SENATE AMENDMENT NO. 2

Offered by

SS Amend <u>SCS/Senate</u> Bill No. <u>4</u>, Page <u>1</u>, Section <u>title</u>, Line <u>3</u>,

Kraul of

2 by striking "vehicle financial responsibility, with penalty 3 provisions" and inserting in lieu thereof the following: 4 "vehicles, with penalty provisions and an emergency clause 5 for certain sections"; and 6 Further amend said bill and page, Section A, Line 4, by

7 inserting after all of said line the following:

8 "301.192. 1. In addition to any other requirements of 9 section 301.190, when application is made for a certificate of ownership for a motor vehicle or trailer seven years old 10 or older and the value of vehicle does not exceed three 11 thousand dollars, for which no record of any prior 12 13 application for a certificate of ownership exists in the 14 records of the director of revenue or for which the records of the director of revenue reflect incomplete or conflicting 15 documentation of ownership, the director of revenue may 16 17 issue a certificate of ownership, not less than thirty days 18 after receiving the completed application, provided it is 19 accompanied by:

20 (1) An affidavit explaining how the motor vehicle or 21 trailer was acquired and the reasons a valid certificate of 22 ownership cannot be furnished;

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

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25 (3) Title verification from a state in which the
26 vehicle was previously titled or registered if known,
27 provided the vehicle was so previously titled or registered;

28 (4) A notarized lien release from any lienholder of29 record;

30 A vehicle examination certificate issued by the (5)31 Missouri state highway patrol, or other law enforcement 32 agency as authorized by the director of revenue. The vehicle examination shall include a verification of the 33 34 vehicle's identification number and a determination that the vehicle has not been reported stolen in Missouri or any 35 other state. The fee for the vehicle examination 36 37 certificate shall be twenty-five dollars and shall be collected by the director of revenue at the time of the 38 request for the application; 39

40 (6) A statement certifying the odometer reading of the
41 motor vehicle if less than [ten] <u>twenty</u> years of age; and

(7) A surety bond or a suitable financial security 42 43 instrument in a form prescribed by the director of revenue and executed by the applicant and a person authorized to 44 conduct surety business in this state. The bond shall be an 45 amount equal to two times the value of the vehicle as 46 determined by the Kelly Blue Book, NADA Used Car Guide or 47 two appraisals from a licensed motor vehicle dealer. 48 The 49 bond shall be for a minimum of one hundred dollars and 50 conditioned to indemnify any prior owner or lienholder and 51 any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors 52 53 in interest, against any expense, loss or damage including 54 reasonable attorneys fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any 55 defect in or undisclosed security interest upon the right, 56 57 title and interest of the applicant in and to the vehicle.

58 Any such interested person has a right of action to recover 59 on the bond for any breach of its conditions, but the 60 aggregate liability of the surety to all persons shall not 61 exceed the amount of the bond. The bond shall be returned 62 at the end of three years, unless the department has been 63 notified of the pendency of an action to recover on the bond.

64 2. Upon satisfaction with the genuineness of the
65 application and supporting documents, the director of
66 revenue shall issue a new certificate of ownership. The
67 certificate of ownership shall appropriately be designated
68 with the words "BONDED VEHICLE".

1. Every motor vehicle dealer and boat 69 301.280. 70 dealer shall make a monthly report to the department of revenue, on blanks to be prescribed by the department of 71 72 revenue, giving the following information: date of the sale 73 of each motor vehicle, boat, trailer and all-terrain vehicle 74 sold; the name and address of the buyer; the name of the manufacturer; year of manufacture; model of vehicle; vehicle 75 76 identification number; style of vehicle; odometer setting; and it shall also state whether the motor vehicle, boat, 77 trailer or all-terrain vehicle is new or secondhand. Each 78 79 monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection 10 of section 144.070 80 81 shall also include the amount of state and local sales tax collected for each motor vehicle sold if sales tax was due. 82 83 The odometer reading is not required when reporting the sale 84 of any motor vehicle that is [ten] twenty years old or older, any motor vehicle having a gross vehicle weight 85 86 rating of more than sixteen thousand pounds, new vehicles 87 that are transferred on a manufacturer's statement of origin between one franchised motor vehicle dealer and another, or 88 boats, all-terrain vehicles or trailers. The sale of all 89 90 temporary permits shall be recorded in the appropriate space

