

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 4

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

0870S.05P

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 301.192, 301.280, 301.558, 302.755, 303.025, 303.041, 407.526, 407.536, and 407.556, RSMo, and to enact in lieu thereof fourteen new sections relating to motor vehicles, with penalty provisions, an effective date for a certain section, and an emergency clause for certain sections.

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

Section A. Sections 301.192, 301.280, 301.558, 302.755,  
2 303.025, 303.041, 407.526, 407.536, and 407.556, RSMo, are  
3 repealed and fourteen new sections enacted in lieu thereof, to  
4 be known as sections 301.192, 301.280, 301.558, 302.755,  
5 303.025, 303.041, 303.420, 303.422, 303.425, 303.430, 303.440,  
6 407.526, 407.536, and 407.556, to read as follows:

301.192. 1. In addition to any other requirements of  
2 section 301.190, when application is made for a certificate  
3 of ownership for a motor vehicle or trailer seven years old  
4 or older and the value of vehicle does not exceed three  
5 thousand dollars, for which no record of any prior  
6 application for a certificate of ownership exists in the  
7 records of the director of revenue or for which the records  
8 of the director of revenue reflect incomplete or conflicting  
9 documentation of ownership, the director of revenue may

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

10 issue a certificate of ownership, not less than thirty days  
11 after receiving the completed application, provided it is  
12 accompanied by:

13 (1) An affidavit explaining how the motor vehicle or  
14 trailer was acquired and the reasons a valid certificate of  
15 ownership cannot be furnished;

16 (2) Presentation of all evidence of ownership in the  
17 applicant's possession;

18 (3) Title verification from a state in which the  
19 vehicle was previously titled or registered if known,  
20 provided the vehicle was so previously titled or registered;

21 (4) A notarized lien release from any lienholder of  
22 record;

23 (5) A vehicle examination certificate issued by the  
24 Missouri state highway patrol, or other law enforcement  
25 agency as authorized by the director of revenue. The  
26 vehicle examination shall include a verification of the  
27 vehicle's identification number and a determination that the  
28 vehicle has not been reported stolen in Missouri or any  
29 other state. The fee for the vehicle examination  
30 certificate shall be twenty-five dollars and shall be  
31 collected by the director of revenue at the time of the  
32 request for the application;

33 (6) A statement certifying the odometer reading of the  
34 motor vehicle if less than ~~[ten]~~ **twenty** years of age; and

35 (7) A surety bond or a suitable financial security  
36 instrument in a form prescribed by the director of revenue  
37 and executed by the applicant and a person authorized to  
38 conduct surety business in this state. The bond shall be an  
39 amount equal to two times the value of the vehicle as  
40 determined by the Kelly Blue Book, NADA Used Car Guide or  
41 two appraisals from a licensed motor vehicle dealer. The

42 bond shall be for a minimum of one hundred dollars and  
43 conditioned to indemnify any prior owner or lienholder and  
44 any subsequent purchaser of the vehicle or person acquiring  
45 any security interest in it, and their respective successors  
46 in interest, against any expense, loss or damage including  
47 reasonable attorneys fees, by reason of the issuance of the  
48 certificate of ownership of the vehicle or on account of any  
49 defect in or undisclosed security interest upon the right,  
50 title and interest of the applicant in and to the vehicle.  
51 Any such interested person has a right of action to recover  
52 on the bond for any breach of its conditions, but the  
53 aggregate liability of the surety to all persons shall not  
54 exceed the amount of the bond. The bond shall be returned  
55 at the end of three years, unless the department has been  
56 notified of the pendency of an action to recover on the bond.

57 2. Upon satisfaction with the genuineness of the  
58 application and supporting documents, the director of  
59 revenue shall issue a new certificate of ownership. The  
60 certificate of ownership shall appropriately be designated  
61 with the words "BONDED VEHICLE".

301.280. 1. Every motor vehicle dealer and boat  
2 dealer shall make a monthly report to the department of  
3 revenue, on blanks to be prescribed by the department of  
4 revenue, giving the following information: date of the sale  
5 of each motor vehicle, boat, trailer and all-terrain vehicle  
6 sold; the name and address of the buyer; the name of the  
7 manufacturer; year of manufacture; model of vehicle; vehicle  
8 identification number; style of vehicle; odometer setting;  
9 and it shall also state whether the motor vehicle, boat,  
10 trailer or all-terrain vehicle is new or secondhand. Each  
11 monthly sales report filed by a motor vehicle dealer who  
12 collects sales tax under subsection 10 of section 144.070

13 shall also include the amount of state and local sales tax  
14 collected for each motor vehicle sold if sales tax was due.  
15 The odometer reading is not required when reporting the sale  
16 of any motor vehicle that is [~~ten~~] **twenty** years old or  
17 older, any motor vehicle having a gross vehicle weight  
18 rating of more than sixteen thousand pounds, new vehicles  
19 that are transferred on a manufacturer's statement of origin  
20 between one franchised motor vehicle dealer and another, or  
21 boats, all-terrain vehicles or trailers. The sale of all  
22 temporary permits shall be recorded in the appropriate space  
23 on the dealer's monthly sales report, unless the sale of the  
24 temporary permit is already recorded by electronic means as  
25 determined by the department. The monthly sales report  
26 shall include a statement of motor vehicles or trailers sold  
27 during the month under subsection 5 of section 301.210. The  
28 monthly sales report shall be completed in full and signed  
29 by an officer, partner, or owner of the dealership, and  
30 actually received by the department of revenue on or before  
31 the fifteenth day of the month succeeding the month for  
32 which the sales are being reported. If no sales occur in  
33 any given month, a report shall be submitted for that month  
34 indicating no sales. Any vehicle dealer who fails to file a  
35 monthly report or who fails to file a timely report shall be  
36 subject to disciplinary action as prescribed in section  
37 301.562 or a penalty assessed by the director not to exceed  
38 three hundred dollars per violation. Every motor vehicle  
39 and boat dealer shall retain copies of the monthly sales  
40 report as part of the records to be maintained at the  
41 dealership location and shall hold them available for  
42 inspection by appropriate law enforcement officials and  
43 officials of the department of revenue. Every vehicle  
44 dealer selling twenty or more vehicles a month shall file

45 the monthly sales report with the department in an  
46 electronic format. Any dealer filing a monthly sales report  
47 in an electronic format shall be exempt from filing the  
48 notice of transfer required by section 301.196. For any  
49 dealer not filing electronically, the notice of transfer  
50 required by section 301.196 shall be submitted with the  
51 monthly sales report as prescribed by the director.

