

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 782, Page 24, Section 301.010, Line 159,
2 by inserting after the first occurrence of the word, "vehicle" the words, "or who has executed a
3 buyer's order or retail installment sales contract with a motor vehicle dealer licensed under sections
4 301.550 to 301.580 for the purchase of a vehicle with an immediate right of possession vested in the
5 transferee,"; and

6
7 Further amend said bill, Page 32, Section 301.032, Line 94, by inserting after all of said line the
8 following:
9

10 "301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate
11 of registration and the right to use the number plates shall expire and the number plates shall be
12 removed by the owner at the time of the transfer of possession, and it shall be unlawful for any
13 person other than the person to whom such number plates were originally issued to have the same in
14 his or her possession whether in use or not, unless such possession is solely for charitable purposes;
15 except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach
16 the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or
17 trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more
18 than thirty days, or no more than ninety days if the dealer is selling the motor vehicle under the
19 provisions of section 301.213, or no more than sixty days if the dealer is selling the motor vehicle
20 under the provisions of subsection 5 of section 301.210. As used in this subsection, the term "trade-
21 in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the
22 newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or
23 trailer are still valid.

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

33 3. License plates may be transferred from a motor vehicle which will no longer be operated
34 to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer
35 fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a
36 passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle

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1 which will no longer be operated. When the newly purchased motor vehicle is of greater
2 horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating
3 capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars
4 and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less
5 horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating
6 capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

7 4. The director of the department of revenue shall have authority to produce or allow others
8 to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor
9 vehicle or trailer by a buyer for not more than thirty days, or no more than ninety days if issued by a
10 dealer selling the motor vehicle under the provisions of section 301.213, or no more than sixty days
11 if issued by a dealer selling the motor vehicle under the provisions of subsection 5 of section
12 301.210, from the date of purchase. The temporary permit authorized under this section may be
13 purchased by the purchaser of a motor vehicle or trailer from the central office of the department of
14 revenue or from an authorized agent of the department of revenue upon proof of purchase of a motor
15 vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof
16 of financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer
17 for which the buyer has no registration plate available for transfer, or from a motor vehicle dealer
18 upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt
19 of registration plates. The director of the department of revenue or a producer authorized by the
20 director of the department of revenue may make temporary permits available to registered dealers in
21 this state, authorized agents of the department of revenue or the department of revenue. The price
22 paid by a motor vehicle dealer, an authorized agent of the department of revenue or the department
23 of revenue for a temporary permit shall not exceed five dollars for each permit. The director of the
24 department of revenue shall direct motor vehicle dealers and authorized agents to obtain temporary
25 permits from an authorized producer. Amounts received by the director of the department of
26 revenue for temporary permits shall constitute state revenue; however, amounts received by an
27 authorized producer other than the director of the department of revenue shall not constitute state
28 revenue and any amounts received by motor vehicle dealers or authorized agents for temporary
29 permits purchased from a producer other than the director of the department of revenue shall not
30 constitute state revenue. In no event shall revenues from the general revenue fund or any other state
31 fund be utilized to compensate motor vehicle dealers or other producers for their role in producing
32 temporary permits as authorized under this section. Amounts that do not constitute state revenue
33 under this section shall also not constitute fees for registration or certificates of title to be collected
34 by the director of the department of revenue under section 301.190. No motor vehicle dealer,
35 authorized agent or the department of revenue shall charge more than five dollars for each permit
36 issued. The permit shall be valid for a period of thirty days, or no more than ninety days if issued by
37 a dealer selling the motor vehicle under the provisions of section 301.213, or no more than sixty
38 days if issued by a dealer selling the motor vehicle under the provisions of subsection 5 of section
39 301.210, from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor
40 vehicle or trailer by a motor vehicle dealer for which the purchaser obtains a permit as set out above.
41 No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial
42 responsibility. Each temporary permit issued shall be securely fastened to the back or rear of the
43 motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that
44 all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably
45 clean and are not impaired in any way.

46 5. The permit shall be issued on a form prescribed by the director of the department of
47 revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer
48 purchased to enable the applicant to temporarily operate the motor vehicle while proper title and
49 registration plates are being obtained, or while awaiting receipt of registration plates, and shall be

1 displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall not be
2 transferable or renewable, shall not be valid upon issuance of proper registration plates for the motor
3 vehicle or trailer, and shall be returned to the department or to the department's agent upon the
4 issuance of such proper registration plates. Any temporary permit returned to the department or to
5 the department's agent shall be immediately destroyed. The provisions of this subsection shall not
6 apply to temporary permits issued for commercial motor vehicles licensed in excess of twenty-four
7 thousand pounds gross weight. The director of the department of revenue shall determine the size,
8 material, design, numbering configuration, construction, and color of the permit. The director of the
9 department of revenue, at his or her discretion, shall have the authority to reissue, and thereby
10 extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer
11 while proper title and registration are being obtained.

