

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 46

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

1071S.02P

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 115.151, 115.160, 115.960, 301.558, 306.030, and 307.380, RSMo, and to enact in lieu thereof seven new sections relating to transportation.

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

Section A. Sections 115.151, 115.160, 115.960, 301.558,
2 306.030, and 307.380, RSMo, are repealed and seven new sections
3 enacted in lieu thereof, to be known as sections 115.151,
4 115.160, 115.960, 301.558, 306.030, 307.380, and 1, to read as
5 follows:

115.151. 1. Each qualified applicant who appears
2 before the election authority shall be deemed registered as
3 of the time the applicant's completed, signed and sworn
4 registration application is witnessed by the election
5 authority or deputy registration official.

6 2. Each applicant who registers by mail shall be
7 deemed to be registered as of the date the application is
8 postmarked, if such application is accepted and not rejected
9 by the election authority and the verification notice
10 required pursuant to section 115.155 is not returned as
11 undeliverable by the postal service.

12 3. Each applicant who registers at a voter
13 registration agency or the division of motor vehicle and

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

14 drivers licensing of the department of revenue shall be
15 deemed to be registered as of the date the application is
16 signed by the applicant, if such application is accepted and
17 not rejected by the election authority and the verification
18 notice required pursuant to section 115.155 is not returned
19 as undeliverable by the postal service. Voter registration
20 agencies [and the division of motor vehicle and drivers
21 licensing of the department of revenue] shall transmit voter
22 registration application forms to the appropriate election
23 authority not later than five business days after the form
24 is completed by the applicant. **The division of motor
25 vehicle and drivers licensing of the department of revenue
26 shall transmit voter registration application forms to the
27 appropriate election authority not later than three business
28 days after the form is completed by the applicant.**

115.160. 1. All Missouri driver's license applicants
2 shall receive a voter registration application form as a
3 simultaneous part of the application for a driver's license,
4 renewal of driver's license, change of address, duplicate
5 request and a nondriver's license. **The director of revenue
6 shall utilize electronic voter registration application
7 forms and provide for secure electronic transfer of voter
8 registration information to election authorities. The
9 secretary of state and the director of revenue shall ensure
10 the confidentiality and integrity of the voter registration
11 data collected, maintained, received, or transmitted under
12 this section.**

13 2. If a single application form is used, the voter
14 registration application portion of any application
15 described in subsection 1 of this section may not require
16 any information that duplicates information required in the

17 driver's license portion of the form, except a second
18 signature or other information required by law.

19 3. After conferring with the secretary of state as the
20 chief state election official responsible for overseeing of
21 the voter registration process, the director of revenue
22 shall adopt rules and regulations pertaining to the format
23 of the voter registration application used by the
24 department.

25 4. No information relating to the failure of an
26 applicant for a driver's license or nondriver's license to
27 sign a voter registration application may be used for any
28 purpose other than voter registration.

29 5. Any voter registration application received
30 pursuant to the provisions of this section shall be
31 forwarded, **in a secure and electronic manner**, to the
32 election authority located within that county or any city
33 not within a county, or if there is more than one election
34 authority within the county, then to the election authority
35 located nearest to the location where the driver's license
36 application was received. **Voter registration information,**
37 **including an electronic image of the signature of the**
38 **applicant, shall be transmitted in a format compatible with**
39 **the Missouri voter registration system established in**
40 **section 115.158 which allows for review by the election**
41 **authority and does not require the election authority to**
42 **manually reenter the information, provided that the election**
43 **authority shall print out a paper copy of the information**
44 **and retain such information in the manner required by**
45 **section 115.145.** The election authority receiving the
46 application forms shall review the applications and forward,
47 **in a secure and electronic manner**, any applications

48 pertaining to a different election authority to that
49 election authority.

50 6. A completed voter registration application accepted
51 in the driver's licensing process shall be transmitted to
52 the election authority described in subsection 5 of this
53 section not later than five business days after the form is
54 completed by the applicant.