52 2. Every dealer and every person operating a public  
53 garage shall keep a correct record of the vehicle  
54 identification number, odometer setting, manufacturer's name  
55 of all motor vehicles or trailers accepted by him for the  
56 purpose of sale, rental, storage, repair or repainting,  
57 together with the name and address of the person delivering  
58 such motor vehicle or trailer to the dealer or public garage  
59 keeper, and the person delivering such motor vehicle or  
60 trailer shall record such information in a file kept by the  
61 dealer or garage keeper. The record shall be kept for five  
62 years and be open for inspection by law enforcement  
63 officials, members or authorized or designated employees of  
64 the Missouri highway patrol, and persons, agencies and  
65 officials designated by the director of revenue.

66 3. Every dealer and every person operating a public  
67 garage in which a motor vehicle remains unclaimed for a  
68 period of fifteen days shall, within five days after the  
69 expiration of that period, report the motor vehicle as  
70 unclaimed to the director of revenue. Such report shall be  
71 on a form prescribed by the director of revenue. A motor  
72 vehicle left by its owner whose name and address are known  
73 to the dealer or his employee or person operating a public  
74 garage or his employee is not considered unclaimed. Any  
75 dealer or person operating a public garage who fails to  
76 report a motor vehicle as unclaimed as herein required

77 forfeits all claims and liens for its garaging, parking or  
78 storing.

79 4. The director of revenue shall maintain  
80 appropriately indexed cumulative records of unclaimed  
81 vehicles reported to the director. Such records shall be  
82 kept open to public inspection during reasonable business  
83 hours.

84 5. The alteration or obliteration of the vehicle  
85 identification number on any such motor vehicle shall be  
86 prima facie evidence of larceny, and the dealer or person  
87 operating such public garage shall upon the discovery of  
88 such obliteration or alteration immediately notify the  
89 highway patrol, sheriff, marshal, constable or chief of  
90 police of the municipality where the dealer or garage keeper  
91 has his place of business, and shall hold such motor vehicle  
92 or trailer for a period of forty-eight hours for the purpose  
93 of an investigation by the officer so notified.

94 6. Any person who knowingly makes a false statement or  
95 omission of a material fact in a monthly sales report to the  
96 department of revenue, as described in subsection 1 of this  
97 section, shall be deemed guilty of a class A misdemeanor.

301.558. 1. A motor vehicle dealer, boat dealer, or  
2 powersport dealer may fill in the blanks on standardized  
3 forms in connection with the sale or lease of a new or used  
4 motor vehicle, vessel, or vessel trailer if the motor  
5 vehicle dealer, boat dealer, or powersport dealer does not  
6 charge for the services of filling in the blanks or  
7 otherwise charge for preparing documents.

8 2. A motor vehicle dealer, boat dealer, or powersport  
9 dealer may charge an administrative fee in connection with  
10 the sale or lease of a new or used motor vehicle, vessel, or  
11 vessel trailer for the storage of documents or any other

12 administrative or clerical services not prohibited by this  
13 section. A portion of the administrative fee may result in  
14 profit to the motor vehicle dealer, boat dealer, or  
15 powersport dealer.

16 3. No motor vehicle dealer, boat dealer, or powersport  
17 dealer that sells or leases new or used motor vehicles,  
18 vessels, or vessel trailers and imposes an administrative  
19 fee of [less than two] **five** hundred dollars **or less** in  
20 connection with the sale or lease of a new or used vehicle,  
21 vessel, or vessel trailer for the storage of documents or  
22 any other administrative or clerical services shall be  
23 deemed to be engaging in the unauthorized practice of law.  
24 **The maximum administrative fee permitted under this**  
25 **subsection shall be increased annually by an amount equal to**  
26 **the percentage change in the annual average of the Consumer**  
27 **Price Index for All Urban Consumers or its successor index,**  
28 **as reported by the federal Bureau of Labor Statistics or its**  
29 **successor agency, or by zero, whichever is greater. The**  
30 **director of the department of revenue shall annually furnish**  
31 **the maximum administrative fee determined under this section**  
32 **to the secretary of state, who shall publish such value in**  
33 **the Missouri register as soon as practicable after January**  
34 **fourteenth of each year.**

35 4. If an administrative fee is charged under this  
36 section, the **same** administrative fee shall be charged to all  
37 retail customers [and] **unless the fee is limited by the**  
38 **dealer's franchise agreement to certain classes of**  
39 **customers. The fee shall be** disclosed on the retail buyer's  
40 order form as a separate itemized charge.

41 5. A preliminary worksheet on which a sale price is  
42 computed and that is shown to the purchaser, a retail  
43 buyer's order form from the purchaser, or a retail

44 installment contract shall include, in reasonable proximity  
45 to the place on the document where the administrative fee  
46 authorized by this section is disclosed, the amount of the  
47 administrative fee and the following notice in type that is  
48 boldfaced, capitalized, underlined, or otherwise  
49 conspicuously set out from the surrounding written material:

50 "AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE  
51 AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY  
52 A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN  
53 A PROFIT TO DEALER. NO PORTION OF THIS  
54 ADMINISTRATIVE FEE IS FOR THE DRAFTING,  
55 PREPARATION, OR COMPLETION OF DOCUMENTS OR THE  
56 PROVIDING OF LEGAL ADVICE. THIS NOTICE IS  
57 REQUIRED BY LAW."

58 6. The general assembly believes that an  
59 administrative fee charged in compliance with this section  
60 is not the unauthorized practice of law or the unauthorized  
61 business of law so long as the activity or service for which  
62 the fee is charged is in compliance with the provisions of  
63 this section and does not result in the waiver of any rights  
64 or remedies. Recognizing, however, that the judiciary is  
65 the sole arbitrator of what constitutes the practice of law,  
66 in the event that a court determines that an administrative  
67 fee charged in compliance with this section, and that does  
68 not waive any rights or remedies of the buyer, is the  
69 unauthorized practice of law or the unauthorized business of  
70 law, then no person who paid that administrative fee may  
71 recover said fee or treble damages, as permitted under  
72 section 484.020, and no person who charged that fee shall be  
73 guilty of a misdemeanor, as provided under section 484.020.

302.755. 1. A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

(1) Driving a motor vehicle under the influence of alcohol or a controlled substance, or of an alcohol-related enforcement contact as defined in subsection 3 of section 302.525;

(2) Driving a commercial motor vehicle which causes a fatality through the negligent operation of the commercial motor vehicle, including but not limited to the offenses of vehicular manslaughter, homicide by motor vehicle, and negligent homicide;

(3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;

(4) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the person;

(5) Using a commercial or noncommercial motor vehicle in the commission of any felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.

2. If any of the violations described in subsection 1 of this section occur while transporting a hazardous material the person is disqualified for a period of not less than three years.