12 6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection by
13 proper officers, an accurate record of each permit issued by recording the permit number, the motor
14 vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and
15 manufacturer's vehicle identification number, and the permit's date of issuance and expiration date.
16 Upon the issuance of a temporary permit by either the central office of the department of revenue, a
17 motor vehicle dealer or an authorized agent of the department of revenue, the director of the
18 department of revenue shall make the information associated with the issued temporary permit
19 immediately available to the law enforcement community of the state of Missouri.

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

26 8. An additional temporary license plate produced in a manner and of materials determined
27 by the director to be the most cost-effective means of production with a configuration that matches
28 an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the
29 interior of the vehicle's rear window such that the driver's view out of the rear window is not
30 obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as
31 the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such
32 temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in
33 the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate
34 shall be equal to the fee charged for a temporary permit issued under subsection 4 of this section.
35 Replacement temporary plates authorized in this subsection may be issued as needed upon the
36 payment of a fee equal to the fee charged for a temporary permit under subsection 4 of this section.
37 The newly produced third plate may only be used on the vehicle with the matching plate, and the
38 additional plate shall be clearly recognizable as a third plate and only used for the purpose specified
39 in this subsection.

40 9. Notwithstanding the provisions of section 301.217, the director may issue a temporary
41 permit to an individual who possesses a salvage motor vehicle which requires an inspection under
42 subsection 9 of section 301.190. The operation of a salvage motor vehicle for which the permit has
43 been issued shall be limited to the most direct route from the residence, maintenance, or storage
44 facility of the individual in possession of such motor vehicle to the nearest authorized inspection
45 facility and return to the originating location. Notwithstanding any other requirements for the
46 issuance of a temporary permit under this section, an individual obtaining a temporary permit for the
47 purpose of operating a motor vehicle to and from an examination facility as prescribed in this
48 subsection shall also purchase the required motor vehicle examination form which is required to be
49 completed for an examination under subsection 9 of section 301.190 and provide satisfactory

1 evidence that such vehicle has passed a motor vehicle safety inspection for such vehicle as required
2 in section 307.350.

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

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

17 301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate
18 therefor, shall be issued by the director of revenue unless the applicant therefor shall make
19 application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall
20 present satisfactory evidence that such certificate has been previously issued to the applicant for
21 such motor vehicle or trailer. Application shall be made within thirty days after the applicant
22 acquires the motor vehicle or trailer, unless the motor vehicle was acquired under section 301.213 or
23 subsection 5 of section 301.210 in which case the applicant shall make application within thirty days
24 after receiving title from the dealer, upon a blank form furnished by the director of revenue and shall
25 contain the applicant's identification number, a full description of the motor vehicle or trailer, the
26 vehicle identification number, and the mileage registered on the odometer at the time of transfer of
27 ownership, as required by section 407.536, together with a statement of the applicant's source of title
28 and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause
29 shown the director of revenue may extend the period of time for making such application. When an
30 owner wants to add or delete a name or names on an application for certificate of ownership of a
31 motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the
32 notice of lien, the owner shall provide the director with documentation evidencing the lienholder's
33 authorization to add or delete a name or names on an application for certificate of ownership.

34 2. The director of revenue shall use reasonable diligence in ascertaining whether the facts
35 stated in such application are true and shall, to the extent possible without substantially delaying
36 processing of the application, review any odometer information pertaining to such motor vehicle
37 that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of
38 such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the
39 director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of
40 his office, procured and used for such purpose. The certificate shall contain on its face a complete
41 description, vehicle identification number, and other evidence of identification of the motor vehicle
42 or trailer, as the director of revenue may deem necessary, together with the odometer information
43 required to be put on the face of the certificate pursuant to section 407.536, a statement of any liens
44 or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has
45 been transferred, the name of the state issuing the transferor's title and whether the transferor's
46 odometer mileage statement executed pursuant to section 407.536 indicated that the true mileage is
47 materially different from the number of miles shown on the odometer, or is unknown.