55 7. Any person registering to vote when applying for or
56 renewing a Missouri driver's license shall submit with the
57 application form a copy of a birth certificate, a Native
58 American tribal document, or other proof of United States
59 citizenship, a valid Missouri driver's license, or other
60 form of personal identification.

115.960. 1. An election authority is authorized to
2 accept voter registration applications with a signature
3 submitted to the election authority under the provisions of
4 sections 432.200 to 432.295 as provided in this section:

5 (1) Sections 432.200 to 432.295 shall only apply to
6 transactions between parties that have agreed to conduct
7 transactions by electronic means;

8 (2) Except as provided in subsection 2 of this
9 section, as used in this section and sections 432.200 to
10 432.295, the parties who agree to conduct voter registration
11 transactions by electronic means shall be the local election
12 authority who is required to accept or reject a voter
13 registration application and the prospective voter
14 submitting the application;

15 (3) A local election authority is authorized to
16 develop, maintain, and approve systems that transmit voter
17 registration applications electronically under sections
18 432.200 to 432.295;

19 (4) Except as provided in subsection 2 of this section
20 **and section 115.160**, no officer, agency, or organization
21 shall collect or submit a voter registration application
22 with an electronic signature to an election authority
23 without first obtaining approval of the data and signature
24 format from the local election authority and the approval of
25 the voter to collect and store the signature and data; and

26 (5) Local election authorities who maintain a voter
27 registration application system shall direct voter
28 registration applicants from other jurisdictions to the
29 system used by the local election authority for that
30 jurisdiction to accept voter registration applications
31 electronically.

32 2. A system maintained by the secretary of state's
33 office shall be used to accept voter registration
34 applications electronically subsequent to approval from the
35 committee formed as set forth in this subsection:

36 (1) Within thirty days of, but in no event prior to
37 January 1, 2017, the president of the Missouri Association
38 of County Clerks and Election Authorities shall appoint
39 fourteen of its members to serve on a committee to approve
40 and develop uniform standards, systems, and modifications
41 that shall be used by the secretary of state in any
42 electronic voter registration application system offered by
43 that office. The committee may also make recommendations
44 regarding the purchase, maintenance, integration, and
45 operation of electronic databases, software, and hardware
46 used by local election authorities and the secretary of
47 state's office including, but not limited to, systems used
48 for military and overseas voting and for building and
49 conducting election operations. The committee shall have
50 fourteen local election authorities, including

51 representatives of each classification of counties, a
52 representative from an election board, and at least one
53 member who has experience processing online voter
54 registration transactions. In addition, one representative
55 appointed by the secretary of state's office shall serve on
56 the committee;

57 (2) The committee shall immediately meet to approve
58 electronic signature formats and a minimum set of data
59 collection standards for use in a voter registration
60 application system maintained by the secretary of state;

61 (3) Once the format and data collection standards are
62 approved by the committee and implemented for the system
63 maintained by the secretary of state, local election
64 authorities shall accept the transmission of voter
65 registration applications submitted to the approved system
66 under the provisions of sections 432.200 to 432.295;

67 (4) The secretary of state's office shall direct
68 eligible voters to a local election authority's system to
69 accept voter registration applications electronically if the
70 local election authority has a system in place as of August
71 28, 2016, or implements a system that meets the same
72 standards and format that has been approved by the committee
73 for the secretary of state's system;

74 (5) The committee shall meet not less than
75 semiannually through June 30, 2019, to recommend and approve
76 changes and enhancements proposed by the secretary of state
77 or election authorities to the electronic voter registration
78 application system. Vacancies that occur on the committee
79 shall be filled by the president of the Missouri Association
80 of County Clerks and Election Authorities at the time of the
81 vacancy;

82 (6) To improve the accuracy of voter registration
83 application data and reduce costs for local election
84 authorities, the system maintained by the secretary of state
85 shall, as soon as is practical, provide a method where the
86 data entered by the voter registration applicant does not
87 have to be re-entered by the election authority to the state
88 voter registration database.