3. Any person is disqualified from operating a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in subsection 1 of this section, or any combination of those offenses, arising from two or more separate incidents. The director may issue rules and regulations, in accordance with guidelines established by the Secretary, under which a

33 disqualification for life under this section may be reduced  
34 to a period of not less than ten years.

35 4. Any person is disqualified from driving a  
36 commercial motor vehicle for life who uses a commercial or  
37 noncommercial motor vehicle in the commission of any felony  
38 involving the manufacture, distribution, or dispensing of a  
39 controlled substance, or possession with intent to  
40 manufacture, distribute, or dispense a controlled substance.

41 5. Any person is disqualified from operating a  
42 commercial motor vehicle for a period of not less than sixty  
43 days if convicted of two serious traffic violations or one  
44 hundred twenty days if convicted of three serious traffic  
45 violations, arising from separate incidents occurring within  
46 a three-year period.

47 6. Any person found to be operating a commercial motor  
48 vehicle while having any measurable alcohol concentration  
49 shall immediately be issued a continuous twenty-four-hour  
50 out-of-service order by a law enforcement officer in this  
51 state.

52 7. Any person who is convicted of operating a  
53 commercial motor vehicle beginning at the time of issuance  
54 of the out-of-service order until its expiration is guilty  
55 of a class A misdemeanor.

56 8. Any person convicted for the first time of driving  
57 while out of service shall be disqualified from driving a  
58 commercial motor vehicle in the manner prescribed in 49 CFR  
59 383, or as amended by the Secretary.

60 9. Any person convicted of driving while out of  
61 service on a second occasion during any ten-year period,  
62 involving separate incidents, shall be disqualified in the  
63 manner prescribed in 49 CFR 383, or as amended by the  
64 Secretary.

65           10. Any person convicted of driving while out of  
66 service on a third or subsequent occasion during any ten-  
67 year period, involving separate incidents, shall be  
68 disqualified for a period of three years.

69           11. Any person convicted of a first violation of an  
70 out-of-service order while transporting hazardous materials  
71 or while operating a motor vehicle designed to transport  
72 sixteen or more passengers, including the driver, is  
73 disqualified for a period of one hundred eighty days.

74           12. Any person convicted of any subsequent violation  
75 of an out-of-service order in a separate incident within ten  
76 years after a previous violation, while transporting  
77 hazardous materials or while operating a motor vehicle  
78 designed to transport fifteen passengers, including the  
79 driver, is disqualified for a period of three years.

80           13. Any person convicted of any other offense as  
81 specified by regulations promulgated by the Secretary of  
82 Transportation shall be disqualified in accordance with such  
83 regulations.

84           14. After suspending, revoking, cancelling, or  
85 disqualifying a driver, the director shall update records to  
86 reflect such action and notify a nonresident's licensing  
87 authority and the commercial driver's license information  
88 system within ten days in the manner prescribed in 49 CFR  
89 384, or as amended by the Secretary.

90           15. Any person disqualified from operating a  
91 commercial motor vehicle pursuant to subsection 1, 2, 3 or 4  
92 of this section shall have such commercial driver's license  
93 cancelled, and upon conclusion of the period of  
94 disqualification shall take the written and driving tests  
95 and meet all other requirements of sections 302.700 to  
96 302.780. Such disqualification and cancellation shall not

97 be withdrawn by the director until such person reapplies for  
98 a commercial driver's license in this or any other state  
99 after meeting all requirements of sections 302.700 to  
100 302.780.

101 16. The director shall disqualify a driver upon  
102 receipt of notification that the Secretary has determined a  
103 driver to be an imminent hazard pursuant to 49 CFR 383.52.  
104 Due process of a disqualification determined by the  
105 Secretary pursuant to this section shall be held in  
106 accordance with regulations promulgated by the Secretary.  
107 The period of disqualification determined by the Secretary  
108 pursuant to this section shall be served concurrently to any  
109 other period of disqualification which may be imposed by the  
110 director pursuant to this section. Both disqualifications  
111 shall appear on the driving record of the driver.

112 17. The director shall disqualify a commercial license  
113 holder or operator of a commercial motor vehicle from  
114 operation of any commercial motor vehicle upon receipt of a  
115 conviction for an offense of failure to appear or pay, and  
116 such disqualification shall remain in effect until the  
117 director receives notice that the person has complied with  
118 the requirement to appear or pay.

119 18. The disqualification period must be in addition to  
120 any other previous periods of disqualification in the manner  
121 prescribed in 49 CFR 383, or as amended by the Secretary,  
122 except when the major or serious violations are a result of  
123 the same incident.

124 **19. Any person is disqualified from driving a**  
125 **commercial motor vehicle for life for being convicted of**  
126 **using a commercial motor vehicle in the commission of a**  
127 **felony involving an act or practice of severe forms of**  
128 **trafficking in persons, as defined in U.S.C. 7102(11). A**

129 **disqualification for life under this subsection shall not be**  
130 **reduced.**

303.025. 1. No owner of a motor vehicle registered in  
2 this state, or required to be registered in this state,  
3 shall operate, register or maintain registration of a motor  
4 vehicle, or permit another person to operate such vehicle,  
5 unless the owner maintains the financial responsibility  
6 which conforms to the requirements of the laws of this  
7 state. No nonresident shall operate or permit another  
8 person to operate in this state a motor vehicle registered  
9 to such nonresident unless the nonresident maintains the  
10 financial responsibility which conforms to the requirements  
11 of the laws of the nonresident's state of residence.  
12 Furthermore, no person shall operate a motor vehicle owned  
13 by another with the knowledge that the owner has not  
14 maintained financial responsibility unless such person has  
15 financial responsibility which covers the person's operation  
16 of the other's vehicle; however, no owner or nonresident  
17 shall be in violation of this subsection if he or she fails  
18 to maintain financial responsibility on a motor vehicle  
19 which is inoperable or being stored and not in operation.  
20 **Notwithstanding any provision of law to the contrary, the**  
21 **department of revenue may verify motor vehicle financial**  
22 **responsibility as provided by law, but shall not otherwise**  
23 **take legal or administrative action to enforce the**  
24 **requirements of this section unless, in the discretion of**  
25 **the director, the motor vehicle is determined to have been**  
26 **operated in violation of this section, a motor vehicle**  
27 **registration is applied for in violation of this section, or**  
28 **the motor vehicle on two separate occasions thirty days**  
29 **apart is determined to have its registration maintained in**

30 **violation of this section.** The director may prescribe rules  
31 and regulations for the implementation of this section.