48 3. The director of revenue shall appropriately designate on the current and all subsequent
49 issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle",

1 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section
2 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor
3 vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face
4 thereof the following designation: "Annual odometer updates may be available from the department
5 of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof
6 the most recent of either:

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

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

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

17 5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in
18 addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is
19 not made within thirty days after the vehicle is acquired by the applicant, or where the motor vehicle
20 was acquired under section 301.213 or subsection 5 of section 301.210 and the applicant fails to
21 make application within thirty days after receiving title from the dealer, a delinquency penalty fee of
22 twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty
23 days of delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be
24 waived by the director for a good cause shown. If the director of revenue learns that any person has
25 failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer, or where the
26 motor vehicle was acquired under section 301.213 or subsection 5 of section 301.210 and the
27 applicant fails to make application within thirty days after receiving title from the dealer, or has sold
28 a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in
29 the name of the person, either as sole owner or as a co-owner, and shall notify the person that the
30 cancellation will remain in force until the person pays the delinquency penalty fee provided in this
31 section, together with all fees, charges and payments which the person should have paid in
32 connection with the certificate of ownership and registration of the vehicle. The certificate shall be
33 good for the life of the motor vehicle or trailer so long as the same is owned or held by the original
34 holder of the certificate and shall not have to be renewed annually.

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

38 7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to
39 be registered under the provisions of the law unless a certificate of ownership has been applied for
40 as provided in this section.

41 8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle
42 and a verification of vehicle identification numbers shall be made by the Missouri state highway
43 patrol on vehicles for which there is a current title issued by another state if a Missouri salvage
44 certificate of title has been issued for the same vehicle but no prior inspection and verification has
45 been made in this state, except that if such vehicle has been inspected in another state by a law
46 enforcement officer in a manner comparable to the inspection process in this state and the vehicle
47 identification numbers have been so verified, the applicant shall not be liable for the twenty-five
48 dollar inspection fee if such applicant submits proof of inspection and vehicle identification number
49 verification to the director of revenue at the time of the application. The applicant, who has such a

1 title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of
2 twenty-five dollars for such verification and inspection, payable to the director of revenue at the
3 time of the request for the application, which shall be deposited in the state treasury to the credit of
4 the state highways and transportation department fund.

5 9. Each application for an original Missouri certificate of ownership for a vehicle which is
6 classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor
7 change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue
8 shall be accompanied by a vehicle examination certificate issued by the Missouri state highway
9 patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle
10 examination shall include a verification of vehicle identification numbers and a determination of the
11 classification of the vehicle. The owner of a vehicle which requires a vehicle examination
12 certificate shall present the vehicle for examination and obtain a completed vehicle examination
13 certificate prior to submitting an application for a certificate of ownership to the director of revenue.
14 Notwithstanding any provision of the law to the contrary, an owner presenting a motor vehicle
15 which has been issued a salvage title and which is ten years of age or older to a vehicle examination
16 described in this subsection in order to obtain a certificate of ownership with the designation prior
17 salvage motor vehicle shall not be required to repair or restore the vehicle to its original appearance
18 in order to pass or complete the vehicle examination. The fee for the vehicle examination
19 application shall be twenty-five dollars and shall be collected by the director of revenue at the time
20 of the request for the application and shall be deposited in the state treasury to the credit of the state
21 highways and transportation department fund. If the vehicle is also to be registered in Missouri, the
22 safety inspection required in chapter 307 and the emissions inspection required under chapter 643
23 shall be completed and the fees required by section 307.365 and section 643.315 shall be charged to
24 the owner.

25 10. When an application is made for an original Missouri certificate of ownership for a
26 motor vehicle previously registered or titled in a state other than Missouri or as required by section
27 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official
28 inspection station as described in chapter 307. The completed form shall certify that the
29 manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed
30 on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The
31 inspection station shall collect the same fee as authorized in section 307.365 for making the
32 inspection, and the fee shall be deposited in the same manner as provided in section 307.365. If the
33 vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the
34 emissions inspection required under chapter 643 shall be completed and only the fees required by
35 section 307.365 and section 643.315 shall be charged to the owner. This section shall not apply to
36 vehicles being transferred on a manufacturer's statement of origin.

37 11. Motor vehicles brought into this state in a wrecked or damaged condition or after being
38 towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures
39 shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri
40 state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the
41 vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate
42 of ownership issued for such vehicle. Any salvage designation shall be carried forward on all
43 subsequently issued certificates of title for the motor vehicle.

44 12. When an application is made for an original Missouri certificate of ownership for a
45 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of
46 ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle,
47 motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of
48 revenue shall appropriately designate on the current Missouri and all subsequent issues of the
49 certificate of ownership the name of the issuing state and such prior designation. The absence of

1 any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard
2 to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due
3 diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership
4 without any designation that is subsequently discovered to have or should have had a designation
5 shall be a transfer free and clear of any liabilities of the transferor associated with the missing
6 designation.