91 on the dealer's monthly sales report, unless the sale of the 92 temporary permit is already recorded by electronic means as 93 determined by the department. The monthly sales report shall include a statement of motor vehicles or trailers sold 94 during the month under subsection 5 of section 301.210. 95 The 96 monthly sales report shall be completed in full and signed by an officer, partner, or owner of the dealership, and 97 98 actually received by the department of revenue on or before 99 the fifteenth day of the month succeeding the month for 100 which the sales are being reported. If no sales occur in 101 any given month, a report shall be submitted for that month 102 indicating no sales. Any vehicle dealer who fails to file a 103 monthly report or who fails to file a timely report shall be 104 subject to disciplinary action as prescribed in section 105 301.562 or a penalty assessed by the director not to exceed 106 three hundred dollars per violation. Every motor vehicle 107 and boat dealer shall retain copies of the monthly sales report as part of the records to be maintained at the 108 109 dealership location and shall hold them available for inspection by appropriate law enforcement officials and 110 officials of the department of revenue. Every vehicle 111 dealer selling twenty or more vehicles a month shall file 112 the monthly sales report with the department in an 113 114 electronic format. Any dealer filing a monthly sales report 115 in an electronic format shall be exempt from filing the 116 notice of transfer required by section 301.196. For any dealer not filing electronically, the notice of transfer 117 required by section 301.196 shall be submitted with the 118 119 monthly sales report as prescribed by the director.

120 2. Every dealer and every person operating a public
121 garage shall keep a correct record of the vehicle
122 identification number, odometer setting, manufacturer's name
123 of all motor vehicles or trailers accepted by him for the

124 purpose of sale, rental, storage, repair or repainting, 125 together with the name and address of the person delivering 126 such motor vehicle or trailer to the dealer or public garage 127 keeper, and the person delivering such motor vehicle or 128 trailer shall record such information in a file kept by the 129 dealer or garage keeper. The record shall be kept for five 130 years and be open for inspection by law enforcement 131 officials, members or authorized or designated employees of 132 the Missouri highway patrol, and persons, agencies and 133 officials designated by the director of revenue.

134 3. Every dealer and every person operating a public garage in which a motor vehicle remains unclaimed for a 135 period of fifteen days shall, within five days after the 136 137 expiration of that period, report the motor vehicle as 138 unclaimed to the director of revenue. Such report shall be 139 on a form prescribed by the director of revenue. A motor 140 vehicle left by its owner whose name and address are known 141 to the dealer or his employee or person operating a public 142 garage or his employee is not considered unclaimed. Any dealer or person operating a public garage who fails to 143 report a motor vehicle as unclaimed as herein required 144 145 forfeits all claims and liens for its garaging, parking or 146 storing.

147 4. The director of revenue shall maintain
148 appropriately indexed cumulative records of unclaimed
149 vehicles reported to the director. Such records shall be
150 kept open to public inspection during reasonable business
151 hours.

152 5. The alteration or obliteration of the vehicle 153 identification number on any such motor vehicle shall be 154 prima facie evidence of larceny, and the dealer or person 155 operating such public garage shall upon the discovery of 156 such obliteration or alteration immediately notify the

157 highway patrol, sheriff, marshal, constable or chief of 158 police of the municipality where the dealer or garage keeper 159 has his place of business, and shall hold such motor vehicle 160 or trailer for a period of forty-eight hours for the purpose 161 of an investigation by the officer so notified.

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

166 302.755. 1. A person is disqualified from driving a 167 commercial motor vehicle for a period of not less than one 168 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;

173 (2) Driving a commercial motor vehicle which causes a 174 fatality through the negligent operation of the commercial 175 motor vehicle, including but not limited to the offenses of 176 vehicular manslaughter, homicide by motor vehicle, and 177 negligent homicide;

178 (3) Driving a commercial motor vehicle while revoked179 pursuant to section 302.727;

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

183 (5) Using a commercial or noncommercial motor vehicle
184 in the commission of any felony, as defined in section
185 302.700, except a felony as provided in subsection 4 of this
186 section.

187 2. If any of the violations described in subsection 1188 of this section occur while transporting a hazardous

189 material the person is disqualified for a period of not less 190 than three years.

3. Any person is disqualified from operating a 191 192 commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in 193 194 subsection 1 of this section, or any combination of those offenses, arising from two or more separate incidents. 195 The 196 director may issue rules and regulations, in accordance with 197 guidelines established by the Secretary, under which a 198 disqualification for life under this section may be reduced 199 to a period of not less than ten years.

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

206 5. Any person is disqualified from operating a 207 commercial motor vehicle for a period of not less than sixty 208 days if convicted of two serious traffic violations or one 209 hundred twenty days if convicted of three serious traffic 210 violations, arising from separate incidents occurring within 211 a three-year period.

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

217 7. Any person who is convicted of operating a
218 commercial motor vehicle beginning at the time of issuance
219 of the out-of-service order until its expiration is guilty
220 of a class A misdemeanor.