32 2. A motor vehicle owner shall maintain the owner's  
33 financial responsibility in a manner provided for in section  
34 303.160, or with a motor vehicle liability policy which  
35 conforms to the requirements of the laws of this state. A  
36 nonresident motor vehicle owner shall maintain the owner's  
37 financial responsibility which conforms to the requirements  
38 of the laws of the nonresident's state of residence.

39 3. Any person who violates this section is guilty of a  
40 misdemeanor. A first violation of this section shall be  
41 punishable as a class D misdemeanor. A second or subsequent  
42 violation of this section [~~shall~~] **may** be [~~punishable~~]  
43 **punished** by imprisonment in the county jail for a term not  
44 to exceed fifteen days [~~and/or~~] **and shall be punished by**  
45 **fine not less than two hundred dollars but** not to exceed  
46 five hundred dollars. Prior pleas of guilty and prior  
47 findings of guilty shall be pleaded and proven in the same  
48 manner as required by section 558.021. However, no person  
49 shall be found guilty of violating this section if the  
50 operator demonstrates to the court that he or she met the  
51 financial responsibility requirements of this section at the  
52 time the peace officer, commercial vehicle enforcement  
53 officer or commercial vehicle inspector wrote the citation.  
54 In addition to any other authorized punishment, the court  
55 shall notify the director of revenue of any person convicted  
56 pursuant to this section and shall do one of the following:

57 (1) Enter an order suspending the driving privilege as  
58 of the date of the court order. If the court orders the  
59 suspension of the driving privilege, the court shall require  
60 the defendant to surrender to it any driver's license then  
61 held by such person. The length of the suspension shall be

62 as prescribed in subsection 2 of section 303.042. The court  
63 shall forward to the director of revenue the order of  
64 suspension of driving privilege and any license surrendered  
65 within ten days;

66 (2) Forward the record of the conviction for an  
67 assessment of four points;

68 (3) In lieu of an assessment of points, render an  
69 order of supervision as provided in section 302.303. An  
70 order of supervision shall not be used in lieu of points  
71 more than one time in any thirty-six-month period. Every  
72 court having jurisdiction pursuant to the provisions of this  
73 section shall forward a record of conviction to the Missouri  
74 state highway patrol, or at the written direction of the  
75 Missouri state highway patrol, to the department of revenue,  
76 in a manner approved by the director of the department of  
77 public safety. The director shall establish procedures for  
78 the record keeping and administration of this section; or

79 (4) For a nonresident, suspend the nonresident's  
80 driving privileges in this state in accordance with section  
81 303.030 and notify the official in charge of the issuance of  
82 licenses and registration certificates in the state in which  
83 such nonresident resides in accordance with section 303.080.

84 4. Nothing in sections 303.010 to 303.050, 303.060,  
85 303.140, 303.220, 303.290, 303.330 and 303.370 shall be  
86 construed as prohibiting the department of commerce and  
87 insurance from approving or authorizing those exclusions and  
88 limitations which are contained in automobile liability  
89 insurance policies and the uninsured motorist provisions of  
90 automobile liability insurance policies.

91 5. If a court enters an order of suspension, the  
92 offender may appeal such order directly pursuant to chapter  
93 512 and the provisions of section 302.311 shall not apply.

94           **6. Any fines owed to the state pursuant to this**  
95 **section may be eligible for payment in installments. The**  
96 **director shall promulgate rules for the application of**  
97 **payment plans, which shall take into account individuals'**  
98 **ability to pay.**

          303.041. 1. **Except as otherwise provided in**  
2 **subsection 7 of section 303.425,** if the director determines  
3 [that as a result of a verification sample or accident  
4 report that the owner of a motor vehicle has not maintained  
5 financial responsibility, or if the director determines as a  
6 result of an order of supervision] that the **owner or**  
7 operator of a motor vehicle has not maintained the financial  
8 responsibility as required in this chapter, the director  
9 shall thirty-three days after mailing notice, suspend the  
10 driving privilege of the owner or operator and/or the  
11 registration of the vehicle failing to meet such  
12 requirement. The notice of suspension shall be mailed to  
13 the person at the last known address shown on the  
14 department's records. The notice of suspension is deemed  
15 received three days after mailing. The notice of suspension  
16 shall clearly specify the reason and statutory grounds for  
17 the suspension and the effective date of the suspension, the  
18 right of the person to request a hearing, the procedure for  
19 requesting a hearing, and the date by which that request for  
20 a hearing must be made. If the request for a hearing is  
21 received by the department prior to the effective date of  
22 the suspension, the effective date of the suspension will be  
23 stayed until a final order is issued following the hearing.

24           **2. Except as otherwise provided by law,** neither the  
25 fact that subsequent to the date of verification or  
26 conviction, the owner acquired the required liability  
27 insurance policy nor the fact that the owner terminated

28 ownership of the motor vehicle, shall have any bearing upon  
29 the director's decision to suspend. Until it is terminated,  
30 the suspension shall remain in force after the registration  
31 is renewed or a new registration is acquired for the motor  
32 vehicle. The suspension also shall apply to any motor  
33 vehicle to which the owner transfers the registration.  
34 Effective January 1, 2000, the department shall not extend  
35 any suspension for failure to pay a delinquent late  
36 surrender fee pursuant to this subsection.

**303.420. 1. As used in sections 303.420 to 303.440,  
2 unless the context requires otherwise, the following terms  
3 shall mean:**

4 (1) "Law enforcement agency", the department of  
5 revenue, the Missouri state highway patrol, the prosecuting  
6 attorney or sheriff's office of any county or city not  
7 within a county, the chiefs of police of any city or  
8 municipality, or any other authorized law enforcement agency  
9 recognized by the state;

10 (2) "Program", the motor vehicle financial  
11 responsibility enforcement and compliance incentive program  
12 established under section 303.425;

13 (3) "System" or "verification system", the web-based  
14 resource established under section 303.430 for online  
15 verification of motor vehicle financial responsibility.

**303.422. 1. There is hereby created in the state  
2 treasury the "Motor Vehicle Financial Responsibility  
3 Verification and Enforcement Fund", which shall consist of  
4 money collected under sections 303.420 to 303.440. The  
5 state treasurer shall be custodian of the fund. In  
6 accordance with sections 30.170 and 30.180, the state  
7 treasurer may approve disbursements. The fund shall be a  
8 dedicated fund and money in the fund shall be used solely by**

9 the department of revenue for the administration of sections  
10 303.420 to 303.440.

11 2. Notwithstanding the provisions of section 33.080 to  
12 the contrary, any moneys remaining in the fund at the end of  
13 the biennium shall not revert to the credit of the general  
14 revenue fund.