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

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

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

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

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

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

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

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

34 301.210. 1. In the event of a sale or transfer of ownership of a motor vehicle or trailer for
35 which a certificate of ownership has been issued, the holder of such certificate shall endorse on the
36 same an assignment thereof, with warranty of title in form printed thereon, and prescribed by the
37 director of revenue, with a statement of all liens or encumbrances on such motor vehicle or trailer,
38 and deliver the same to the buyer at the time of the delivery to him of such motor vehicle or trailer;
39 provided that, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a
40 corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections
41 301.550 to 301.575, the provisions of subdivision (3) of subsection 7 of section 144.070 shall not
42 apply.

43 2. The buyer shall then present such certificate, assigned as aforesaid, to the director of
44 revenue, at the time of making application for the registration of such motor vehicle or trailer,
45 whereupon a new certificate of ownership shall be issued to the buyer, the fee therefor being that
46 prescribed in subsection 5 of section 301.190.

47 3. If such motor vehicle or trailer is sold to a resident of another state or country, or if such
48 motor vehicle or trailer is destroyed or dismantled, the owner thereof shall immediately notify the
49 director of revenue. Certificates when so signed and returned to the director of revenue shall be

1 retained by the director of revenue and all certificates shall be appropriately indexed so that at all
2 times it will be possible for him to expeditiously trace the ownership of the motor vehicle or trailer
3 designated therein.

4 4. It shall be unlawful for any person to buy or sell in this state any motor vehicle or trailer
5 registered under the laws of this state, unless, at the time of the delivery thereof, there shall pass
6 between the parties such certificates of ownership with an assignment thereof, as provided in this
7 section, and the sale of any motor vehicle or trailer registered under the laws of this state, without
8 the assignment of such certificate of ownership, shall be presumed fraudulent and void unless the
9 parties have executed a written agreement for delayed delivery of certificate of ownership as
10 provided in subsection 5 of this section.

11 5. A motor vehicle dealer licensed under sections 301.550 to 301.580 may deliver a motor
12 vehicle or trailer to a purchaser with a written agreement to pass the certificate of ownership with an
13 assignment to the purchaser within thirty days after delivery, inclusive of weekends and holidays.

14 (1) The form of the agreement shall be prescribed by the director of revenue. The
15 agreement shall provide that if the motor vehicle dealer does not pass the certificate of ownership
16 with an assignment to the purchaser within thirty days that the sale shall be voidable at purchaser's
17 option and, in such case, dealer shall re-purchase the vehicle by paying and satisfying in full any
18 purchase money lien against the vehicle, including accrued penalties and fees, with the remainder of
19 one hundred percent of the sale price refunded and paid by the dealer to the buyer. As used in this
20 subdivision, the term "sale price" shall include the negotiated price of the vehicle, the down
21 payment, the trade-in allowance even if the allowance reflected negative equity, and the price of all
22 optional services and products sold to the buyer under the sales and finance transaction.

23 (2) In the event a motor vehicle subject to this subsection has suffered physical damage
24 covered by the purchaser's vehicle insurance policy and the vehicle is determined by the insurance
25 company to be a total loss, the insurance company may satisfy the claim in full, with respect to the
26 damage to the vehicle, by transferring all proceeds to such purchaser and any secured lienholder of
27 record. The purchaser shall not assign the purchaser's corresponding insurance benefits to any party
28 without the express written permission of the insurer. In conjunction with such satisfaction of the
29 claim, if as part of such claim settlement the insurance company is to receive the vehicle under
30 subdivision (3) of this subsection, but clear title never vests with the purchaser within the thirty-day
31 period after the date of sale prescribed by subdivision (1) of this subsection or within ten days of the
32 claim settlement date, whichever is later, the insurance company shall notify the dealer that clear
33 title never vested with the purchaser and the dealer shall reimburse the insurance company for the
34 salvage value of such vehicle as determined in the claims settlement with the purchaser, and in
35 exchange the insurance company shall assign its rights to the vehicle back to the dealer. If the
36 dealer fails to make payment to the insurance company within fifteen days of receiving notice, the
37 dealer shall be liable to the insurance company for the value of the salvage as determined in the
38 claims settlement with the purchaser, plus any actual damages and any applicable court costs, in
39 return for the right to acquire the title and apply for a salvage title under this chapter.

