

SECOND REGULAR SESSION

SENATE BILL NO. 1001

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time February 13, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5420S.011

AN ACT

To repeal sections 301.010 and 301.227, RSMo, and to enact in lieu thereof two new sections relating to salvage vehicles.

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

Section A. Sections 301.010 and 301.227, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 301.010 and 301.227, to read as follows:

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

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

(2) "Autocycle", a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or federal motorcycle safety standards;

(3) "Automobile transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used for the transport of assembled motor vehicles, including truck camper units;

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

(5) "Backhaul", the return trip of a vehicle transporting cargo or general

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

- 19 freight, especially when carrying goods back over all or part of the same route;
20 (6) "Boat transporter", any vehicle combination capable of carrying cargo
21 on the power unit and designed and used specifically to transport assembled
22 boats and boat hulls. Boats may be partially disassembled to facilitate
23 transporting;
- 24 (7) "Body shop", a business that repairs physical damage on motor
25 vehicles that are not owned by the shop or its officers or employees by mending,
26 straightening, replacing body parts, or painting;
- 27 (8) "Bus", a motor vehicle primarily for the transportation of a driver and
28 eight or more passengers but not including shuttle buses;
- 29 (9) "Commercial motor vehicle", a motor vehicle designed or regularly used
30 for carrying freight and merchandise, or more than eight passengers but not
31 including vanpools or shuttle buses;
- 32 (10) "Cotton trailer", a trailer designed and used exclusively for
33 transporting cotton at speeds less than forty miles per hour from field to field or
34 from field to market and return;
- 35 (11) "Dealer", any person, firm, corporation, association, agent or subagent
36 engaged in the sale or exchange of new, used or reconstructed motor vehicles or
37 trailers;
- 38 (12) "Director" or "director of revenue", the director of the department of
39 revenue;
- 40 (13) "Driveaway operation":
- 41 (a) The movement of a motor vehicle or trailer by any person or motor
42 carrier other than a dealer over any public highway, under its own power singly,
43 or in a fixed combination of two or more vehicles, for the purpose of delivery for
44 sale or for delivery either before or after sale;
- 45 (b) The movement of any vehicle or vehicles, not owned by the transporter,
46 constituting the commodity being transported, by a person engaged in the
47 business of furnishing drivers and operators for the purpose of transporting
48 vehicles in transit from one place to another by the driveaway or towaway
49 methods; or
- 50 (c) The movement of a motor vehicle by any person who is lawfully
51 engaged in the business of transporting or delivering vehicles that are not the
52 person's own and vehicles of a type otherwise required to be registered, by the
53 driveaway or towaway methods, from a point of manufacture, assembly or
54 distribution or from the owner of the vehicles to a dealer or sales agent of a

- 55 manufacturer or to any consignee designated by the shipper or consignor;
- 56 (14) "Dromedary", a box, deck, or plate mounted behind the cab and
57 forward of the fifth wheel on the frame of the power unit of a truck
58 tractor-semitrailer combination. A truck tractor equipped with a dromedary may
59 carry part of a load when operating independently or in a combination with a
60 semitrailer;
- 61 (15) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 62 (16) "Fleet", any group of ten or more motor vehicles owned by the same
63 owner;
- 64 (17) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 65 (18) "Fullmount", a vehicle mounted completely on the frame of either the
66 first or last vehicle in a saddlemount combination;
- 67 (19) "Gross weight", the weight of vehicle and/or vehicle combination
68 without load, plus the weight of any load thereon;
- 69 (20) "Hail-damaged vehicle", any vehicle, the body of which has become
70 dented as the result of the impact of hail;
- 71 (21) "Highway", any public thoroughfare for vehicles, including state
72 roads, county roads and public streets, avenues, boulevards, parkways or alleys
73 in any municipality;
- 74 (22) "Improved highway", a highway which has been paved with gravel,
75 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall
76 have a hard, smooth surface;
- 77 (23) "Intersecting highway", any highway which joins another, whether
78 or not it crosses the same;
- 79 (24) "Junk vehicle", a vehicle which:
- 80 (a) Is incapable of operation or use upon the highways and has no resale
81 value except as a source of parts or scrap; or
- 82 (b) Has been designated as junk or a substantially equivalent designation
83 by this state or any other state;
- 84 (25) "Kit vehicle", a motor vehicle assembled by a person other than a
85 generally recognized manufacturer of motor vehicles by the use of a glider kit or
86 replica purchased from an authorized manufacturer and accompanied by a
87 manufacturer's statement of origin;
- 88 (26) "Land improvement contractors' commercial motor vehicle", any
89 not-for-hire commercial motor vehicle the operation of which is confined to:
- 90 (a) An area that extends not more than a radius of one hundred miles

