

FIRST REGULAR SESSION

SENATE BILL NO. 278

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Read 1st time January 20, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1427S.011

AN ACT

To repeal sections 301.010, 301.067, and 301.227, RSMo, and to enact in lieu thereof three new sections relating to the registration of motor vehicles.

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

Section A. Sections 301.010, 301.067, and 301.227, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 301.010,
3 301.067, and 301.227, to read as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120
2 to 304.260, and sections 307.010 to 307.175, the following terms mean:

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used
4 exclusively for off-highway use which is fifty inches or less in width, with an
5 unladen dry weight of one thousand five hundred pounds or less, traveling on
6 three, four or more nonhighway tires;

7 (2) "Automobile transporter", any vehicle combination designed and used
8 specifically for the transport of assembled motor vehicles;

9 (3) "Axle load", the total load transmitted to the road by all wheels whose
10 centers are included between two parallel transverse vertical planes forty inches
11 apart, extending across the full width of the vehicle;

12 (4) "Boat transporter", any vehicle combination designed and used
13 specifically to transport assembled boats and boat hulls;

14 (5) "Body shop", a business that repairs physical damage on motor
15 vehicles that are not owned by the shop or its officers or employees by mending,
16 straightening, replacing body parts, or painting;

17 (6) "Bus", a motor vehicle primarily for the transportation of a driver and
18 eight or more passengers but not including shuttle buses;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used
20 for carrying freight and merchandise, or more than eight passengers but not
21 including vanpools or shuttle buses;

22 (8) "Cotton trailer", a trailer designed and used exclusively for
23 transporting cotton at speeds less than forty miles per hour from field to field or
24 from field to market and return;

25 (9) "Dealer", any person, firm, corporation, association, agent or subagent
26 engaged in the sale or exchange of new, used or reconstructed motor vehicles or
27 trailers;

28 (10) "Director" or "director of revenue", the director of the department of
29 revenue;

30 (11) "Driveaway operation":

31 (a) The movement of a motor vehicle or trailer by any person or motor
32 carrier other than a dealer over any public highway, under its own power singly,
33 or in a fixed combination of two or more vehicles, for the purpose of delivery for
34 sale or for delivery either before or after sale;

35 (b) The movement of any vehicle or vehicles, not owned by the transporter,
36 constituting the commodity being transported, by a person engaged in the
37 business of furnishing drivers and operators for the purpose of transporting
38 vehicles in transit from one place to another by the driveaway or towaway
39 methods; or

40 (c) The movement of a motor vehicle by any person who is lawfully
41 engaged in the business of transporting or delivering vehicles that are not the
42 person's own and vehicles of a type otherwise required to be registered, by the
43 driveaway or towaway methods, from a point of manufacture, assembly or
44 distribution or from the owner of the vehicles to a dealer or sales agent of a
45 manufacturer or to any consignee designated by the shipper or consignor;

46 (12) "Dromedary", a box, deck, or plate mounted behind the cab and
47 forward of the fifth wheel on the frame of the power unit of a truck
48 tractor-semitrailer combination. A truck tractor equipped with a dromedary may
49 carry part of a load when operating independently or in a combination with a
50 semitrailer;

51 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

52 (14) "Fleet", any group of ten or more motor vehicles owned by the same
53 owner;

54 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

55 (16) "Fullmount", a vehicle mounted completely on the frame of either the
56 first or last vehicle in a saddlemount combination;

57 (17) "Gross weight", the weight of vehicle and/or vehicle combination
58 without load, plus the weight of any load thereon;

59 (18) "Hail-damaged vehicle", any vehicle, the body of which has become
60 dented as the result of the impact of hail;

61 (19) "Highway", any public thoroughfare for vehicles, including state
62 roads, county roads and public streets, avenues, boulevards, parkways or alleys
63 in any municipality;

64 (20) "Improved highway", a highway which has been paved with gravel,
65 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall
66 have a hard, smooth surface;

67 (21) "Intersecting highway", any highway which joins another, whether
68 or not it crosses the same;