89 3. Each applicant who registers using an approved
90 electronic voter registration application system shall be
91 deemed to be registered as of the date the signed
92 application is submitted to the system, if such application
93 is accepted and not rejected by the election authority and
94 the verification notice required under section 115.155 is
95 not returned as undeliverable by the postal service.

96 4. This section shall not apply to voter registration
97 and absentee records submitted by voters authorized under
98 federal law, section 115.291, or sections 115.900 to 115.936
99 to submit electronic records and signatures.

100 5. High quality copies, including electronic copies,
101 of signatures made on paper documents may be used for
102 petition signature verification purposes and retained as
103 records.

104 6. Any signature required for petition submission
105 under chapter 116 shall be handwritten on a paper document.

106 7. [Notwithstanding the provisions of section 432.230]
107 **Except as provided under sections 115.160 and 432.230,**
108 nothing in this section shall require the election authority
109 to accept voter registration records or signatures created,
110 generated, sent, communicated, received, stored, or
111 otherwise processed, or used by electronic means or in
112 electronic form from any officer, agency, or organization
113 not authorized under subsection 2 of this section without

114 prior approval from the election authority. **Election**
115 **authorities shall accept and process voter registration**
116 **records, including electronic images of applicant**
117 **signatures, transmitted electronically by the division of**
118 **motor vehicle and drivers licensing of the department of**
119 **revenue under section 115.160.** Except as provided in
120 subsection 2 of this section **and section 115.160,** no
121 officer, agency, or organization shall give the voter the
122 opportunity to submit a voter registration application with
123 an electronic signature without first obtaining the approval
124 of the local election authority.

125 8. An election authority that agrees to conduct a
126 transaction by electronic means may refuse to conduct other
127 transactions by electronic means.

128 9. No election authority or the secretary of state
129 shall furnish to any member of the public any data collected
130 under a voter registration application system except as
131 authorized in subsections 1 to 5 of section 115.157.

132 10. Nothing in this section shall be construed to
133 require the secretary of state to cease operating a voter
134 registration application in place as of the effective date
135 of this act.

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. (1) Ten percent of any fee authorized under this
17 section and charged by motor vehicle dealers shall be
18 remitted to the motor vehicle administration technology fund
19 established in this subsection, for the development of the
20 system specified in this subsection. Following the
21 development of the system specified in this subsection, the
22 director of the department of revenue shall notify motor
23 vehicle dealers and implement the system, and the percentage
24 of any fee authorized under this section required to be
25 remitted to the fund shall be reduced to one percent, which
26 shall be used for maintenance of the system. This
27 subsection shall expire on January 1, 2037.

28 (2) There is hereby created in the state treasury the
29 "Motor Vehicle Administration Technology Fund", which shall
30 consist of money collected as specified in this subsection.
31 The state treasurer shall be custodian of the fund. In
32 accordance with sections 30.170 and 30.180, the state
33 treasurer may approve disbursements. The fund shall be a
34 dedicated fund and money in the fund shall be used solely by
35 the department of revenue for the purpose of development and
36 maintenance of a modernized, integrated system for the
37 titling of vehicles, issuance and renewal of vehicle
38 registrations, issuance and renewal of driver's licenses and
39 identification cards, and perfection and release of liens
40 and encumbrances on vehicles.

41 (3) Notwithstanding the provisions of section 33.080
42 to the contrary, any moneys remaining in the fund at the end

43 of the biennium shall not revert to the credit of the
44 general revenue fund.

45 (4) The state treasurer shall invest moneys in the
46 fund in the same manner as other funds are invested. Any
47 interest and moneys earned on such investments shall be
48 credited to the fund.