40 (3) Notwithstanding any provision of law to the contrary, completion of the requirements of
41 this subsection shall constitute prima facie evidence of an ownership interest vested in the purchaser
42 of the vehicle for all purposes other than for a subsequent transfer of ownership of the vehicle by the
43 purchaser, subject to the rights of any secured lienholder of record; however, the purchaser may use
44 the dealer-supplied copy of the agreement to transfer his or her ownership of the vehicle to an
45 insurance company in situations where the vehicle has been declared salvage or a total loss by the
46 insurance company as a result of a settlement of a claim. Such insurance company may apply for a
47 salvage certificate of title or junking certificate under subsection 3 of section 301.193 in order to
48 transfer its interest in such vehicle. The purchaser may also use the dealer-supplied copy of the
49 agreement on the form prescribed by the director of revenue as proof of ownership interest. Any

1 lender or insurance company may rely upon a copy of the signed written agreement on the form
2 prescribed by the director of revenue as proof of ownership interest. Any lien placed upon a vehicle
3 based upon such signed written agreement shall be valid and enforceable, notwithstanding the
4 absence of a certificate of ownership.

5 (4) No motor vehicle dealer shall be authorized under this subsection to enter and have
6 outstanding any such written agreements until such dealer has provided to the director of revenue a
7 surety bond or irrevocable letter of credit in amount not less than one hundred thousand dollars in a
8 form which complies with the requirements of section 301.560 and in lieu of the fifty thousand
9 dollar bond otherwise required for licensure as a motor vehicle dealer.

10 301.213. 1. Notwithstanding the provisions of sections 301.200 and 301.210, any person
11 licensed as a motor vehicle dealer under sections 301.550 to 301.580 that has provided to the
12 director of revenue a surety bond or irrevocable letter of credit in an amount not less than one
13 hundred thousand dollars in a form which complies with the requirements of section 301.560 and in
14 lieu of the fifty thousand dollar bond otherwise required for licensure as a motor vehicle dealer shall
15 be authorized to purchase or accept in trade any motor vehicle for which there has been issued a
16 certificate of ownership, and to receive such vehicle subject to any existing liens thereon created and
17 perfected under sections 301.600 to 301.660 provided the licensed dealer receives the following:

18 (1) A signed written contract between the licensed dealer and the owner of the vehicle
19 outlining the terms of the sale or acceptance in trade of such motor vehicle without transfer of the
20 certificate of ownership; and

21 (2) Physical delivery of the vehicle to the licensed dealer; and

22 (3) A power of attorney from the owner to the licensed dealer, in accordance with
23 subsection 4 of section 301.300, authorizing the licensed dealer to obtain a duplicate or replacement
24 title in the owner's name and sign any title assignments on the owner's behalf.

25 2. If the dealer complies with the requirements of subsection 1 of this section, the sale or
26 trade of the vehicle to the dealer shall be considered final, subject to any existing liens created and
27 perfected under sections 301.600 to 301.660. Once the prior owner of the motor vehicle has
28 physically delivered the motor vehicle to the licensed dealer, the prior owners' insurable interest in
29 such vehicle shall cease to exist.

30 3. If a licensed dealer complies with the requirements of subsection 1 of this section, and
31 such dealer has provided to the director of revenue a surety bond or irrevocable letter of credit in
32 amount not less than one hundred thousand dollars in a form which complies with the requirements
33 of section 301.560 and in lieu of the fifty thousand dollar bond otherwise required for licensure as a
34 motor vehicle dealer, such dealer may sell such vehicle prior to receiving and assigning to the
35 purchaser the certificate of ownership, provided such dealer complies with the following:

36 (1) All outstanding liens created on the vehicle pursuant to sections 301.600 to 301.660
37 have been paid in full, and the dealer provides a copy of proof or other evidence to the purchaser;
38 and

39 (2) The dealer has obtained proof or other evidence from the department of revenue
40 confirming that no outstanding child support liens exist upon the vehicle at the time of sale and
41 provides a copy of said proof or other evidence to the purchaser; and

42 (3) The dealer has obtained proof or other evidence from the department of revenue
43 confirming that all applicable state sales tax has been satisfied on the sale of the vehicle to the
44 previous owner and provides a copy of said proof or other evidence to the purchaser; and

45 (4) The dealer has signed an application for duplicate or replacement title for the vehicle
46 under subsection 4 of section 301.300 and provides a copy of the application to the purchaser, along
47 with a copy of the power of attorney required by subsection 1 of this section, and the dealer has
48 prepared and delivered to the purchaser an application for title for the vehicle in the purchaser's
49 name; and