91 from its home base of operations when transporting its owner's machinery,
92 equipment, or auxiliary supplies to or from projects involving soil and water
93 conservation, or to and from equipment dealers' maintenance facilities for
94 maintenance purposes; or

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

100 (27) "Local commercial motor vehicle", a commercial motor vehicle whose
101 operations are confined to a municipality and that area extending not more than
102 fifty miles therefrom, or a commercial motor vehicle whose property-carrying
103 operations are confined solely to the transportation of property owned by any
104 person who is the owner or operator of such vehicle to or from a farm owned by
105 such person or under the person's control by virtue of a landlord and tenant lease;
106 provided that any such property transported to any such farm is for use in the
107 operation of such farm;

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

126 (29) "Local log truck tractor", a commercial motor vehicle which is

127 registered under this chapter to operate as a motor vehicle on the public
128 highways of this state, used exclusively in this state, used to transport harvested
129 forest products, operated at a forested site and in an area extending not more
130 than a one hundred mile radius from such site, operates with a weight not
131 exceeding twenty-two thousand four hundred pounds on one axle or with a weight
132 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and
133 when operated on the national system of interstate and defense highways
134 described in 23 U.S.C. Section 103, as amended, or outside the one hundred mile
135 radius from such site with an extended distance local log truck permit, such
136 vehicle does not exceed the weight limits contained in section 304.180, and does
137 not have more than three axles and does not pull a trailer which has more than
138 three axles. Violations of axle weight limitations shall be subject to the load limit
139 penalty as described for in sections 304.180 to 304.220;

140 (30) "Local transit bus", a bus whose operations are confined wholly
141 within a municipal corporation, or wholly within a municipal corporation and a
142 commercial zone, as defined in section 390.020, adjacent thereto, forming a part
143 of a public transportation system within such municipal corporation and such
144 municipal corporation and adjacent commercial zone;

145 (31) "Log truck", a vehicle which is not a local log truck or local log truck
146 tractor and is used exclusively to transport harvested forest products to and from
147 forested sites which is registered pursuant to this chapter to operate as a motor
148 vehicle on the public highways of this state for the transportation of harvested
149 forest products;

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

153 (33) "Manufacturer", any person, firm, corporation or association engaged
154 in the business of manufacturing or assembling motor vehicles, trailers or vessels
155 for sale;

156 (34) "Motor change vehicle", a vehicle manufactured prior to August, 1957,
157 which receives a new, rebuilt or used engine, and which used the number
158 stamped on the original engine as the vehicle identification number;

159 (35) "Motor vehicle", any self-propelled vehicle not operated exclusively
160 upon tracks, except farm tractors;

161 (36) "Motor vehicle primarily for business use", any vehicle other than a
162 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor

163 vehicle licensed for over twelve thousand pounds:

164 (a) Offered for hire or lease; or

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

166 (37) "Motorcycle", a motor vehicle operated on two wheels;

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

172 (39) "Motortricycle", a motor vehicle upon which the operator straddles or
173 sits astride that is designed to be controlled by handle bars and is operated on
174 three wheels, including a motorcycle while operated with any conveyance,
175 temporary or otherwise, requiring the use of a third wheel. A motortricycle shall
176 not be included in the definition of all-terrain vehicle;

177 (40) "Municipality", any city, town or village, whether incorporated or not;

178 (41) "Nonresident", a resident of a state or country other than the state
179 of Missouri;

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

182 (43) "Operator", any person who operates or drives a motor vehicle;

183 (44) "Owner", any person, firm, corporation or association, who holds the
184 legal title to a vehicle or in the event a vehicle is the subject of an agreement for
185 the conditional sale or lease thereof with the right of purchase upon performance
186 of the conditions stated in the agreement and with an immediate right of
187 possession vested in the conditional vendee or lessee, or in the event a mortgagor
188 of a vehicle is entitled to possession, then such conditional vendee or lessee or
189 mortgagor shall be deemed the owner;

190 (45) "Public garage", a place of business where motor vehicles are housed,
191 stored, repaired, reconstructed or repainted for persons other than the owners or
192 operators of such place of business;

193 (46) "Rebuilder", a business that repairs or rebuilds motor vehicles owned
194 by the rebuilder, but does not include certificated common or contract carriers of
195 persons or property;