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

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

230 10. Any person convicted of driving while out of
231 service on a third or subsequent occasion during any ten232 year period, involving separate incidents, shall be
233 disqualified for a period of three years.

234 11. Any person convicted of a first violation of an 235 out-of-service order while transporting hazardous materials 236 or while operating a motor vehicle designed to transport 237 sixteen or more passengers, including the driver, is 238 disqualified for a period of one hundred eighty days.

239 12. Any person convicted of any subsequent violation
240 of an out-of-service order in a separate incident within ten
241 years after a previous violation, while transporting
242 hazardous materials or while operating a motor vehicle
243 designed to transport fifteen passengers, including the
244 driver, is disqualified for a period of three years.

245 13. Any person convicted of any other offense as
246 specified by regulations promulgated by the Secretary of
247 Transportation shall be disqualified in accordance with such
248 regulations.

249 14. After suspending, revoking, cancelling, or 250 disqualifying a driver, the director shall update records to 251 reflect such action and notify a nonresident's licensing 252 authority and the commercial driver's license information

253 system within ten days in the manner prescribed in 49 CFR 254 384, or as amended by the Secretary.

255 15. Any person disqualified from operating a 256 commercial motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license 257 258 cancelled, and upon conclusion of the period of disqualification shall take the written and driving tests 259 260 and meet all other requirements of sections 302.700 to 261 302.780. Such disqualification and cancellation shall not 262 be withdrawn by the director until such person reapplies for 263 a commercial driver's license in this or any other state 264 after meeting all requirements of sections 302.700 to 302.780. 265

266 16. The director shall disqualify a driver upon 267 receipt of notification that the Secretary has determined a 268 driver to be an imminent hazard pursuant to 49 CFR 383.52. 269 Due process of a disqualification determined by the Secretary pursuant to this section shall be held in 270 271 accordance with regulations promulgated by the Secretary. The period of disqualification determined by the Secretary 272 273 pursuant to this section shall be served concurrently to any 274 other period of disqualification which may be imposed by the 275 director pursuant to this section. Both disqualifications 276 shall appear on the driving record of the driver.

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

18. The disqualification period must be in addition toany other previous periods of disqualification in the manner

286 prescribed in 49 CFR 383, or as amended by the Secretary, 287 except when the major or serious violations are a result of 288 the same incident.

289 <u>19. Any person is disqualified from driving a</u>
 290 <u>commercial motor vehicle for life for being convicted of</u>
 291 <u>using a commercial motor vehicle in the commission of a</u>
 292 <u>felony involving an act or practice of severe forms of</u>
 293 <u>trafficking in persons, as defined in U.S.C. 7102(11). A</u>
 294 <u>disqualification for life under this subsection shall not be</u>

295 reduced."; and

296 Further amend said bill, Page 18, Section 303.440, Line 297 9, by inserting after all of said line the following:

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

303 2. Odometer fraud in the third degree is a class C304 misdemeanor.

1. Any person transferring ownership of a 305 407.536. 306 motor vehicle previously titled in this or any other state 307 shall do so by assignment of title and shall place the 308 mileage registered on the odometer at the time of transfer 309 above the signature of the transferor. The signature of the 310 transferor below the mileage shall constitute an odometer 311 mileage statement. The transferee shall sign such odometer mileage statement before an application for certificate of 312 ownership may be made. If the true mileage is known to the 313 transferor to be different from the number of miles shown on 314 315 the odometer or the true mileage is unknown, a statement from the transferor shall accompany the assignment of title 316 317 which shall contain all facts known by the transferor 318 concerning the true mileage of the motor vehicle. That

319 statement shall become a part of the permanent record of the 320 motor vehicle with the Missouri department of revenue. The 321 department of revenue shall place on all new titles issued 322 after September 28, 1977, a box titled "mileage at the time 323 of transfer".

324 2. Any person transferring the ownership of a motor 325 vehicle previously untitled in this or any other state to 326 another person shall give an odometer mileage statement to 327 the transferee. The statement shall include above the 328 signature of the transferor and transferee the cumulative mileage registered on the odometer at the time of transfer. 329 330 If the true mileage is known to the transferor to be different from the number of miles shown on the odometer or 331 332 the true mileage is unknown, a statement from the transferor 333 shall accompany the assignment of title which shall contain 334 all facts known by the transferor concerning the true 335 mileage of the motor vehicle. That statement shall become a permanent part of the records of the Missouri department of 336 337 revenue.

