

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 661, Page 1, Section A, Line 2, by inserting after all of said section and
2 line the following:

3
4 "301.192. 1. In addition to any other requirements of section 301.190, when application is
5 made for a certificate of ownership for a motor vehicle or trailer seven years old or older and the
6 value of vehicle does not exceed three thousand dollars, for which no record of any prior application
7 for a certificate of ownership exists in the records of the director of revenue or for which the records
8 of the director of revenue reflect incomplete or conflicting documentation of ownership, the director
9 of revenue may issue a certificate of ownership, not less than thirty days after receiving the
10 completed application, provided it is accompanied by:

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

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

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

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

17 (5) A vehicle examination certificate issued by the Missouri state highway patrol, or other
18 law enforcement agency as authorized by the director of revenue. The vehicle examination shall
19 include a verification of the vehicle's identification number and a determination that the vehicle has
20 not been reported stolen in Missouri or any other state. The fee for the vehicle examination
21 certificate shall be twenty-five dollars and shall be collected by the director of revenue at the time of
22 the request for the application;

23 (6) A statement certifying the odometer reading of the motor vehicle if less than ~~ten~~
24 twenty years of age; and

25 (7) A surety bond or a suitable financial security instrument in a form prescribed by the
26 director of revenue and executed by the applicant and a person authorized to conduct surety business
27 in this state. The bond shall be an amount equal to two times the value of the vehicle as determined
28 by the Kelly Blue Book, NADA Used Car Guide or two appraisals from a licensed motor vehicle
29 dealer. The bond shall be for a minimum of one hundred dollars and conditioned to indemnify any
30 prior owner or lienholder and any subsequent purchaser of the vehicle or person acquiring any
31 security interest in it, and their respective successors in interest, against any expense, loss or damage
32 including reasonable attorneys fees, by reason of the issuance of the certificate of ownership of the
33 vehicle or on account of any defect in or undisclosed security interest upon the right, title and
34 interest of the applicant in and to the vehicle. Any such interested person has a right of action to
35 recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all
36 persons shall not exceed the amount of the bond. The bond shall be returned at the end of three

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1 years, unless the department has been notified of the pendency of an action to recover on the bond.

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

5 301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to the
6 department of revenue, on blanks to be prescribed by the department of revenue, giving the
7 following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle
8 sold; the name and address of the buyer; the name of the manufacturer; year of manufacture; model
9 of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall also state
10 whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand. Each monthly
11 sales report filed by a motor vehicle dealer who collects sales tax under subsection 10 of section
12 144.070 shall also include the amount of state and local sales tax collected for each motor vehicle
13 sold if sales tax was due. The odometer reading is not required when reporting the sale of any motor
14 vehicle that is [~~ten~~] twenty years old or older, any motor vehicle having a gross vehicle weight
15 rating of more than sixteen thousand pounds, new vehicles that are transferred on a manufacturer's
16 statement of origin between one franchised motor vehicle dealer and another, or boats, all-terrain
17 vehicles or trailers. The sale of all temporary permits shall be recorded in the appropriate space on
18 the dealer's monthly sales report, unless the sale of the temporary permit is already recorded by
19 electronic means as determined by the department. The monthly sales report shall include a
20 statement of motor vehicles or trailers sold during the month under subsection 5 of section 301.210.
21 The monthly sales report shall be completed in full and signed by an officer, partner, or owner of the
22 dealership, and actually received by the department of revenue on or before the fifteenth day of the
23 month succeeding the month for which the sales are being reported. If no sales occur in any given
24 month, a report shall be submitted for that month indicating no sales. Any vehicle dealer who fails
25 to file a monthly report or who fails to file a timely report shall be subject to disciplinary action as
26 prescribed in section 301.562 or a penalty assessed by the director not to exceed three hundred
27 dollars per violation. Every motor vehicle and boat dealer shall retain copies of the monthly sales
28 report as part of the records to be maintained at the dealership location and shall hold them available
29 for inspection by appropriate law enforcement officials and officials of the department of revenue.
30 Every vehicle dealer selling twenty or more vehicles a month shall file the monthly sales report with
31 the department in an electronic format. Any dealer filing a monthly sales report in an electronic
32 format shall be exempt from filing the notice of transfer required by section 301.196. For any dealer
33 not filing electronically, the notice of transfer required by section 301.196 shall be submitted with
34 the monthly sales report as prescribed by the director.

35 2. Every dealer and every person operating a public garage shall keep a correct record of the
36 vehicle identification number, odometer setting, manufacturer's name of all motor vehicles or
37 trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together with
38 the name and address of the person delivering such motor vehicle or trailer to the dealer or public
39 garage keeper, and the person delivering such motor vehicle or trailer shall record such information
40 in a file kept by the dealer or garage keeper. The record shall be kept for five years and be open for
41 inspection by law enforcement officials, members or authorized or designated employees of the
42 Missouri highway patrol, and persons, agencies and officials designated by the director of revenue.

43 3. Every dealer and every person operating a public garage in which a motor vehicle
44 remains unclaimed for a period of fifteen days shall, within five days after the expiration of that
45 period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on a
46 form prescribed by the director of revenue. A motor vehicle left by its owner whose name and
47 address are known to the dealer or his employee or person operating a public garage or his employee
48 is not considered unclaimed. Any dealer or person operating a public garage who fails to report a
49 motor vehicle as unclaimed as herein required forfeits all claims and liens for its garaging, parking

1 or storing.