69 (22) "Junk vehicle", a vehicle which:

70 (a) Is incapable of operation or use upon the highways and has no resale
71 value except as a source of parts or scrap[, and shall not be titled or registered];
72 **or**

73 (b) **Has been designated as junk or a substantially equivalent**
74 **designation by this state or any other state;**

75 (23) "Kit vehicle", a motor vehicle assembled by a person other than a
76 generally recognized manufacturer of motor vehicles by the use of a glider kit or
77 replica purchased from an authorized manufacturer and accompanied by a
78 manufacturer's statement of origin;

79 (24) "Land improvement contractors' commercial motor vehicle", any
80 not-for-hire commercial motor vehicle the operation of which is confined to:

81 (a) An area that extends not more than a radius of one hundred miles
82 from its home base of operations when transporting its owner's machinery,
83 equipment, or auxiliary supplies to or from projects involving soil and water
84 conservation, or to and from equipment dealers' maintenance facilities for
85 maintenance purposes; or

86 (b) An area that extends not more than a radius of fifty miles from its
87 home base of operations when transporting its owner's machinery, equipment, or
88 auxiliary supplies to or from projects not involving soil and water
89 conservation. Nothing in this subdivision shall be construed to prevent any motor
90 vehicle from being registered as a commercial motor vehicle or local commercial

91 motor vehicle;

92 (25) "Local commercial motor vehicle", a commercial motor vehicle whose
93 operations are confined solely to a municipality and that area extending not more
94 than fifty miles therefrom, or a commercial motor vehicle whose property-carrying
95 operations are confined solely to the transportation of property owned by any
96 person who is the owner or operator of such vehicle to or from a farm owned by
97 such person or under the person's control by virtue of a landlord and tenant lease;
98 provided that any such property transported to any such farm is for use in the
99 operation of such farm;

100 (26) "Local log truck", a commercial motor vehicle which is registered
101 pursuant to this chapter to operate as a motor vehicle on the public highways of
102 this state, used exclusively in this state, used to transport harvested forest
103 products, operated solely at a forested site and in an area extending not more
104 than a one hundred-mile radius from such site, carries a load with dimensions not
105 in excess of twenty-five cubic yards per two axles with dual wheels, and when
106 operated on the national system of interstate and defense highways described in
107 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed
108 the weight limits of section 304.180, does not have more than four axles, and does
109 not pull a trailer which has more than two axles. Harvesting equipment which
110 is used specifically for cutting, felling, trimming, delimiting, debarking, chipping,
111 skidding, loading, unloading, and stacking may be transported on a local log
112 truck. A local log truck may not exceed the limits required by law, however, if
113 the truck does exceed such limits as determined by the inspecting officer, then
114 notwithstanding any other provisions of law to the contrary, such truck shall be
115 subject to the weight limits required by such sections as licensed for eighty
116 thousand pounds;

117 (27) "Local log truck tractor", a commercial motor vehicle which is
118 registered under this chapter to operate as a motor vehicle on the public
119 highways of this state, used exclusively in this state, used to transport harvested
120 forest products, operated solely at a forested site and in an area extending not
121 more than a one hundred-mile radius from such site, operates with a weight not
122 exceeding twenty-two thousand four hundred pounds on one axle or with a weight
123 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and
124 when operated on the national system of interstate and defense highways
125 described in Title 23, Section 103(e) of the United States Code, such vehicle does
126 not exceed the weight limits contained in section 304.180, and does not have more

127 than three axles and does not pull a trailer which has more than two
128 axles. Violations of axle weight limitations shall be subject to the load limit
129 penalty as described for in sections 304.180 to 304.220;

130 (28) "Local transit bus", a bus whose operations are confined wholly
131 within a municipal corporation, or wholly within a municipal corporation and a
132 commercial zone, as defined in section 390.020, adjacent thereto, forming a part
133 of a public transportation system within such municipal corporation and such
134 municipal corporation and adjacent commercial zone;

