

FIRST REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 262

101ST GENERAL ASSEMBLY

2021

1143S.11T

AN ACT

To repeal sections 142.803, 142.824, 142.869, 301.192, 301.280, 302.755, 407.526, 407.536, and 407.556, RSMo, and to enact in lieu thereof eleven new sections relating to transportation, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 142.803, 142.824, 142.869, 301.192,
2 301.280, 302.755, 407.526, 407.536, and 407.556, RSMo, are
3 repealed and eleven new sections enacted in lieu thereof, to be
4 known as sections 142.803, 142.822, 142.824, 142.869, 142.1000,
5 301.192, 301.280, 302.755, 407.526, 407.536, and 407.556, to
6 read as follows:

142.803. 1. A tax is levied and imposed on all motor
2 fuel used or consumed in this state as follows:

3 (1) Motor fuel, seventeen cents per gallon;

4 (2) Alternative fuels, not subject to the decal fees
5 as provided in section 142.869, with a power potential
6 equivalent of motor fuel. In the event alternative fuel,
7 which is not commonly sold or measured by the gallon, is
8 used in motor vehicles on the highways of this state, the
9 director is authorized to assess and collect a tax upon such
10 alternative fuel measured by the nearest power potential
11 equivalent to that of one gallon of regular grade gasoline.

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

12 The determination by the director of the power potential
13 equivalent of such alternative fuel shall be prima facie
14 correct;

15 (3) Aviation fuel used in propelling aircraft with
16 reciprocating engines, nine cents per gallon as levied and
17 imposed by section 155.080 to be collected as required under
18 this chapter;

19 (4) Compressed natural gas fuel, five cents per
20 gasoline gallon equivalent until December 31, 2019, eleven
21 cents per gasoline gallon equivalent from January 1, 2020,
22 until December 31, 2024, and then seventeen cents per
23 gasoline gallon equivalent thereafter. The gasoline gallon
24 equivalent and method of sale for compressed natural gas
25 shall be as published by the National Institute of Standards
26 and Technology in Handbooks 44 and 130, and supplements
27 thereto or revisions thereof. In the absence of such
28 standard or agreement, the gasoline gallon equivalent and
29 method of sale for compressed natural gas shall be equal to
30 five and sixty-six-hundredths pounds of compressed natural
31 gas. All applicable provisions contained in this chapter
32 governing administration, collections, and enforcement of
33 the state motor fuel tax shall apply to the tax imposed on
34 compressed natural gas, including but not limited to
35 licensing, reporting, penalties, and interest;

36 (5) Liquefied natural gas fuel, five cents per diesel
37 gallon equivalent until December 31, 2019, eleven cents per
38 diesel gallon equivalent from January 1, 2020, until
39 December 31, 2024, and then seventeen cents per diesel
40 gallon equivalent thereafter. The diesel gallon equivalent
41 and method of sale for liquefied natural gas shall be as
42 published by the National Institute of Standards and
43 Technology in Handbooks 44 and 130, and supplements thereto

44 or revisions thereof. In the absence of such standard or
45 agreement, the diesel gallon equivalent and method of sale
46 for liquefied natural gas shall be equal to six and six-
47 hundredths pounds of liquefied natural gas. All applicable
48 provisions contained in this chapter governing
49 administration, collections, and enforcement of the state
50 motor fuel tax shall apply to the tax imposed on liquefied
51 natural gas, including but not limited to licensing,
52 reporting, penalties, and interest;

53 (6) Propane gas fuel, five cents per gallon until
54 December 31, 2019, eleven cents per gallon from January 1,
55 2020, until December 31, 2024, and then seventeen cents per
56 gallon thereafter. All applicable provisions contained in
57 this chapter governing administration, collection, and
58 enforcement of the state motor fuel tax shall apply to the
59 tax imposed on propane gas including, but not limited to,
60 licensing, reporting, penalties, and interest;

61 (7) If a natural gas, compressed natural gas,
62 liquefied natural gas, electric, or propane connection is
63 used for fueling motor vehicles and for another use, such as
64 heating, the tax imposed by this section shall apply to the
65 entire amount of natural gas, compressed natural gas,
66 liquefied natural gas, electricity, or propane used unless
67 an approved separate metering and accounting system is in
68 place.