196 (47) "Reconstructed motor vehicle", a vehicle that is altered from its
197 original construction by the addition or substitution of two or more new or used
198 major component parts, excluding motor vehicles made from all new parts, and

199 new multistage manufactured vehicles;

200 (48) "Recreational motor vehicle", any motor vehicle designed, constructed
201 or substantially modified so that it may be used and is used for the purposes of
202 temporary housing quarters, including therein sleeping and eating facilities
203 which are either permanently attached to the motor vehicle or attached to a unit
204 which is securely attached to the motor vehicle. Nothing herein shall prevent any
205 motor vehicle from being registered as a commercial motor vehicle if the motor
206 vehicle could otherwise be so registered;

207 (49) "Recreational off-highway vehicle", any motorized vehicle
208 manufactured and used exclusively for off-highway use which is more than fifty
209 inches but no more than sixty-seven inches in width, with an unladen dry weight
210 of two thousand pounds or less, traveling on four or more nonhighway tires and
211 which may have access to ATV trails;

212 (50) "Recreational trailer", any trailer designed, constructed, or
213 substantially modified so that it may be used and is used for the purpose of
214 temporary housing quarters, including therein sleeping or eating facilities, which
215 can be temporarily attached to a motor vehicle or attached to a unit which is
216 securely attached to a motor vehicle;

217 (51) "Rollback or car carrier", any vehicle specifically designed to
218 transport wrecked, disabled or otherwise inoperable vehicles, when the
219 transportation is directly connected to a wrecker or towing service;

220 (52) "Saddlemount combination", a combination of vehicles in which a
221 truck or truck tractor tows one or more trucks or truck tractors, each connected
222 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"
223 is a mechanism that connects the front axle of the towed vehicle to the frame or
224 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
225 connection. When two vehicles are towed in this manner the combination is
226 called a "double saddlemount combination". When three vehicles are towed in
227 this manner, the combination is called a "triple saddlemount combination";

228 (53) "Salvage dealer and dismantler", a business that dismantles used
229 motor vehicles for the sale of the parts thereof, and buys and sells used motor
230 vehicle parts and accessories;

231 (54) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

232 (a) Was damaged [during a year that is no more than six years after the
233 manufacturer's model year designation for such vehicle] to the extent that the
234 total cost of repairs to rebuild or reconstruct the vehicle to its condition

235 immediately before it was damaged for legal operation on the roads or highways
236 exceeds eighty percent of the fair market value of the vehicle immediately
237 preceding the time it was damaged, **except when a person retains**
238 **ownership of the motor vehicle, semitrailer, or house trailer;**

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

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

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

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

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

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

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

261 (55) "School bus", any motor vehicle used solely to transport students to
262 or from school or to transport students to or from any place for educational
263 purposes;

264 (56) "Scrap processor", a business that, through the use of fixed or mobile
265 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle
266 parts for processing or transportation to a shredder or scrap metal operator for
267 recycling;

268 (57) "Shuttle bus", a motor vehicle used or maintained by any person,
269 firm, or corporation as an incidental service to transport patrons or customers of
270 the regular business of such person, firm, or corporation to and from the place of

271 business of the person, firm, or corporation providing the service at no fee or
272 charge. Shuttle buses shall not be registered as buses or as commercial motor
273 vehicles;

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

285 (59) "Specially constructed motor vehicle", a motor vehicle which shall not
286 have been originally constructed under a distinctive name, make, model or type
287 by a manufacturer of motor vehicles. The term specially constructed motor
288 vehicle includes kit vehicles;

289 (60) "Stinger-steered combination", a truck tractor-semitrailer wherein the
290 fifth wheel is located on a drop frame located behind and below the rearmost axle
291 of the power unit;

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

295 (62) "Towaway trailer transporter combination", a combination of vehicles
296 consisting of a trailer transporter towing unit and two trailers or semitrailers,
297 with a total weight that does not exceed twenty-six thousand pounds; and in
298 which the trailers or semitrailers carry no property and constitute inventory
299 property of a manufacturer, distributor, or dealer of such trailers or semitrailers;

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

304 (64) "Trailer", any vehicle without motive power designed for carrying
305 property or passengers on its own structure and for being drawn by a
306 self-propelled vehicle, except those running exclusively on tracks, including a

307 semitrailer or vehicle of the trailer type so designed and used in conjunction with
308 a self-propelled vehicle that a considerable part of its own weight rests upon and
309 is carried by the towing vehicle. The term trailer shall not include cotton trailers
310 as defined in this section and shall not include manufactured homes as defined
311 in section 700.010;