135 (29) "Log truck", a vehicle which is not a local log truck or local log truck
136 tractor and is used exclusively to transport harvested forest products to and from
137 forested sites which is registered pursuant to this chapter to operate as a motor
138 vehicle on the public highways of this state for the transportation of harvested
139 forest products;

140 (30) "Major component parts", the rear clip, cowl, frame, body, cab,
141 front-end assembly, and front clip, as those terms are defined by the director of
142 revenue pursuant to rules and regulations or by illustrations;

143 (31) "Manufacturer", any person, firm, corporation or association engaged
144 in the business of manufacturing or assembling motor vehicles, trailers or vessels
145 for sale;

146 (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957,
147 which receives a new, rebuilt or used engine, and which used the number
148 stamped on the original engine as the vehicle identification number;

149 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively
150 upon tracks, except farm tractors;

151 (34) "Motor vehicle primarily for business use", any vehicle other than a
152 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor
153 vehicle licensed for over twelve thousand pounds:

154 (a) Offered for hire or lease; or

155 (b) The owner of which also owns ten or more such motor vehicles;

156 (35) "Motorcycle", a motor vehicle operated on two wheels;

157 (36) "Motorized bicycle", any two-wheeled or three-wheeled device having
158 an automatic transmission and a motor with a cylinder capacity of not more than
159 fifty cubic centimeters, which produces less than three gross brake horsepower,
160 and is capable of propelling the device at a maximum speed of not more than
161 thirty miles per hour on level ground;

162 (37) "Motortricycle", a motor vehicle operated on three wheels, including

163 a motorcycle while operated with any conveyance, temporary or otherwise,
164 requiring the use of a third wheel. A motortricycle shall not be included in the
165 definition of all-terrain vehicle;

166 (38) "Municipality", any city, town or village, whether incorporated or not;

167 (39) "Nonresident", a resident of a state or country other than the state
168 of Missouri;

169 (40) "Non-USA-std motor vehicle", a motor vehicle not originally
170 manufactured in compliance with United States emissions or safety standards;

171 (41) "Operator", any person who operates or drives a motor vehicle;

172 (42) "Owner", any person, firm, corporation or association, who holds the
173 legal title to a vehicle or in the event a vehicle is the subject of an agreement for
174 the conditional sale or lease thereof with the right of purchase upon performance
175 of the conditions stated in the agreement and with an immediate right of
176 possession vested in the conditional vendee or lessee, or in the event a mortgagor
177 of a vehicle is entitled to possession, then such conditional vendee or lessee or
178 mortgagor shall be deemed the owner for the purpose of this law;

179 (43) "Public garage", a place of business where motor vehicles are housed,
180 stored, repaired, reconstructed or repainted for persons other than the owners or
181 operators of such place of business;

182 (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned
183 by the rebuilder, but does not include certificated common or contract carriers of
184 persons or property;

185 (45) "Reconstructed motor vehicle", a vehicle that is altered from its
186 original construction by the addition or substitution of two or more new or used
187 major component parts, excluding motor vehicles made from all new parts, and
188 new multistage manufactured vehicles;

189 (46) "Recreational motor vehicle", any motor vehicle designed, constructed
190 or substantially modified so that it may be used and is used for the purposes of
191 temporary housing quarters, including therein sleeping and eating facilities
192 which are either permanently attached to the motor vehicle or attached to a unit
193 which is securely attached to the motor vehicle. Nothing herein shall prevent any
194 motor vehicle from being registered as a commercial motor vehicle if the motor
195 vehicle could otherwise be so registered;

196 (47) "Recreational off-highway vehicle", any motorized vehicle
197 manufactured and used exclusively for off-highway use which is more than fifty
198 inches but no more than sixty-seven inches in width, with an unladen dry weight

199 of two thousand pounds or less, traveling on four or more nonhighway tires and
200 which may have access to ATV trails;

201 (48) "Rollback or car carrier", any vehicle specifically designed to
202 transport wrecked, disabled or otherwise inoperable vehicles, when the
203 transportation is directly connected to a wrecker or towing service;