3. If, upon receiving an application for registration 338 339 or for a certificate of ownership of a motor vehicle, the 340 director of revenue has credible evidence that the odometer reading provided by a transferor is materially inaccurate, 341 342 he may place an asterisk on the face of the title document 343 issued by the Missouri department of revenue, provided that the process required thereby does not interfere with his 344 obligations under subdivision (2) of subsection 3 of section 345 301.190. The asterisk shall refer to a statement on the 346 face and at the bottom of the title document which shall 347 348 read as follows: "This may not be the true and accurate mileage of this motor vehicle. Consult the documents on 349 file with the Missouri department of revenue for an 350 351 explanation of the inaccuracy.". Nothing in this section

352 shall prevent any person from challenging the determination 353 by the director of revenue in the circuit courts of the 354 state of Missouri. The burden of proof shall be on the 355 director of the department of revenue in all such 356 proceedings.

357 4. The mileage disclosed by the odometer mileage
358 statement for a new or used motor vehicle as described in
359 subsections 1 and 2 of this section shall be placed by the
360 transferor on any title or document evidencing ownership.
361 Additional statements shall be placed on the title document
362 as follows:

363 (1) If the transferor states that to the best of his 364 knowledge the mileage disclosed is the actual mileage of the 365 motor vehicle, an asterisk shall follow the mileage on the 366 face of the title or document of ownership issued by the 367 Missouri department of revenue. The asterisk shall 368 reference to a statement on the face and bottom of the title 369 document which shall read as follows: "Actual Mileage";

370 (2) Where the transferor has submitted an explanation why this mileage is incorrect, an asterisk shall follow the 371 372 mileage on the face of the title or document of ownership 373 issued by the Missouri department of revenue. The asterisk 374 shall reference to a statement on the face and at the bottom 375 of the title document which shall read as follows: "This is 376 not the true and accurate mileage of this motor vehicle. 377 Consult the documents on file with the Missouri department 378 of revenue for an explanation of the inaccuracy.". Further wording shall be included as follows: 379

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

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

392 5. The department of revenue shall notify all motor
393 vehicle ownership transferees of the civil and criminal
394 penalties involving odometer fraud.

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

398 The granting or creation of a security interest or 7. 399 lien shall not be considered a change of ownership for the 400 purpose of this section, and the grantor of such lien or 401 security interest shall not be required to make an odometer mileage statement. The release of a lien by a mortgage 402 403 holder shall not be considered a change of ownership of the motor vehicle for the purposes of this section. 404 The 405 mortgage holder or lienholder shall not be required to make 406 an odometer disclosure statement or state the current 407 odometer setting at the time of the release of the lien 408 where there is no change of ownership.

409 8. For the purposes of the mileage disclosure 410 requirements of this section, if a certificate of ownership is held by a lienholder, if the transferor makes application 411 for a duplicate certificate of ownership, or as otherwise 412 provided in the federal Motor Vehicle Information and Cost 413 414 Savings Act and related federal regulations, the transferor may execute a written power of attorney authorizing a 415 transfer of ownership. The person granted such power of 416 417 attorney shall restate exactly on the assignment of title

418 the actual mileage disclosed at the time of transfer. The 419 power of attorney shall accompany the certificate of 420 ownership and the original power of attorney and a copy of 421 the certificate of ownership shall be returned to the 422 issuing state in the manner prescribed by the director of 423 revenue, unless otherwise provided by federal law, rule or 424 regulation. The department of revenue may prescribe a 425 secure document for use in executing a written power of 426 attorney, and may allow electronic signatures on such 427 document. The department shall collect a fee for each form 428 issued, not to exceed the cost of procuring the form.

429 407.556. 1. A violation of the provisions of sections 430 407.511 to 407.556 by any person licensed or registered as a 431 manufacturer or dealer pursuant to the provisions of chapter 432 301, shall be considered a violation of the provisions of 433 that chapter, subjecting that person to revocation or 434 suspension of any license issued pursuant to the provisions 435 of that chapter.

436 2. The provisions of sections 407.511 to 407.556 do437 not apply to the following motor vehicles:

438 (1) Any motor vehicle having a gross vehicle weight439 rating of more than sixteen thousand pounds;

440 (2) Any motor vehicle that is [ten] <u>twenty</u> years old
441 or older;

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

445 (4) Any new vehicle prior to its first transfer for446 purposes other than resale.

447 Section B. Because of the importance of combating
448 human trafficking, and because of the importance of securing
449 federal highway funding to maintain a safe and adequate
450 system of highways in this state, the repeal and reenactment

of sections 301.192, 301.280, 302.755, 407.526, 407.536, and 451 452 407.556 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and 453 safety, and is hereby declared to be an emergency act within 454 the meaning of the constitution, and the repeal and 455 456 reenactment of sections 301.192, 301.280, 302.755, 407.526, 407.536, and 407.556 of this act shall be in full force and 457 effect upon its passage and approval."; and 458

459 Further amend the title and enacting clause accordingly.