2 4. The director of revenue shall maintain appropriately indexed cumulative records of
3 unclaimed vehicles reported to the director. Such records shall be kept open to public inspection
4 during reasonable business hours.

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

11 6. Any person who knowingly makes a false statement or omission of a material fact in a
12 monthly sales report to the department of revenue, as described in subsection 1 of this section, shall
13 be deemed guilty of a class A misdemeanor."; and

14
15 Further amend said bill, Page 3, Section 302.755, Line 81, by inserting after all of said section and
16 line the following:

17
18 "407.526. 1. A person commits the crime of odometer fraud in the third degree if, with the
19 intent to defraud, he operates a motor vehicle less than ~~ten~~ twenty years old on any street or
20 highway knowing that the odometer of the motor vehicle is disconnected or not functioning.

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

22 407.536. 1. Any person transferring ownership of a motor vehicle previously titled in this
23 or any other state shall do so by assignment of title and shall place the mileage registered on the
24 odometer at the time of transfer above the signature of the transferor. The signature of the transferor
25 below the mileage shall constitute an odometer mileage statement. The transferee shall sign such
26 odometer mileage statement before an application for certificate of ownership may be made. If the
27 true mileage is known to the transferor to be different from the number of miles shown on the
28 odometer or the true mileage is unknown, a statement from the transferor shall accompany the
29 assignment of title which shall contain all facts known by the transferor concerning the true mileage
30 of the motor vehicle. That statement shall become a part of the permanent record of the motor
31 vehicle with the Missouri department of revenue. The department of revenue shall place on all new
32 titles issued after September 28, 1977, a box titled "mileage at the time of transfer".

33 2. Any person transferring the ownership of a motor vehicle previously untitled in this or
34 any other state to another person shall give an odometer mileage statement to the transferee. The
35 statement shall include above the signature of the transferor and transferee the cumulative mileage
36 registered on the odometer at the time of transfer. If the true mileage is known to the transferor to
37 be different from the number of miles shown on the odometer or the true mileage is unknown, a
38 statement from the transferor shall accompany the assignment of title which shall contain all facts
39 known by the transferor concerning the true mileage of the motor vehicle. That statement shall
40 become a permanent part of the records of the Missouri department of revenue.

41 3. If, upon receiving an application for registration or for a certificate of ownership of a
42 motor vehicle, the director of revenue has credible evidence that the odometer reading provided by a
43 transferor is materially inaccurate, he may place an asterisk on the face of the title document issued
44 by the Missouri department of revenue, provided that the process required thereby does not interfere
45 with his obligations under subdivision (2) of subsection 3 of section 301.190. The asterisk shall
46 refer to a statement on the face and at the bottom of the title document which shall read as follows:
47 "This may not be the true and accurate mileage of this motor vehicle. Consult the documents on file
48 with the Missouri department of revenue for an explanation of the inaccuracy.". Nothing in this
49 section shall prevent any person from challenging the determination by the director of revenue in the

1 circuit courts of the state of Missouri. The burden of proof shall be on the director of the department
2 of revenue in all such proceedings.

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

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

12 (2) Where the transferor has submitted an explanation why this mileage is incorrect, an
13 asterisk shall follow the mileage on the face of the title or document of ownership issued by the
14 Missouri department of revenue. The asterisk shall reference to a statement on the face and at the
15 bottom of the title document which shall read as follows: "This is not the true and accurate mileage
16 of this motor vehicle. Consult the documents on file with the Missouri department of revenue for an
17 explanation of the inaccuracy.". Further wording shall be included as follows:

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

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

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

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

29 7. The granting or creation of a security interest or lien shall not be considered a change of
30 ownership for the purpose of this section, and the grantor of such lien or security interest shall not
31 be required to make an odometer mileage statement. The release of a lien by a mortgage holder
32 shall not be considered a change of ownership of the motor vehicle for the purposes of this section.
33 The mortgage holder or lienholder shall not be required to make an odometer disclosure statement
34 or state the current odometer setting at the time of the release of the lien where there is no change of
35 ownership.

36 8. For the purposes of the mileage disclosure requirements of this section, if a certificate of
37 ownership is held by a lienholder, if the transferor makes application for a duplicate certificate of
38 ownership, or as otherwise provided in the federal Motor Vehicle Information and Cost Savings Act
39 and related federal regulations, the transferor may execute a written power of attorney authorizing a
40 transfer of ownership. The person granted such power of attorney shall restate exactly on the
41 assignment of title the actual mileage disclosed at the time of transfer. The power of attorney shall
42 accompany the certificate of ownership and the original power of attorney and a copy of the
43 certificate of ownership shall be returned to the issuing state in the manner prescribed by the
44 director of revenue, unless otherwise provided by federal law, rule or regulation. The department of
45 revenue may prescribe a secure document for use in executing a written power of attorney. The
46 department shall collect a fee for each form issued, not to exceed the cost of procuring the form.

47 407.556. 1. A violation of the provisions of sections 407.511 to 407.556 by any person
48 licensed or registered as a manufacturer or dealer pursuant to the provisions of chapter 301, shall be
49 considered a violation of the provisions of that chapter, subjecting that person to revocation or

1 suspension of any license issued pursuant to the provisions of that chapter.

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

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

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

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

9 (4) Any new vehicle prior to its first transfer for purposes other than resale."; and

10
11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.