204 (49) "Saddlemount combination", a combination of vehicles in which a
205 truck or truck tractor tows one or more trucks or truck tractors, each connected
206 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"
207 is a mechanism that connects the front axle of the towed vehicle to the frame or
208 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
209 connection. When two vehicles are towed in this manner the combination is
210 called a "double saddlemount combination". When three vehicles are towed in
211 this manner, the combination is called a "triple saddlemount combination";

212 (50) "Salvage dealer and dismantler", a business that dismantles used
213 motor vehicles for the sale of the parts thereof, and buys and sells used motor
214 vehicle parts and accessories;

215 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

216 (a) Was damaged during a year that is no more than six years after the
217 manufacturer's model year designation for such vehicle to the extent that the
218 total cost of repairs to rebuild or reconstruct the vehicle to its condition
219 immediately before it was damaged for legal operation on the roads or highways
220 exceeds eighty percent of the fair market value of the vehicle immediately
221 preceding the time it was damaged;

222 (b) By reason of condition or circumstance, has been declared salvage,
223 either by its owner, or by a person, firm, corporation, or other legal entity
224 exercising the right of security interest in it;

225 (c) Has been declared salvage by an insurance company as a result of
226 settlement of a claim;

227 (d) Ownership of which is evidenced by a salvage title; or

228 (e) Is abandoned property which is titled pursuant to section 304.155 or
229 section 304.157 and designated with the words "salvage/abandoned
230 property". The total cost of repairs to rebuild or reconstruct the vehicle shall not
231 include the cost of repairing, replacing, or reinstalling inflatable safety restraints,
232 tires, sound systems, or damage as a result of hail, or any sales tax on parts or
233 materials to rebuild or reconstruct the vehicle. For purposes of this definition,
234 "fair market value" means the retail value of a motor vehicle as:

235 a. Set forth in a current edition of any nationally recognized compilation
236 of retail values, including automated databases, or from publications commonly
237 used by the automotive and insurance industries to establish the values of motor
238 vehicles;

239 b. Determined pursuant to a market survey of comparable vehicles with
240 regard to condition and equipment; and

241 c. Determined by an insurance company using any other procedure
242 recognized by the insurance industry, including market surveys, that is applied
243 by the company in a uniform manner;

244 (52) "School bus", any motor vehicle used solely to transport students to
245 or from school or to transport students to or from any place for educational
246 purposes;

247 (53) "Scrap processor", a business that, through the use of fixed or mobile
248 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle
249 parts for processing or transportation to a shredder or scrap metal operator for
250 recycling;

251 (54) "Shuttle bus", a motor vehicle used or maintained by any person,
252 firm, or corporation as an incidental service to transport patrons or customers of
253 the regular business of such person, firm, or corporation to and from the place of
254 business of the person, firm, or corporation providing the service at no fee or
255 charge. Shuttle buses shall not be registered as buses or as commercial motor
256 vehicles;

257 (55) "Special mobile equipment", every self-propelled vehicle not designed
258 or used primarily for the transportation of persons or property and incidentally
259 operated or moved over the highways, including farm equipment, implements of
260 husbandry, road construction or maintenance machinery, ditch-digging apparatus,
261 stone crushers, air compressors, power shovels, cranes, graders, rollers,
262 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,
263 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
264 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag
265 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This
266 enumeration shall be deemed partial and shall not operate to exclude other such
267 vehicles which are within the general terms of this section;

268 (56) "Specially constructed motor vehicle", a motor vehicle which shall not
269 have been originally constructed under a distinctive name, make, model or type
270 by a manufacturer of motor vehicles. The term specially constructed motor

271 vehicle includes kit vehicles;

272 (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the
273 fifth wheel is located on a drop frame located behind and below the rearmost axle
274 of the power unit;

275 (58) "Tandem axle", a group of two or more axles, arranged one behind
276 another, the distance between the extremes of which is more than forty inches
277 and not more than ninety-six inches apart;