1 (5) The dealer and the purchaser have entered into a written agreement for the subsequent
2 assignment and delivery of such certificate of ownership, on a form prescribed by the director of
3 revenue, to take place at a time, not to exceed sixty calendar days, after the time of delivery of the
4 motor vehicle to the purchaser. Such agreement shall require the purchaser to provide to the dealer
5 proof of financial responsibility in accordance with chapter 303 and proof of comprehensive and
6 collision coverage on the motor vehicle. Such dealer shall maintain the original or an electronic
7 copy of the signed agreement and deliver a copy of the signed agreement to the purchaser. Such
8 dealer shall also complete and deliver to the director of revenue such form as the director shall
9 prescribe demonstrating that the purchaser has purchased the vehicle without contemporaneous
10 delivery of the title.

11 Notwithstanding any provision of law to the contrary, completion of the requirements of this
12 subsection shall constitute prima facie evidence of an ownership interest vested in the purchaser of
13 the vehicle for all purposes other than for a subsequent transfer of ownership of the vehicle by the
14 purchaser, subject to the rights of any secured lienholder of record; however, the purchaser may use
15 the dealer-supplied copy of the agreement to transfer his or her ownership of the vehicle to an
16 insurance company in situations where the vehicle has been declared salvage or a total loss by the
17 insurance company as a result of a settlement of a claim. Such insurance company may apply for a
18 salvage certificate of title or junking certificate pursuant to the provisions of subsection 3 of section
19 301.193 in order to transfer its interest in such vehicle. The purchaser may also use the dealer-
20 supplied copy of the agreement on the form prescribed by the director of revenue as proof of
21 ownership interest. Any lender or insurance company may rely upon a copy of the signed written
22 agreement on the form prescribed by the director of revenue as proof of ownership interest. Any
23 lien placed upon a vehicle based upon such signed written agreement shall be valid and enforceable,
24 notwithstanding the absence of a certificate of ownership.

25 4. Following a sale or other transaction in which a certificate of ownership has not been
26 assigned from the owner to the licensed dealer, the dealer shall, within ten business days, apply for a
27 duplicate or replacement certificate of ownership. Upon receipt of a duplicate or replacement
28 certificate of ownership applied for under subsection 4 of section 301.300, the dealer shall assign
29 and deliver said certificate of ownership to the purchaser of the vehicle within five business days.
30 The dealer shall maintain proof of the assignment and delivery of the certificate of ownership to the
31 purchaser. For purposes of this subsection, a dealer shall be deemed to have delivered the certificate
32 of ownership to the purchaser upon either:

33 (1) Physical delivery of the certificate of ownership to any of the purchasers identified in the
34 contract with such dealer; or

35 (2) Mailing of the certificate, postage prepaid, return receipt requested, to any of the
36 purchasers at any of their addresses identified in the contract with such dealer.

37 5. If a licensed dealer fails to comply with subsection 3 of this section, and the purchaser of
38 the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for
39 actual damages, plus court costs and reasonable attorney fees.

40 6. If a licensed dealer fails or is unable to comply with subsection 4 of this section, and the
41 purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the
42 vehicle for actual damages, plus court costs and reasonable attorney fees. If the dealer cannot be
43 found by the purchaser after making reasonable attempts, or if the dealer fails to assign and deliver
44 the duplicate or replacement certificate of ownership to the purchaser by the date agreed upon by the
45 dealer and the purchaser, as required by subsection 4 of this section, then the purchaser may deliver
46 to the director a copy of the contract for sale of the vehicle, a copy of the application for duplicate
47 title provided by the dealer to the purchaser, a copy of the secure power of attorney allowing the
48 dealer to assign the duplicate title, and the proof or other evidence obtained by the purchaser from
49 the dealer under subsection 3 of this section. Thereafter, the director shall mail by certified mail,

1 return receipt requested, a notice to the dealer at the last address given to the department by that
2 dealer. That notice shall inform the dealer that the director intends to cancel any prior certificate of
3 title which may have been issued to the dealer on the vehicle and issue to the purchaser a certificate
4 of title in the name of the purchaser, subject to any liens incurred by the purchaser in connection
5 with the purchase of the vehicle, unless the dealer, within ten business days from the date of the
6 director's notice, files with the director a written objection to the director taking such action. If the
7 dealer does file a timely, written objection with the director, then the director shall not take any
8 further action without an order from a court of competent jurisdiction. However, if the dealer does
9 not file a timely, written objection with the director, then the director shall cancel the prior
10 certificate of title issued to the dealer on the vehicle and issue a certificate of title to the purchaser of
11 the vehicle, subject to any liens incurred by the purchaser in connection with the purchase of the
12 vehicle and subject to the purchaser satisfying all applicable taxes and fees associated with
13 registering the vehicle.

