** days, or no more than ninety days if the dealer is selling the motor vehicle under the provisions of section 301.213. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is 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 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor  
19 vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee  
20 of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less  
21 horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating  
22 capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

23 3. License plates may be transferred from a motor vehicle which will no longer be  
24 operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay  
25 a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in  
26 the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that  
27 of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of  
28 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor  
29 vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer  
30 fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased  
31 vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial  
32 motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be  
33 entitled to a refund.

34 4. The director of the department of revenue shall have authority to produce or allow  
35 others to produce a weather resistant, nontearing temporary permit authorizing the operation of  
36 a motor vehicle or trailer by a buyer for not more than [thirty] **sixty** days, or no more than ninety  
37 days if issued by a dealer selling the motor vehicle under the provisions of section 301.213, from  
38 the date of purchase. The temporary permit authorized under this section may be purchased by  
39 the purchaser of a motor vehicle or trailer from the central office of the department of revenue  
40 or from an authorized agent of the department of revenue upon proof of purchase of a motor  
41 vehicle or trailer for which the buyer has no registration plate available for transfer and upon  
42 proof of financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle  
43 or trailer for which the buyer has no registration plate available for transfer, or from a motor  
44 vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and  
45 is awaiting receipt of registration plates. The director of the department of revenue or a producer  
46 authorized by the director of the department of revenue may make temporary permits available  
47 to registered dealers in this state, authorized agents of the department of revenue or the  
48 department of revenue. The price paid by a motor vehicle dealer, an authorized agent of the  
49 department of revenue or the department of revenue for a temporary permit shall not exceed five  
50 dollars for each permit. The director of the department of revenue shall direct motor vehicle  
51 dealers and authorized agents to obtain temporary permits from an authorized producer.  
52 Amounts received by the director of the department of revenue for temporary permits shall  
53 constitute state revenue; however, amounts received by an authorized producer other than the

54 director of the department of revenue shall not constitute state revenue and any amounts received  
55 by motor vehicle dealers or authorized agents for temporary permits purchased from a producer  
56 other than the director of the department of revenue shall not constitute state revenue. In no  
57 event shall revenues from the general revenue fund or any other state fund be utilized to  
58 compensate motor vehicle dealers or other producers for their role in producing temporary  
59 permits as authorized under this section. Amounts that do not constitute state revenue under this  
60 section shall also not constitute fees for registration or certificates of title to be collected by the  
61 director of the department of revenue under section 301.190. No motor vehicle dealer,  
62 authorized agent or the department of revenue shall charge more than five dollars for each permit  
63 issued. The permit shall be valid for a period of [thirty] **sixty** days, or no more than ninety days  
64 if issued by a dealer selling the motor vehicle under the provisions of section 301.213, from the  
65 date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or  
66 trailer by a motor vehicle dealer for which the purchaser obtains a permit as set out above. No  
67 permit shall be issued for a vehicle under this section unless the buyer shows proof of financial  
68 responsibility. Each temporary permit issued shall be securely fastened to the back or rear of the  
69 motor vehicle in a manner and place on the motor vehicle consistent with registration plates so  
70 that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible,  
71 reasonably clean and are not impaired in any way.

72         5. The permit shall be issued on a form prescribed by the director of the department of  
73 revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer  
74 purchased to enable the applicant to temporarily operate the motor vehicle while proper title and  
75 registration plates are being obtained, or while awaiting receipt of registration plates, and shall  
76 be displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall  
77 not be transferable or renewable and shall not be valid upon issuance of proper registration plates  
78 for the motor vehicle or trailer. The director of the department of revenue shall determine the  
79 size, material, design, numbering configuration, construction, and color of the permit. The  
80 director of the department of revenue, at his or her discretion, shall have the authority to reissue,  
81 and thereby extend the use of, a temporary permit previously and legally issued for a motor  
82 vehicle or trailer while proper title and registration are being obtained.

83         6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection  
84 by proper officers, an accurate record of each permit issued by recording the permit number, the  
85 motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and  
86 manufacturer's vehicle identification number, and the permit's date of issuance and expiration  
87 date. Upon the issuance of a temporary permit by either the central office of the department of  
88 revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director

89 of the department of revenue shall make the information associated with the issued temporary  
90 permit immediately available to the law enforcement community of the state of Missouri.

91 7. Upon the transfer of ownership of any currently registered motor vehicle wherein the  
92 owner cannot transfer the license plates due to a change of motor vehicle category, the owner  
93 may surrender the license plates issued to the motor vehicle and receive credit for any unused  
94 portion of the original registration fee against the registration fee of another motor vehicle. Such  
95 credit shall be granted based upon the date the license plates are surrendered. No refunds shall  
96 be made on the unused portion of any license plates surrendered for such credit.

97 8. The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.

98 9. An additional temporary license plate produced in a manner and of materials  
99 determined by the director to be the most cost-effective means of production with a configuration  
100 that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be  
101 placed in the interior of the vehicle's rear window such that the driver's view out of the rear  
102 window is not obstructed and the plate configuration is clearly visible from the outside of the  
103 vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the  
104 actual plate. Such temporary plate is only authorized for use when the matching actual plate is  
105 affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee  
106 charged for the temporary plate shall be equal to the fee charged for a temporary permit issued  
107 under subsection 4 of this section. Replacement temporary plates authorized in this subsection  
108 may be issued as needed upon the payment of a fee equal to the fee charged for a temporary  
109 permit under subsection 4 of this section. The newly produced third plate may only be used on  
110 the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a  
111 third plate and only used for the purpose specified in this subsection.

112 10. Notwithstanding the provisions of section 301.217, the director may issue a  
113 temporary permit to an individual who possesses a salvage motor vehicle which requires an  
114 inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle for  
115 which the permit has been issued shall be limited to the most direct route from the residence,  
116 maintenance, or storage facility of the individual in possession of such motor vehicle to the  
117 nearest authorized inspection facility and return to the originating location. Notwithstanding any  
118 other requirements for the issuance of a temporary permit under this section, an individual  
119 obtaining a temporary permit for the purpose of operating a motor vehicle to and from an  
120 examination facility as prescribed in this subsection shall also purchase the required motor  
121 vehicle examination form which is required to be completed for an examination under subsection  
122 9 of section 301.190 and provide satisfactory evidence that such vehicle has passed a motor  
123 vehicle safety inspection for such vehicle as required in section 307.350.

124           11. The director of the department of revenue may promulgate all necessary rules and  
125 regulations for the administration of this section. Any rule or portion of a rule, as that term is  
126 defined in section 536.010, that is created under the authority delegated in this section shall  
127 become effective only if it complies with and is subject to all of the provisions of chapter 536  
128 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of  
129 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
130 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
131 grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be  
132 invalid and void.

133           12. The repeal and reenactment of this section shall become effective on the date the  
134 department of revenue or a producer authorized by the director of the department of revenue  
135 begins producing temporary permits described in subsection 4 of such section, or on July 1,  
136 2013, whichever occurs first. If the director of revenue or a producer authorized by the director  
137 of the department of revenue begins producing temporary permits prior to July 1, 2013, the  
138 director of the department of revenue shall notify the revisor of statutes of such fact.

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