278 (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor
279 vehicle designed for drawing other vehicles, but not for the carriage of any load
280 when operating independently. When attached to a semitrailer, it supports a part
281 of the weight thereof;

282 (60) "Trailer", any vehicle without motive power designed for carrying
283 property or passengers on its own structure and for being drawn by a
284 self-propelled vehicle, except those running exclusively on tracks, including a
285 semitrailer or vehicle of the trailer type so designed and used in conjunction with
286 a self-propelled vehicle that a considerable part of its own weight rests upon and
287 is carried by the towing vehicle. The term "trailer" shall not include cotton
288 trailers as defined in subdivision (8) of this section and shall not include
289 manufactured homes as defined in section 700.010;

290 (61) "Truck", a motor vehicle designed, used, or maintained for the
291 transportation of property;

292 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in
293 which the two trailing units are connected with a B-train assembly which is a
294 rigid frame extension attached to the rear frame of a first semitrailer which
295 allows for a fifth-wheel connection point for the second semitrailer and has one
296 less articulation point than the conventional A-dolly connected truck-tractor
297 semitrailer-trailer combination;

298 (63) "Truck-trailer boat transporter combination", a boat transporter
299 combination consisting of a straight truck towing a trailer using typically a ball
300 and socket connection with the trailer axle located substantially at the trailer
301 center of gravity rather than the rear of the trailer but so as to maintain a
302 downward force on the trailer tongue;

303 (64) "Used parts dealer", a business that buys and sells used motor vehicle
304 parts or accessories, but not including a business that sells only new,
305 remanufactured or rebuilt parts. "Business" does not include isolated sales at a
306 swap meet of less than three days;

307 (65) "Utility vehicle", any motorized vehicle manufactured and used
308 exclusively for off-highway use which is more than fifty inches but no more than
309 sixty-seven inches in width, with an unladen dry weight of two thousand pounds
310 or less, traveling on four or six wheels, to be used primarily for landscaping, lawn
311 care, or maintenance purposes;

312 (66) "Vanpool", any van or other motor vehicle used or maintained by any
313 person, group, firm, corporation, association, city, county or state agency, or any
314 member thereof, for the transportation of not less than eight nor more than
315 forty-eight employees, per motor vehicle, to and from their place of employment;
316 however, a vanpool shall not be included in the definition of the term bus or
317 commercial motor vehicle as defined by subdivisions (6) and (7) of this section,
318 nor shall a vanpool driver be deemed a chauffeur as that term is defined by
319 section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements,
320 recreational, personal, or maintenance uses constitute an unlicensed use of the
321 motor vehicle, unless used for monetary profit other than for use in a ride-sharing
322 arrangement;

323 (67) "Vehicle", any mechanical device on wheels, designed primarily for
324 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn
325 by horses or human power, or vehicles used exclusively on fixed rails or tracks,
326 or cotton trailers or motorized wheelchairs operated by handicapped persons;

327 (68) "Wrecker" or "tow truck", any emergency commercial vehicle
328 equipped, designed and used to assist or render aid and transport or tow disabled
329 or wrecked vehicles from a highway, road, street or highway rights-of-way to a
330 point of storage or repair, including towing a replacement vehicle to replace a
331 disabled or wrecked vehicle;

332 (69) "Wrecker or towing service", the act of transporting, towing or
333 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not
334 owned by the operator of the wrecker, tow truck, rollback or car carrier for which
335 the operator directly or indirectly receives compensation or other personal gain.

301.067. 1. For each trailer or semitrailer there shall be paid an annual
2 fee of seven dollars fifty cents, and in addition thereto such permit fee authorized
3 by law against trailers used in combination with tractors operated under the
4 supervision of the motor carrier and railroad safety division of the department of
5 economic development. The fees for tractors used in any combination with
6 trailers or semitrailers or both trailers and semitrailers (other than on
7 passenger-carrying trailers or semitrailers) shall be computed on the total gross

8 weight of the vehicles in the combination with load.