14 7. If a seller misrepresents to a dealer that the seller is the owner of a vehicle and the dealer,
15 the owner, any subsequent purchaser, or any prior or subsequent lienholder is thereby damaged, then
16 the seller shall be liable to each such party for actual and punitive damages, plus court costs and
17 reasonable attorney fees.

18 8. When a lienholder is damaged as a result of a licensed dealer's acts, errors, omissions, or
19 violations of this section, then the dealer shall be liable to the lienholder for actual damages, plus
20 court costs and reasonable attorney fees.

21 9. No court costs or attorney fees shall be awarded under this section unless, prior to filing
22 any such action, the following conditions have been met:

23 (1) The aggrieved party seeking damages has delivered an itemized written demand of the
24 party's actual damages to the party from whom damages are sought; and

25 (2) The party from whom damages are sought has not satisfied the written demand within
26 thirty days after receipt of the written demand.

27 10. The department of revenue may use a dealer's repeated or intentional violation of this
28 section as a cause to suspend, revoke, or refuse to issue or renew any license required pursuant to
29 sections 301.550 to 301.580, in addition to the causes set forth in section 301.562. The hearing
30 process shall be the same as that established in subsection 6 of section 301.562.

31 11. No dealer shall enter into a contract under this section after December 31, 2020. Any
32 contract entered into prior to December 31, 2020, shall be enforceable as provided in this section.
33 This section shall be repealed effective December 31, 2020.

34 301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to the
35 department of revenue, on blanks to be prescribed by the department of revenue, giving the
36 following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle
37 sold; the name and address of the buyer; the name of the manufacturer; year of manufacture; model
38 of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall also state
39 whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand. Each monthly
40 sales report filed by a motor vehicle dealer who collects sales tax under subsection 10 of section
41 144.070 shall also include the amount of state and local sales tax collected for each motor vehicle
42 sold if sales tax was due. The odometer reading is not required when reporting the sale of any motor
43 vehicle that is ten years old or older, any motor vehicle having a gross vehicle weight rating of more
44 than sixteen thousand pounds, new vehicles that are transferred on a manufacturer's statement of
45 origin between one franchised motor vehicle dealer and another, or boats, all-terrain vehicles or
46 trailers. The sale of all temporary permits shall be recorded in the appropriate space on the dealer's
47 monthly sales report, unless the sale of the temporary permit is already recorded by electronic
48 means as determined by the department. The monthly sales report shall include a statement of
49 motor vehicles or trailers sold during the month under subsection 5 of section 301.210. The

1 monthly sales report shall be completed in full and signed by an officer, partner, or owner of the
 2 dealership, and actually received by the department of revenue on or before the fifteenth day of the
 3 month succeeding the month for which the sales are being reported. If no sales occur in any given
 4 month, a report shall be submitted for that month indicating no sales. Any vehicle dealer who fails
 5 to file a monthly report or who fails to file a timely report shall be subject to disciplinary action as
 6 prescribed in section 301.562 or a penalty assessed by the director not to exceed three hundred
 7 dollars per violation. Every motor vehicle and boat dealer shall retain copies of the monthly sales
 8 report as part of the records to be maintained at the dealership location and shall hold them available
 9 for inspection by appropriate law enforcement officials and officials of the department of revenue.
 10 Every vehicle dealer selling twenty or more vehicles a month shall file the monthly sales report with
 11 the department in an electronic format. Any dealer filing a monthly sales report in an electronic
 12 format shall be exempt from filing the notice of transfer required by section 301.196. For any dealer
 13 not filing electronically, the notice of transfer required by section 301.196 shall be submitted with
 14 the monthly sales report as prescribed by the director.

15 2. Every dealer and every person operating a public garage shall keep a correct record of the
 16 vehicle identification number, odometer setting, manufacturer's name of all motor vehicles or
 17 trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together with
 18 the name and address of the person delivering such motor vehicle or trailer to the dealer or public
 19 garage keeper, and the person delivering such motor vehicle or trailer shall record such information
 20 in a file kept by the dealer or garage keeper. The record shall be kept for five years and be open for
 21 inspection by law enforcement officials, members or authorized or designated employees of the
 22 Missouri highway patrol, and persons, agencies and officials designated by the director of revenue.