49 4. No motor vehicle dealer, boat dealer, or powersport
50 dealer that sells or leases new or used motor vehicles,
51 vessels, or vessel trailers and imposes an administrative
52 fee of [less than two] **five** hundred dollars **or less** in
53 connection with the sale or lease of a new or used vehicle,
54 vessel, or vessel trailer for the storage of documents or
55 any other administrative or clerical services shall be
56 deemed to be engaging in the unauthorized practice of law.
57 **The maximum administrative fee permitted under this**
58 **subsection shall be increased annually by an amount equal to**
59 **the percentage change in the annual average of the Consumer**
60 **Price Index for All Urban Consumers or its successor index,**
61 **as reported by the federal Bureau of Labor Statistics or its**
62 **successor agency, or by zero, whichever is greater. The**
63 **director of the department of revenue shall annually furnish**
64 **the maximum administrative fee determined under this section**
65 **to the secretary of state, who shall publish such value in**
66 **the Missouri register as soon as practicable after January**
67 **fourteenth of each year.**

68 [4.] 5. If an administrative fee is charged under this
69 section, the **same** administrative fee shall be charged to all
70 retail customers [and] **unless the fee is limited by the**
71 **dealer's franchise agreement to certain classes of**
72 **customers. The fee shall be** disclosed on the retail buyer's
73 order form as a separate itemized charge.

74 [5.] 6. A preliminary worksheet on which a sale price
75 is computed and that is shown to the purchaser, a retail
76 buyer's order form from the purchaser, or a retail
77 installment contract shall include, in reasonable proximity
78 to the place on the document where the administrative fee
79 authorized by this section is disclosed, the amount of the
80 administrative fee and the following notice in type that is
81 boldfaced, capitalized, underlined, or otherwise
82 conspicuously set out from the surrounding written material:

83 "AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE
84 AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY
85 A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN
86 A PROFIT TO DEALER. NO PORTION OF THIS
87 ADMINISTRATIVE FEE IS FOR THE DRAFTING,
88 PREPARATION, OR COMPLETION OF DOCUMENTS OR THE
89 PROVIDING OF LEGAL ADVICE. THIS NOTICE IS
90 REQUIRED BY LAW."

91 [6.] 7. The general assembly believes that an
92 administrative fee charged in compliance with this section
93 is not the unauthorized practice of law or the unauthorized
94 business of law so long as the activity or service for which
95 the fee is charged is in compliance with the provisions of
96 this section and does not result in the waiver of any rights
97 or remedies. Recognizing, however, that the judiciary is
98 the sole arbitrator of what constitutes the practice of law,
99 in the event that a court determines that an administrative
100 fee charged in compliance with this section, and that does
101 not waive any rights or remedies of the buyer, is the
102 unauthorized practice of law or the unauthorized business of
103 law, then no person who paid that administrative fee may
104 recover said fee or treble damages, as permitted under

105 section 484.020, and no person who charged that fee shall be
106 guilty of a misdemeanor, as provided under section 484.020.

306.030. 1. The owner of each vessel requiring
2 numbering by this state shall file an application for number
3 with the department of revenue on forms provided by it. The
4 application shall contain a full description of the vessel,
5 factory number or serial number, together with a statement
6 of the applicant's source of title and of any liens or
7 encumbrances on the vessel. For good cause shown the
8 director of revenue may extend the period of time for making
9 such application. The director of revenue shall use
10 reasonable diligence in ascertaining whether the facts
11 stated in such application are true, and, if satisfied that
12 the applicant is the lawful owner of such vessel, or
13 otherwise entitled to have the same registered in his or her
14 name, shall thereupon issue an appropriate certificate of
15 title over the director's signature and sealed with the seal
16 of the director's office, procured and used for such
17 purpose, and a certificate of number stating the number
18 awarded to the vessel. The application shall include a
19 provision stating that the applicant will consent to any
20 inspection necessary to determine compliance with the
21 provisions of this chapter and shall be signed by the owner
22 of the vessel and shall be accompanied by the fee specified
23 in subsection 10 of this section. The owner shall paint on
24 or attach to each side of the bow of the vessel the
25 identification number in a manner as may be prescribed by
26 rules and regulations of the division of water safety in
27 order that it may be clearly visible. The number shall be
28 maintained in legible condition. The certificate of number
29 shall be pocket size and shall be available at all times for
30 inspection on the vessel for which issued, whenever the