9 2. Any trailer or semitrailer may at the option of the registrant be
10 registered for a period of three years upon payment of a registration fee of
11 twenty-two dollars and fifty cents.

12 3. Any trailer as defined in section 301.010 or semitrailer [which is
13 operated coupled to a towing vehicle by a fifth wheel and kingpin assembly or by
14 a trailer converter dolly] may, at the option of the registrant, be registered
15 permanently upon the payment of a registration fee of fifty-two dollars and fifty
16 cents. The permanent plate and registration fee is vehicle specific. The plate and
17 the registration fee paid is nontransferable and nonrefundable, except those
18 covered under the provisions of section 301.442.

301.227. 1. Whenever a vehicle is sold for salvage, dismantling or
2 rebuilding, the purchaser shall forward to the director of revenue within ten days
3 the certificate of ownership or salvage certificate of title and the proper
4 application and fee of eight dollars and fifty cents, and the director shall issue a
5 negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On
6 vehicles purchased during a year that is no more than six years after the
7 manufacturer's model year designation for such vehicle, it shall be mandatory
8 that the purchaser apply for a salvage title. On vehicles purchased during a year
9 that is more than six years after the manufacturer's model year designation for
10 such vehicle, then application for a salvage title shall be optional on the part of
11 the purchaser. Whenever a vehicle is sold for destruction and a salvage
12 certificate of title, junking certificate, or certificate of ownership exists, the seller,
13 if licensed under sections 301.217 to 301.221, shall forward the certificate to the
14 director of revenue within ten days, with the notation of the date sold for
15 destruction and the name of the purchaser clearly shown on the face of the
16 certificate.

17 2. Whenever a vehicle is classified as "junk", as defined in section 301.010,
18 the purchaser [may] **shall** forward to the director of revenue the salvage
19 certificate of title or certificate of ownership and the director shall issue a
20 negotiable junking certificate [to the purchaser of the vehicle], **which shall**
21 **authorize the holder to possess, transport, or, by assignment, transfer**
22 **ownership in such parts, scrap, or junk.** The director may also issue a
23 junking certificate to a possessor of a vehicle manufactured twenty-six years or
24 more prior to the current model year who has a bill of sale for said vehicle but
25 does not possess a certificate of ownership, provided no claim of theft has been

26 made on the vehicle and the highway patrol has by letter stated the vehicle is not
27 listed as stolen after checking the registration number through its nationwide
28 computer system. Such certificate may be granted within thirty days of the
29 submission of a request.

30 3. [Upon receipt of a properly completed application for a junking
31 certificate, the director of revenue shall issue to the applicant a junking
32 certificate which shall authorize the holder to possess, transport, or, by
33 assignment, transfer ownership in such parts, scrap or junk, and a certificate of
34 title shall not again be issued for such vehicle; except that, the initial purchaser]
35 **For any junk vehicle, regardless of whether such designation has been**
36 **subsequently changed erroneously or by law in this or any other state,**
37 **the department shall only issue a junking certificate, and a salvage or**
38 **original certificate of title shall not therefore be issued for such**
39 **vehicle. If the vehicle has not previously been designated as a junk**
40 **vehicle, the applicant making the original junking certification**
41 **application** shall, within ninety days, be allowed to rescind his application for
42 a junking certificate by surrendering the junking certificate and apply for a
43 salvage certificate of title in his name. The seller of a vehicle for which a junking
44 certificate has been applied for or issued shall disclose such fact in writing to any
45 prospective buyers before sale of such vehicle; otherwise the sale shall be voidable
46 at the option of the buyer.

47 4. No scrap metal operator shall acquire or purchase a motor vehicle or
48 parts thereof without, at the time of such acquisition, receiving the original
49 certificate of title or salvage certificate of title or junking certificate from the
50 seller of the vehicle or parts, unless the seller is a licensee under sections 301.219
51 to 301.221.

52 5. All titles and certificates required to be received by scrap metal
53 operators from nonlicensees shall be forwarded by the operator to the director of
54 revenue within ten days of the receipt of the vehicle or parts.