15 3. The state treasurer shall invest moneys in the fund  
16 in the same manner as other funds are invested. Any  
17 interest and moneys earned on such investments shall be  
18 credited to the fund.

303.425. 1. There is hereby created within the  
2 department of revenue the motor vehicle financial  
3 responsibility enforcement and compliance incentive  
4 program. The department of revenue may enter into  
5 contractual agreements with third-party vendors to  
6 facilitate the necessary technology and equipment,  
7 maintenance thereof, and associated program management  
8 services. The department of revenue or its third-party  
9 vendor shall utilize technology to compare vehicle  
10 registration information with the financial responsibility  
11 information accessible through the system. The department  
12 of revenue shall utilize this information to identify  
13 motorists who are in violation of the motor vehicle  
14 financial responsibility law. All fees paid to or collected  
15 by such third-party vendors may come from violator diversion  
16 fees generated by the pretrial diversion option established  
17 under this section. The department of revenue may offer  
18 offenders under this program the option of pretrial  
19 diversion as an alternative to statutory fines or  
20 reinstatement fees prescribed under the motor vehicle  
21 financial responsibility law as a method of encouraging  
22 compliance and discouraging recidivism.

23           2. The department of revenue may authorize law  
24 enforcement agencies or third-party vendors to use  
25 technology to collect data for the investigation, detection,  
26 analysis, and enforcement of the motor vehicle financial  
27 responsibility law.

28           3. The department of revenue may authorize traffic  
29 enforcement officers or third-party vendors to administer  
30 the processing and issuance of notices of violation, and the  
31 collection of fees for a violation of the motor vehicle  
32 financial responsibility law, under the program.

33           4. Access to the system shall be restricted to  
34 authorized law enforcement agency users in the program, the  
35 department of revenue, and the third-party vendors with  
36 which the department of revenue contracts for purposes of  
37 the program, provided that any third-party vendor with which  
38 a contract is executed to provide necessary technology,  
39 equipment, or maintenance for the program shall be  
40 authorized as necessary to collaborate for required updates  
41 and maintenance of system software.

42           5. For purposes of the program, any data collected and  
43 matched to a corresponding vehicle insurance record as  
44 verified through the system, and any Missouri vehicle  
45 registration database, may be used to identify violations of  
46 the motor vehicle financial responsibility law. Such images  
47 and corresponding data shall constitute evidence of the  
48 violations.

49           6. Except as otherwise provided in this section, the  
50 department of revenue shall suspend, in accordance with  
51 section 303.041, the registration of any motor vehicle that  
52 is determined under the program to be in violation of the  
53 motor vehicle financial responsibility law.

54           7. The department of revenue shall send to an owner  
55 whose vehicle is identified under the program as being in  
56 violation of the motor vehicle financial responsibility law  
57 a notice that the vehicle's registration may be suspended  
58 unless the owner, within thirty days, provides proof of  
59 financial responsibility for the vehicle or proof, in a form  
60 specified by the department of revenue, that the owner has a  
61 pending criminal charge for a violation of the motor vehicle  
62 financial responsibility law. The notice shall include  
63 information on steps an individual may take to obtain proof  
64 of financial responsibility and a web address to a page on  
65 the department of revenue's website where information on  
66 obtaining proof of financial responsibility shall be  
67 provided. If proof of financial responsibility or a pending  
68 criminal charge is not provided within the time allotted,  
69 the department of revenue shall provide a notice of  
70 suspension and suspend the vehicle's registration in  
71 accordance with section 303.041, or shall send a notice of  
72 vehicle registration suspension, clearly specifying the  
73 reason and statutory grounds for the suspension and the  
74 effective date of the suspension, the right of the vehicle  
75 owner to request a hearing, the procedure for requesting a  
76 hearing, and the date by which that request for a hearing  
77 must be made, as well as informing the owner that the matter  
78 will be referred for prosecution if a satisfactory response  
79 is not received in the time allotted, informing the owner  
80 that the minimum penalty for the violation is three hundred  
81 dollars and four license points, and offering the owner  
82 participation in a pretrial diversion option to preclude  
83 referral for prosecution and registration suspension under  
84 sections 303.420 to 303.440. The notice of vehicle  
85 registration suspension shall give a period of thirty-three

86 days from mailing for the vehicle owner to respond, and  
87 shall be deemed received three days after mailing. If no  
88 request for a hearing or agreement to participate in the  
89 diversion option is received by the department of revenue  
90 prior to the date provided on the notice of vehicle  
91 registration suspension, the director shall suspend the  
92 vehicle's registration, effective immediately, and refer the  
93 case to the appropriate prosecuting attorney. If an  
94 agreement by the vehicle owner to participate in the  
95 diversion option is received by the department of revenue  
96 prior to the effective date provided on the notice of  
97 vehicle registration suspension, then upon payment of a  
98 diversion participation fee not to exceed two hundred  
99 dollars, agreement to secure proof of financial  
100 responsibility within the time provided on the notice of  
101 suspension, and agreement that such financial responsibility  
102 shall be maintained for a minimum of two years, no points  
103 shall be assessed to the vehicle owner's driver's license  
104 under section 302.302 and the department of revenue shall  
105 not take further action against the vehicle owner under  
106 sections 303.420 to 303.440, subject to compliance with the  
107 terms of the pretrial diversion option. The department of  
108 revenue shall suspend the vehicle registration of, and shall  
109 refer the case to the appropriate prosecuting attorney for  
110 prosecution of, participating vehicle owners who violate the  
111 terms of the pretrial diversion option. If a request for  
112 hearing is received by the department of revenue prior to  
113 the effective date provided on the notice of vehicle  
114 registration suspension, then for all purposes other than  
115 eligibility for participation in the diversion option, the  
116 effective date of the suspension shall be stayed until a  
117 final order is issued following the hearing. The department

118 of revenue shall suspend the registration of vehicles  
119 determined under the final order to have violated the motor  
120 vehicle financial responsibility law, and shall refer the  
121 case to the appropriate prosecuting attorney for  
122 prosecution. Notices under this subsection shall be mailed  
123 to the vehicle owner at the last known address shown on the  
124 department of revenue's records. The department of revenue  
125 or its third-party vendor shall issue receipts for the  
126 collection of diversion participation fees. All such fees  
127 received by the department of revenue or its third-party  
128 vendor shall be deposited into the motor vehicle financial  
129 responsibility verification and enforcement fund established  
130 in section 303.422. A vehicle owner whose registration has  
131 been suspended under sections 303.420 to 303.440 may obtain  
132 reinstatement of the registration upon providing proof of  
133 financial responsibility and payment to the department of  
134 revenue of a nonrefundable reinstatement fee equal to the  
135 fee that would be applicable under subsection 2 of section  
136 303.042 if the registration had been suspended under section  
137 303.041.