31 vessel is in operation. The operator of a vessel in which
32 such certificate of number is not available for inspection
33 by the water patrol division or, if the operator cannot be
34 determined, the person who is the registered owner of the
35 vessel shall be subject to the penalties provided in section
36 306.210. Vessels owned by the state or a political
37 subdivision shall be registered but no fee shall be assessed
38 for such registration.

39 2. Each new vessel sold in this state after January 1,
40 1970, shall have die stamped on or within three feet of the
41 transom or stern a factory number or serial number.

42 3. The owner of any vessel already covered by a number
43 in full force and effect which has been awarded to it
44 pursuant to then operative federal law or a federally
45 approved numbering system of another state shall record the
46 number prior to operating the vessel on the waters of this
47 state in excess of the sixty-day reciprocity period provided
48 for in section 306.080. The recordation and payment of
49 registration fee shall be in the manner and pursuant to the
50 procedure required for the award of a number under
51 subsection 1 of this section. No additional or substitute
52 number shall be issued unless the number is a duplicate of
53 an existing Missouri number.

54 4. In the event that an agency of the United States
55 government shall have in force an overall system of
56 identification numbering for vessels within the United
57 States, the numbering system employed pursuant to this
58 chapter by the department of revenue shall be in conformity
59 therewith.

60 5. All records of the department of revenue made and
61 kept pursuant to this section shall be public records.

62 6. A permanent certificate of number may be issued
63 upon application and payment of three times the fee
64 specified for the vessel under this section and three times
65 any processing fee applicable to a three-year certificate of
66 number for the vessel. Permanent certificates of number
67 shall not be transferred to any other person or vessel, or
68 displayed on any vessel other than the vessel for which it
69 was issued, and shall continue in force and effect until
70 terminated or discontinued in accordance with the provisions
71 of this chapter. Every other certificate of number awarded
72 pursuant to this chapter shall continue in force and effect
73 for a period of three years unless sooner terminated or
74 discontinued in accordance with the provisions of this
75 chapter. Certificates of number may be renewed by the owner
76 in the same manner provided for in the initial securing of
77 the same or in accordance with the provisions of sections
78 306.010 to 306.030.

79 7. The department of revenue shall fix the days and
80 months of the year on which certificates of number due to
81 expire during the calendar year shall lapse and no longer be
82 of any force and effect unless renewed pursuant to this
83 chapter and may stagger such dates in order to distribute
84 the workload.

85 8. When applying for or renewing a vessel's
86 certificate of number, the owner shall submit a paid
87 personal property tax receipt for the tax year which
88 immediately precedes the year in which the application is
89 made or the year in which the renewal is due and which
90 reflects that the vessel being renewed is listed as personal
91 property and that all personal property taxes, including
92 delinquent taxes from prior years, have been paid, or a
93 statement certified by the county or township in which the

94 owner's property was assessed showing that the state and
 95 county tangible personal property taxes for such previous
 96 tax year and all delinquent taxes due have been paid by the
 97 applicant or that no such taxes were due.

98 9. When applying for or renewing a certificate of
 99 registration for a vessel documented with the United States
 100 Coast Guard under section 306.016, owners of vessels shall
 101 submit a paid personal property tax receipt for the tax year
 102 which immediately precedes the year in which the application
 103 is made or the renewal is due and which reflects that the
 104 vessel is listed as personal property and that all personal
 105 property taxes, including delinquent taxes from prior years,
 106 have been paid, or a statement certified by the county or
 107 township in which the owner's property was assessed showing
 108 that the state and county tangible personal property taxes
 109 for such previous tax year and all delinquent taxes due have
 110 been paid by the applicant or that no such taxes were due.