55 6. The scrap metal operator shall keep a record, for three years, of the
56 seller's name and address, the salvage business license number of the licensee,
57 date of purchase, and any vehicle or parts identification numbers open for
58 inspection as provided in section 301.225.

59 7. Notwithstanding any other provision of this section, a motor vehicle
60 dealer as defined in section 301.550 and licensed under the provisions of sections
61 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title

62 on the back thereof.

63 8. Notwithstanding the provisions of subsection 1 of this section, an
64 insurance company which settles a claim for a stolen vehicle may apply for and
65 shall be issued a negotiable salvage certificate of title without the payment of any
66 fee upon proper application within thirty days after settlement of the claim for
67 such stolen vehicle. However, if the insurance company upon recovery of a stolen
68 vehicle determines that the stolen vehicle has not sustained damage to the extent
69 that the vehicle would have otherwise been declared a salvage vehicle pursuant
70 to subdivision (51) of section 301.010, then the insurance company may have the
71 vehicle inspected by the Missouri state highway patrol, or other law enforcement
72 agency authorized by the director of revenue, in accordance with the inspection
73 provisions of subsection 9 of section 301.190. Upon receipt of title application,
74 applicable fee, the completed inspection, and the return of any previously issued
75 negotiable salvage certificate, the director shall issue an original title with no
76 salvage or prior salvage designation. Upon the issuance of an original title the
77 director shall remove any indication of the negotiable salvage title previously
78 issued to the insurance company from the department's electronic records.

79 9. Notwithstanding subsection 4 of this section or any other provision of
80 the law to the contrary, if a motor vehicle is inoperable and is at least ten model
81 years old, or the parts are from a motor vehicle that is inoperable and is at least
82 ten model years old, a scrap metal operator may purchase or acquire such motor
83 vehicle or parts without receiving the original certificate of title, salvage
84 certificate of title, or junking certificate from the seller of the vehicle or parts,
85 provided the scrap metal operator verifies with the department of revenue, via
86 the department's online record access, that the motor vehicle is not subject to any
87 recorded security interest or lien and the scrap metal operator complies with the
88 requirements of this subsection. In lieu of forwarding certificates of titles for
89 such motor vehicles as required by subsection 5 of this section, the scrap metal
90 operator shall forward a copy of the seller's state identification along with a bill
91 of sale to the department of revenue. The bill of sale form shall be designed by
92 the director and such form shall include, but not be limited to, a certification that
93 the motor vehicle is at least ten model years old, is inoperable, is not subject to
94 any recorded security interest or lien, and a certification by the seller that the
95 seller has the legal authority to sell or otherwise transfer the seller's interest in
96 the motor vehicle or parts. Upon receipt of the information required by this
97 subsection, the department of revenue shall cancel any certificate of title and

98 registration for the motor vehicle. If the motor vehicle is inoperable and at least
99 twenty model years old, then the scrap metal operator shall not be required to
100 verify with the department of revenue whether the motor vehicle is subject to any
101 recorded security interests or liens. As used in this subsection, the term
102 "inoperable" means a motor vehicle that is in a rusted, wrecked, discarded, worn
103 out, extensively damaged, dismantled, and mechanically inoperative condition
104 and the vehicle's highest and best use is for scrap purposes. The director of the
105 department of revenue is directed to promulgate rules and regulations to
106 implement and administer the provisions of this section, including but not limited
107 to, the development of a uniform bill of sale. Any rule or portion of a rule, as that
108 term is defined in section 536.010, that is created under the authority delegated
109 in this section shall become effective only if it complies with and is subject to all
110 of the provisions of chapter 536 and, if applicable, section 536.028. This section
111 and chapter 536 are nonseverable and if any of the powers vested with the
112 general assembly pursuant to chapter 536 to review, to delay the effective date,
113 or to disapprove and annul a rule are subsequently held unconstitutional, then
114 the grant of rulemaking authority and any rule proposed or adopted after August
115 28, 2012, shall be invalid and void.

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