138 8. Data collected or retained under the program shall  
139 not be used by any entity for purposes other than  
140 enforcement of the motor vehicle financial responsibility  
141 law. Data collected and stored by law enforcement under the  
142 program shall be considered evidence if noncompliance with  
143 the motor vehicle financial responsibility law is  
144 confirmed. The evidence, and an affidavit stating that the  
145 evidence and system have identified a particular vehicle as  
146 being in violation of the motor vehicle financial  
147 responsibility law, shall constitute probable cause for  
148 prosecution and shall be forwarded in accordance with

149 subsection 7 of this section to the appropriate prosecuting  
150 attorney.

151 9. Owners of vehicles identified under the program as  
152 being in violation of the motor vehicle financial  
153 responsibility law shall be provided with options for  
154 disputing such claims which do not require appearance at any  
155 state or local court of law, or administrative facility.  
156 Any person who presents timely proof that he or she was in  
157 compliance with the motor vehicle financial responsibility  
158 law at the time of the alleged violation shall be entitled  
159 to dismissal of the charge with no assessment of fees or  
160 fines. Proof provided by a vehicle owner to the department  
161 of revenue that the vehicle was in compliance at the time of  
162 the suspected violation of the motor vehicle financial  
163 responsibility law shall be recorded in the system  
164 established by the department of revenue under section  
165 303.430.

166 10. The collection of data or use of any technology  
167 pursuant to this section shall be done in a manner that  
168 prohibits any bias towards a specific community, race,  
169 gender, or socioeconomic status of vehicle owner.

170 11. Law enforcement agencies, third-party vendors, or  
171 other entities authorized to operate under the program shall  
172 not sell data collected or retained under the program for  
173 any purpose or share it for any purpose not expressly  
174 authorized in this section. All data shall be secured and  
175 any third-party vendor may be liable for any data security  
176 breach.

177 12. The department of revenue shall not take action  
178 under sections 303.420 to 303.440 against vehicles  
179 registered as fleet vehicles under section 301.032, or  
180 against vehicles known to the department of revenue to be

181 insured under a policy of commercial auto coverage, as such  
182 term is defined in subdivision (10) of subsection 2 of  
183 section 303.430.

184 13. Following one year after the implementation of the  
185 program, and every year thereafter, the department of  
186 revenue shall provide a report to the president pro tempore  
187 of the senate, the speaker of the house of representatives,  
188 the chairs of the house and senate committees with  
189 jurisdictions over insurance or transportation matters, and  
190 the chairs of the house budget and senate appropriations  
191 committees. The report shall include an evaluation of  
192 program operations, information as to the costs of the  
193 program incurred by the department of revenue, insurers, and  
194 the public, information as to the effectiveness of the  
195 program in reducing the number of uninsured motor vehicles,  
196 and anonymized demographic information including the race  
197 and zip code of vehicle owners identified under the program  
198 as being in violation of the motor vehicle financial  
199 responsibility law, and may include any additional  
200 information and recommendations for improvement of the  
201 program deemed appropriate by the department of revenue.  
202 The department of revenue may, by rule, require the state,  
203 counties, and municipalities to provide information in order  
204 to complete the report.

303.430. 1. The department of revenue shall establish  
2 and maintain a web-based system for the verification of  
3 motor vehicle financial responsibility, shall provide access  
4 to insurance reporting data and vehicle registration and  
5 financial responsibility data, and shall require motor  
6 vehicle insurers to establish functionality for the  
7 verification system, as provided in sections 303.420 to  
8 303.440. The verification system, including any exceptions

9 as provided for in sections 303.420 to 303.440 or in the  
10 implementation guide developed to support the program, shall  
11 supersede any existing verification system, and shall be the  
12 sole system used for the purpose of verifying financial  
13 responsibility required under this chapter.

14 2. The system established pursuant to subsection 1 of  
15 this section shall be subject to the following:

16 (1) The verification system shall transmit requests to  
17 insurers for verification of motor vehicle insurance  
18 coverage via web services established by the insurers  
19 through the internet in compliance with the specifications  
20 and standards of the Insurance Industry Committee on Motor  
21 Vehicle Administration, or "IICMVA". Insurance company  
22 systems shall respond to each request with a prescribed  
23 response upon evaluation of the data provided in the  
24 request. The system shall include appropriate protections  
25 to secure its data against unauthorized access, and the  
26 department of revenue shall maintain a historical record of  
27 the system data for a period of no more than twelve months  
28 from the date of all requests and responses. The system  
29 shall be used for verification of the financial  
30 responsibility required under this chapter. The system  
31 shall be accessible to authorized personnel of the  
32 department of revenue, the courts, law enforcement  
33 personnel, and other entities authorized by the state as  
34 permitted by state or federal privacy laws, and it shall be  
35 interfaced, wherever appropriate, with existing state  
36 systems. The system shall include information enabling the  
37 department of revenue to submit inquiries to insurers  
38 regarding motor vehicle insurance which are consistent with  
39 insurance industry and IICMVA recommendations,  
40 specifications, and standards by using the following data

41 elements for greater matching accuracy: insurer National  
42 Association of Insurance Commissioners, or "NAIC", company  
43 code; vehicle identification number; policy number;  
44 verification date; or as otherwise described in the  
45 specifications and standards of the IICMVA. The department  
46 of revenue shall promulgate rules to offer insurers who  
47 insure one thousand or fewer vehicles within this state an  
48 alternative method for verifying motor vehicle insurance  
49 coverage in lieu of web services, and to provide for the  
50 verification of financial responsibility when financial  
51 responsibility is proven to the department to be maintained  
52 by means other than a policy of motor vehicle insurance.  
53 Insurers shall not be required to verify insurance coverage  
54 for vehicles registered in other jurisdictions;

55 (2) The verification system shall respond to each  
56 request within a time period established by the department  
57 of revenue. An insurer's system shall respond within the  
58 time period prescribed by the IICMVA's specifications and  
59 standards. Insurer systems shall be permitted reasonable  
60 system downtime for maintenance and other work with advance  
61 notice to the department of revenue. Insurers shall not be  
62 subject to enforcement fees or other sanctions under such  
63 circumstances, or when systems are not available because of  
64 emergency, outside attack, or other unexpected outages not  
65 planned by the insurer and reasonably outside its control;

66 (3) The system shall assist in identifying violations  
67 of the motor vehicle financial responsibility law in the  
68 most effective way possible. Responses to individual  
69 insurance verification requests shall have no bearing on  
70 whether insurance coverage is determined to be in force at  
71 the time of a claim. Claims shall be individually  
72 investigated to determine the existence of coverage.