111 10. The fee to accompany each application for a
 112 certificate of number is:

113	For vessels under 16 feet in length	\$25.00
114	For vessels at least 16 feet in length but	\$55.00
115	less than 26 feet in length	
116	For vessels at least 26 feet in length but	\$100.00
117	less than 40 feet in length	
118	For vessels at least 40 feet and over	\$150.00

119 11. The certificate of title and certificate of number
 120 issued by the director of revenue shall be manufactured in a
 121 manner to prohibit as nearly as possible the ability to

122 alter, counterfeit, duplicate, or forge such certificate
123 without ready detection.

124 12. For fiscal years ending before July 1, 2019, the
125 first two million dollars collected annually under the
126 provisions of this section shall be deposited into the state
127 general revenue fund. All fees collected under the
128 provisions of this section in excess of two million dollars
129 annually shall be deposited in the water patrol division
130 fund and shall be used exclusively for the water patrol
131 division.

132 13. Beginning July 1, 2019, the first one million
133 dollars collected annually under the provisions of this
134 section shall be deposited into the state general revenue
135 fund. All fees collected under the provisions of this
136 section in excess of one million dollars annually shall be
137 deposited in the water patrol division fund and shall be
138 used exclusively for the water patrol division.

139 14. Notwithstanding the provisions of subsection 10 of
140 this section, vessels at least sixteen feet in length but
141 less than twenty-eight feet in length, that are homemade,
142 constructed out of wood, and have a beam of five feet or
143 less, shall pay a fee of fifty-five dollars which shall
144 accompany each application for a certification number.

307.380. 1. Every vehicle of the type required to be
2 inspected upon having been involved in an accident and when
3 so directed by a police officer must be inspected and an
4 official certificate of inspection and approval, sticker,
5 seal or other device be obtained for such vehicle before it
6 is again operated on the highways of this state. At the
7 seller's expense every **used motor** vehicle of the type
8 required to be inspected by section 307.350[, whether new or
9 used,] shall immediately prior to sale be fully inspected

10 regardless of any current certificate of inspection and
11 approval, and an appropriate new certificate of inspection
12 and approval, sticker, seal or other device shall be
13 obtained.

14 2. Nothing contained in the provisions of this section
15 shall be construed to prohibit a dealer or any other person
16 from selling a vehicle without a certificate of inspection
17 and approval if the vehicle is sold for junk, salvage, or
18 for rebuilding, or for vehicles sold at public auction or
19 from dealer to dealer. The purchaser of any vehicle which
20 is purchased for junk, salvage, or for rebuilding, shall
21 give to the seller an affidavit, on a form prescribed by the
22 superintendent of the Missouri state highway patrol, stating
23 that the vehicle is being purchased for one of the reasons
24 stated herein. No vehicle of the type required to be
25 inspected by section 307.350 which is purchased as junk,
26 salvage, or for rebuilding shall again be registered in this
27 state until the owner has submitted the vehicle for
28 inspection and obtained an official certificate of
29 inspection and approval, sticker, seal or other device for
30 such vehicle.

31 3. Notwithstanding the provisions of section 307.390,
32 violation of this section shall be deemed an infraction.

Section 1. No entity in this state shall require
2 **documentation of an individual having received a vaccination**
3 **against any disease in order for the individual to access**
4 **transportation systems or services, including but not**
5 **limited to buses, air travel, rail travel, taxicab or**
6 **limousine services, prearranged rides as defined in section**
7 **387.400, other public transportation, or any public**
8 **transportation facilities, including but not limited to bus**
9 **and airport facilities.**

Section B. If any provision of section A of this act
2 or the application thereof to anyone or to any circumstance
3 is held invalid, the remainder of those sections and the
4 application of such provisions to others or other
5 circumstances shall not be affected thereby.

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