312 (65) "Trailer transporter towing unit", a power unit that is not used to
313 carry property when operating in a towaway trailer transporter combination;

314 (66) "Truck", a motor vehicle designed, used, or maintained for the
315 transportation of property;

316 (67) "Truck-tractor semitrailer-semitrailer", a combination vehicle in
317 which the two trailing units are connected with a B-train assembly which is a
318 rigid frame extension attached to the rear frame of a first semitrailer which
319 allows for a fifth-wheel connection point for the second semitrailer and has one
320 less articulation point than the conventional A-dolly connected truck-tractor
321 semitrailer-trailer combination;

322 (68) "Truck-trailer boat transporter combination", a boat transporter
323 combination consisting of a straight truck towing a trailer using typically a ball
324 and socket connection with the trailer axle located substantially at the trailer
325 center of gravity rather than the rear of the trailer but so as to maintain a
326 downward force on the trailer tongue;

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

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

336 (71) "Vanpool", any van or other motor vehicle used or maintained by any
337 person, group, firm, corporation, association, city, county or state agency, or any
338 member thereof, for the transportation of not less than eight nor more than
339 forty-eight employees, per motor vehicle, to and from their place of employment;
340 however, a vanpool shall not be included in the definition of the term bus or
341 commercial motor vehicle as defined in this section, nor shall a vanpool driver be
342 deemed a chauffeur as that term is defined by section 303.020; nor shall use of

343 a vanpool vehicle for ride-sharing arrangements, recreational, personal, or
344 maintenance uses constitute an unlicensed use of the motor vehicle, unless used
345 for monetary profit other than for use in a ride-sharing arrangement;

346 (72) "Vehicle", any mechanical device on wheels, designed primarily for
347 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn
348 by horses or human power, or vehicles used exclusively on fixed rails or tracks,
349 or cotton trailers or motorized wheelchairs operated by handicapped persons;

350 (73) "Wrecker" or "tow truck", any emergency commercial vehicle
351 equipped, designed and used to assist or render aid and transport or tow disabled
352 or wrecked vehicles from a highway, road, street or highway rights-of-way to a
353 point of storage or repair, including towing a replacement vehicle to replace a
354 disabled or wrecked vehicle;

355 (74) "Wrecker or towing service", the act of transporting, towing or
356 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not
357 owned by the operator of the wrecker, tow truck, rollback or car carrier for which
358 the operator directly or indirectly receives compensation or other personal gain.

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

17 2. Whenever a vehicle is classified as junk, as defined in section 301.010,
18 the purchaser may forward to the director of revenue a properly completed
19 application for a junking certificate as well as the salvage certificate of title or
20 certificate of ownership and the director shall issue a negotiable junking

21 certificate to the purchaser of the vehicle. The director may also issue a junking
22 certificate to a possessor of a vehicle manufactured twenty-six years or more prior
23 to the current model year who has a bill of sale for said vehicle but does not
24 possess a certificate of ownership, provided no claim of theft has been made on
25 the vehicle and the highway patrol has by letter stated the vehicle is not listed
26 as stolen after checking the registration number through its nationwide computer
27 system. Such junking certificate may be granted within thirty days of the
28 submission of a request. A junking certificate shall authorize the holder to
29 possess, transport, or, by assignment, transfer ownership in such parts, scrap, or
30 junk.

31 3. For any vehicle issued a junking certificate or such similar document
32 or classification pursuant to the laws of another state, regardless of whether such
33 designation has been subsequently changed by law in any other state, the
34 department shall only issue a junking certificate, and a salvage certificate of title
35 or original certificate of ownership shall not thereafter be issued for such
36 vehicle. Notwithstanding the provisions of this subsection, if the vehicle has not
37 previously been classified as a junk vehicle, the applicant making the original
38 junking certification application shall, within ninety days, be allowed to rescind
39 his application for a junking certificate by surrendering the junking certificate
40 and apply for a salvage certificate of title in his name. The seller of a vehicle for
41 which a junking certificate has been applied for or issued shall disclose such fact
42 in writing to any prospective buyers before sale of such vehicle; otherwise the sale
43 shall be voidable at the option of the buyer.

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

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

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

56 7. Notwithstanding any other provision of this section, a motor vehicle

57 dealer as defined in section 301.550 and licensed under the provisions of sections
58 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title
59 on the back thereof.

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

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

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

✓

Copy