73 Nothing in sections 303.420 to 303.440 shall prohibit the  
74 department of revenue from contracting with a third-party  
75 vendor or vendors who have successfully implemented similar  
76 systems in other states to assist in establishing and  
77 maintaining this verification system;

78 (4) The department of revenue shall consult with  
79 representatives of the insurance industry and may consult  
80 with third-party vendors to determine the objectives,  
81 details, and deadlines related to the system by  
82 establishment of an advisory council. The advisory council  
83 shall consist of voting members comprised of:

84 (a) The director of the department of commerce and  
85 insurance, or his or her designee, who shall serve as chair;

86 (b) Two representatives of the department of revenue,  
87 to be appointed by the director of the department of revenue;

88 (c) One representative of the department of commerce  
89 and insurance, to be appointed by the director of the  
90 department of commerce and insurance;

91 (d) Three representatives of insurance companies, to  
92 be appointed by the director of the department of commerce  
93 and insurance;

94 (e) One representative from the Missouri Insurance  
95 Coalition;

96 (f) One representative chosen by the National  
97 Association of Mutual Insurance Companies;

98 (g) One representative chosen by the American Property  
99 and Casualty Insurance Association;

100 (h) One representative chosen by the Missouri  
101 Independent Agents Association; and

102 (i) Such other representatives as may be appointed by  
103 the director of the department of commerce and insurance;

104           (5) The department of revenue shall publish for  
105 comment, and then issue, a detailed implementation guide for  
106 its online verification system;

107           (6) The department of revenue and its third-party  
108 vendors, if any, shall each maintain a contact person for  
109 insurers during the establishment, implementation, and  
110 operation of the system;

111           (7) If the department of revenue has reason to believe  
112 a vehicle owner does not maintain financial responsibility  
113 as required under this chapter, it may also request an  
114 insurer to verify the existence of such financial  
115 responsibility in a form approved by the department of  
116 revenue. In addition, insurers shall cooperate with the  
117 department of revenue in establishing and maintaining the  
118 verification system established under this section, and  
119 shall provide motor vehicle insurance policy status  
120 information as provided in the rules promulgated by the  
121 department of revenue;

122           (8) Every property and casualty insurance company  
123 licensed to issue motor vehicle insurance or authorized to  
124 do business in this state shall comply with sections 303.420  
125 to 303.440, and corresponding rules promulgated by the  
126 department of revenue, for the verification of such  
127 insurance for every vehicle insured by that company in this  
128 state;

129           (9) Insurers shall maintain a historical record of  
130 insurance data for a minimum period of six months from the  
131 date of policy inception or policy change for the purpose of  
132 historical verification inquiries;

133           (10) For the purposes of this section, "commercial  
134 auto coverage" shall mean any coverage provided to an  
135 insured, regardless of number of vehicles or entities

136 covered, under a commercial coverage form and rated from a  
137 commercial manual approved by the department of commerce and  
138 insurance. Sections 303.420 to 303.440 shall not apply to  
139 vehicles insured under commercial auto coverage; however,  
140 insurers of such vehicles may participate on a voluntary  
141 basis, and vehicle owners may provide proof at or subsequent  
142 to the time of vehicle registration that a vehicle is  
143 insured under commercial auto coverage, which the department  
144 of revenue shall record in the system;

145 (11) Insurers shall provide commercial or fleet  
146 automobile customers with evidence reflecting that the  
147 vehicle is insured under a commercial or fleet automobile  
148 liability policy. Sufficient evidence shall include an  
149 insurance identification card clearly marked with a suitable  
150 identifier such as "commercial auto insurance identification  
151 card", "fleet auto insurance identification card", or other  
152 clear identification that the vehicle is insured under a  
153 fleet or commercial policy;

154 (12) Insurers shall be immune from civil and  
155 administrative liability for good faith efforts to comply  
156 with the terms of sections 303.420 to 303.440;

157 (13) Nothing in this section shall prohibit an insurer  
158 from using the services of a third-party vendor for  
159 facilitating the verification system required under sections  
160 303.420 to 303.440.

161 3. The department of revenue shall promulgate rules as  
162 necessary for the implementation of sections 303.420 to  
163 303.440. Any rule or portion of a rule, as that term is  
164 defined in section 536.010, that is created under the  
165 authority delegated in this section shall become effective  
166 only if it complies with and is subject to all of the  
167 provisions of chapter 536 and, if applicable, section

168 536.028. This section and chapter 536 are nonseverable and  
169 if any of the powers vested with the general assembly  
170 pursuant to chapter 536 to review, to delay the effective  
171 date, or to disapprove and annul a rule are subsequently  
172 held unconstitutional, then the grant of rulemaking  
173 authority and any rule proposed or adopted after August 28,  
174 2021, shall be invalid and void.

303.440. The verification system established under  
2 section 303.430 shall be installed and fully operational by  
3 January 1, 2023, following an appropriate testing or pilot  
4 period of not less than nine months. Until the successful  
5 completion of the testing or pilot period in the judgment of  
6 the director of the department of revenue, no enforcement  
7 action shall be taken based on the system, including but not  
8 limited to action taken under the program established under  
9 section 303.425.

407.526. 1. A person commits the crime of odometer  
2 fraud in the third degree if, with the intent to defraud, he  
3 operates a motor vehicle less than ~~[ten]~~ **twenty** years old on  
4 any street or highway knowing that the odometer of the motor  
5 vehicle is disconnected or not functioning.

2. Odometer fraud in the third degree is a class C  
7 misdemeanor.

407.536. 1. Any person transferring ownership of a  
2 motor vehicle previously titled in this or any other state  
3 shall do so by assignment of title and shall place the  
4 mileage registered on the odometer at the time of transfer  
5 above the signature of the transferor. The signature of the  
6 transferor below the mileage shall constitute an odometer  
7 mileage statement. The transferee shall sign such odometer  
8 mileage statement before an application for certificate of  
9 ownership may be made. If the true mileage is known to the

10 transferor to be different from the number of miles shown on  
11 the odometer or the true mileage is unknown, a statement  
12 from the transferor shall accompany the assignment of title  
13 which shall contain all facts known by the transferor  
14 concerning the true mileage of the motor vehicle. That  
15 statement shall become a part of the permanent record of the  
16 motor vehicle with the Missouri department of revenue. The  
17 department of revenue shall place on all new titles issued  
18 after September 28, 1977, a box titled "mileage at the time  
19 of transfer".