23 3. Every dealer and every person operating a public garage in which a motor vehicle
 24 remains unclaimed for a period of fifteen days shall, within five days after the expiration of that
 25 period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on a
 26 form prescribed by the director of revenue. A motor vehicle left by its owner whose name and
 27 address are known to the dealer or his employee or person operating a public garage or his employee
 28 is not considered unclaimed. Any dealer or person operating a public garage who fails to report a
 29 motor vehicle as unclaimed as herein required forfeits all claims and liens for its garaging, parking
 30 or storing.

31 4. The director of revenue shall maintain appropriately indexed cumulative records of
 32 unclaimed vehicles reported to the director. Such records shall be kept open to public inspection
 33 during reasonable business hours.

34 5. The alteration or obliteration of the vehicle identification number on any such motor
 35 vehicle shall be prima facie evidence of larceny, and the dealer or person operating such public
 36 garage shall upon the discovery of such obliteration or alteration immediately notify the highway
 37 patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or garage
 38 keeper has his place of business, and shall hold such motor vehicle or trailer for a period of forty-
 39 eight hours for the purpose of an investigation by the officer so notified.

40 6. Any person who knowingly makes a false statement or omission of a material fact in a
 41 monthly sales report to the department of revenue, as described in subsection 1 of this section, shall
 42 be deemed guilty of a class A misdemeanor."; and

43
 44 Further amend said bill, Page 34, Section 301.560, Lines 65-71, by deleting all of said lines and
 45 inserting in lieu thereof the following:

46
 47 "irrevocable letter of credit. [~~The proceeds of the bond or irrevocable letter of credit shall be paid~~
 48 ~~upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction~~
 49 ~~against the principal and in favor of an aggrieved party.] Additionally, every applicant as a new~~

1 motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor
2 vehicle dealer, or boat dealer shall furnish with the application a copy of a current dealer garage
3 policy bearing the policy number and name of the insurer and the insured. The proceeds of the bond
4 or irrevocable letter of credit furnished by an applicant shall be paid upon receipt by the department
5 of a final judgment from a Missouri court of competent jurisdiction against the principal and in
6 favor of an aggrieved party. The proceeds of the bond or irrevocable letter of credit furnished by an
7 applicant shall be paid at the order of the department and in the amount determined by the
8 department to any buyer or interested lienholder up to the greater of the amount required for the
9 release of the purchase money lien or the sales price paid by the buyer where a dealer has failed to
10 fulfill the dealer's obligations under an agreement to assign and deliver title to the buyer within
11 thirty days under a contract entered into pursuant to subsection 5 of section 301.210. The
12 department shall direct release of the bond or irrevocable letter of credit proceeds upon presentation
13 of a written agreement entered into pursuant to subsection 5 of section 301.210, copies of the
14 associated sales and finance documents, and the affidavit or affidavits of the buyer or lienholder
15 stating that the certificate of title with assignment thereof has not been passed to the buyer within
16 thirty days of the date of the contract entered into under subsection 5 of section 301.210, that the
17 dealer has not fulfilled the agreement under the contract to re-purchase the vehicle, that the buyer or
18 the lienholder has notified the dealer of the claim on the bond or letter of credit, and the amount
19 claimed by the purchaser or lienholder. In addition, prior to directing release and payment of the
20 proceeds of a bond or irrevocable letter of credit, the department shall ensure that there is
21 satisfactory evidence to establish that the vehicle which is subject to the written agreement has been
22 returned by the buyer to the dealer or that the buyer has represented to the department that the buyer
23 will surrender possession of the vehicle to the dealer upon payment of the proceeds of the bond or
24 letter of credit directed by the department. Excepting ordinary wear and tear or mechanical failures
25 not caused by the buyer, the amount of proceeds to be paid to the buyer under the bond or
26 irrevocable letter of credit shall be reduced by an amount equivalent to any damage, abuse, or
27 destruction incurred by the vehicle while the vehicle was in the buyer's possession as agreed
28 between the buyer and the dealer. The dealer may apply to a court of competent jurisdiction to
29 contest the claim on the bond or letter of credit, including the amount of the claim and the amount of
30 any adjustment for any damage, abuse, or destruction, by filing a petition with the court within thirty
31 days of the notification by the buyer or lienholder. If the dealer does not fulfill the agreement or file
32 a petition to request judicial relief from the terms of the agreement or contest the amount of the
33 claim, the bond or letter of credit shall be released by the department and directed paid in the
34 amount or amounts presented by the lienholder or buyer;"; and

35
36 Further amend said bill by amending the title, enacting clause, and intersectional references
37 accordingly."; and