20 2. Any person transferring the ownership of a motor  
21 vehicle previously untitled in this or any other state to  
22 another person shall give an odometer mileage statement to  
23 the transferee. The statement shall include above the  
24 signature of the transferor and transferee the cumulative  
25 mileage registered on the odometer at the time of transfer.  
26 If the true mileage is known to the transferor to be  
27 different from the number of miles shown on the odometer or  
28 the true mileage is unknown, a statement from the transferor  
29 shall accompany the assignment of title which shall contain  
30 all facts known by the transferor concerning the true  
31 mileage of the motor vehicle. That statement shall become a  
32 permanent part of the records of the Missouri department of  
33 revenue.

34 3. If, upon receiving an application for registration  
35 or for a certificate of ownership of a motor vehicle, the  
36 director of revenue has credible evidence that the odometer  
37 reading provided by a transferor is materially inaccurate,  
38 he may place an asterisk on the face of the title document  
39 issued by the Missouri department of revenue, provided that  
40 the process required thereby does not interfere with his  
41 obligations under subdivision (2) of subsection 3 of section

42 301.190. The asterisk shall refer to a statement on the  
43 face and at the bottom of the title document which shall  
44 read as follows: "This may not be the true and accurate  
45 mileage of this motor vehicle. Consult the documents on  
46 file with the Missouri department of revenue for an  
47 explanation of the inaccuracy.". Nothing in this section  
48 shall prevent any person from challenging the determination  
49 by the director of revenue in the circuit courts of the  
50 state of Missouri. The burden of proof shall be on the  
51 director of the department of revenue in all such  
52 proceedings.

53 4. The mileage disclosed by the odometer mileage  
54 statement for a new or used motor vehicle as described in  
55 subsections 1 and 2 of this section shall be placed by the  
56 transferor on any title or document evidencing ownership.  
57 Additional statements shall be placed on the title document  
58 as follows:

59 (1) If the transferor states that to the best of his  
60 knowledge the mileage disclosed is the actual mileage of the  
61 motor vehicle, an asterisk shall follow the mileage on the  
62 face of the title or document of ownership issued by the  
63 Missouri department of revenue. The asterisk shall  
64 reference to a statement on the face and bottom of the title  
65 document which shall read as follows: "Actual Mileage";

66 (2) Where the transferor has submitted an explanation  
67 why this mileage is incorrect, an asterisk shall follow the  
68 mileage on the face of the title or document of ownership  
69 issued by the Missouri department of revenue. The asterisk  
70 shall reference to a statement on the face and at the bottom  
71 of the title document which shall read as follows: "This is  
72 not the true and accurate mileage of this motor vehicle.  
73 Consult the documents on file with the Missouri department

74 of revenue for an explanation of the inaccuracy.". Further  
75 wording shall be included as follows:

76 (a) If the transferor states that the odometer  
77 reflects the amount of mileage in excess of the designed  
78 mechanical odometer limit, the above statement on the face  
79 of the title document shall be followed by the words:  
80 "Mileage exceeds the mechanical limits";

81 (b) If the transferor states that the odometer reading  
82 differs from the mileage and that the difference is greater  
83 than that caused by odometer calibration error and the  
84 odometer reading does not reflect the actual mileage and  
85 should not be relied upon, the above statement on the face  
86 of the title document shall be preceded by the words:  
87 "Warning Odometer Discrepancy".

88 5. The department of revenue shall notify all motor  
89 vehicle ownership transferees of the civil and criminal  
90 penalties involving odometer fraud.

91 6. Any person defacing or obscuring or otherwise  
92 falsifying any odometer reading on any document required by  
93 this section shall be guilty of a class E felony.

94 7. The granting or creation of a security interest or  
95 lien shall not be considered a change of ownership for the  
96 purpose of this section, and the grantor of such lien or  
97 security interest shall not be required to make an odometer  
98 mileage statement. The release of a lien by a mortgage  
99 holder shall not be considered a change of ownership of the  
100 motor vehicle for the purposes of this section. The  
101 mortgage holder or lienholder shall not be required to make  
102 an odometer disclosure statement or state the current  
103 odometer setting at the time of the release of the lien  
104 where there is no change of ownership.

105           8. For the purposes of the mileage disclosure  
106 requirements of this section, if a certificate of ownership  
107 is held by a lienholder, if the transferor makes application  
108 for a duplicate certificate of ownership, or as otherwise  
109 provided in the federal Motor Vehicle Information and Cost  
110 Savings Act and related federal regulations, the transferor  
111 may execute a written power of attorney authorizing a  
112 transfer of ownership. The person granted such power of  
113 attorney shall restate exactly on the assignment of title  
114 the actual mileage disclosed at the time of transfer. The  
115 power of attorney shall accompany the certificate of  
116 ownership and the original power of attorney and a copy of  
117 the certificate of ownership shall be returned to the  
118 issuing state in the manner prescribed by the director of  
119 revenue, unless otherwise provided by federal law, rule or  
120 regulation. The department of revenue may prescribe a  
121 secure document for use in executing a written power of  
122 attorney, **and may allow electronic signatures on such**  
123 **document.** The department shall collect a fee for each form  
124 issued, not to exceed the cost of procuring the form.

          407.556. 1. A violation of the provisions of sections  
2 407.511 to 407.556 by any person licensed or registered as a  
3 manufacturer or dealer pursuant to the provisions of chapter  
4 301, shall be considered a violation of the provisions of  
5 that chapter, subjecting that person to revocation or  
6 suspension of any license issued pursuant to the provisions  
7 of that chapter.

          2. The provisions of sections 407.511 to 407.556 do  
9 not apply to the following motor vehicles:

          (1) Any motor vehicle having a gross vehicle weight  
11 rating of more than sixteen thousand pounds;

12           (2) Any motor vehicle that is [~~ten~~] **twenty** years old  
13 or older;

14           (3) Any motor vehicle sold directly by the  
15 manufacturer to any agency of the United States in  
16 conformity with contractual specifications; or

17           (4) Any new vehicle prior to its first transfer for  
18 purposes other than resale.

          Section B. The repeal and reenactment of section  
2 303.025 of this act shall become effective on January 1,  
3 2023.

          Section C. Because of the importance of combating  
2 human trafficking, and because of the importance of securing  
3 federal highway funding to maintain a safe and adequate  
4 system of highways in this state, the repeal and reenactment  
5 of sections 301.192, 301.280, 302.755, 407.526, 407.536, and  
6 407.556 of this act is deemed necessary for the immediate  
7 preservation of the public health, welfare, peace, and  
8 safety, and is hereby declared to be an emergency act within  
9 the meaning of the constitution, and the repeal and  
10 reenactment of sections 301.192, 301.280, 302.755, 407.526,  
11 407.536, and 407.556 of this act shall be in full force and  
12 effect upon its passage and approval.

✓