69 2. All taxes, surcharges and fees are imposed upon the
70 ultimate consumer, but are to be precollected as described
71 in this chapter, for the facility and convenience of the
72 consumer. The levy and assessment on other persons as
73 specified in this chapter shall be as agents of this state
74 for the precollection of the tax.

75 3. In addition to any tax collected under subdivision
76 (1) of subsection 1 of this section, the following tax is
77 levied and imposed on all motor fuel used or consumed in
78 this state, subject to the exemption on tax liability set
79 forth in section 142.822: from October 1, 2021, to June 30,
80 2022, two and a half cents per gallon; from July 1, 2022, to
81 June 30, 2023, five cents per gallon; from July 1, 2023, to
82 June 30, 2024, seven and a half cents per gallon; from July
83 1, 2024, to June 30, 2025, ten cents per gallon; and on and
84 after July 1, 2025, twelve and a half cents per gallon.

 142.822. 1. Motor fuel used for purposes of
2 propelling motor vehicles on highways shall be exempt from
3 the fuel tax collected under subsection 3 of section
4 142.803, and an exemption and refund may be claimed by the
5 taxpayer if the tax has been paid and no refund has been
6 previously issued, provided that the taxpayer applies for
7 the exemption and refund as specified in this section. The
8 exemption and refund shall be issued on a fiscal year basis
9 to each person who pays the fuel tax collected under
10 subsection 3 of section 142.803 and who claims an exemption
11 and refund in accordance with this section, and shall apply
12 so that the fuel taxpayer has no liability for the tax
13 collected in that fiscal year under subsection 3 of section
14 142.803.

 2. To claim an exemption and refund in accordance with
16 this section, a person shall present to the director a
17 statement containing a written verification that the claim
18 is made under penalty of perjury and that states the total
19 fuel tax paid in the applicable fiscal year for each vehicle
20 for which the exemption and refund is claimed. The claim
21 shall not be transferred or assigned, and shall be filed on
22 or after July first, but not later than September thirtieth,

23 following the fiscal year for which the exemption and refund
24 is claimed. The claim statement may be submitted
25 electronically, and shall at a minimum include the following
26 information:

- 27 (1) Vehicle identification number of the motor vehicle
28 into which the motor fuel was delivered;
- 29 (2) Date of sale;
- 30 (3) Name and address of purchaser;
- 31 (4) Name and address of seller;
- 32 (5) Number of gallons purchased; and
- 33 (6) Number of gallons purchased and charged Missouri
34 fuel tax, as a separate item.

35 3. Every person shall maintain and keep records
36 supporting the claim statement filed with the department of
37 revenue for a period of three years to substantiate all
38 claims for exemption and refund of the motor fuel tax,
39 together with invoices, original sales receipts marked paid
40 by the seller, bills of lading, and other pertinent records
41 and paper as may be required by the director for reasonable
42 administration of this chapter.

43 4. The director may make any investigation necessary
44 before issuing an exemption and refund under this section,
45 and may investigate an exemption and refund under this
46 section after it has been issued and within the time frame
47 for making adjustments to the tax pursuant to this chapter.

48 5. If an exemption and refund is not issued within
49 forty-five days of an accurate and complete filing, as
50 required by this chapter, the director shall pay interest at
51 the rate provided in section 32.065 accruing after the
52 expiration of the forty-five-day period until the date the
53 exemption and refund is issued.

54 6. The exemption and refund specified in this section
55 shall be available only with regard to motor fuel delivered
56 into a motor vehicle with a gross weight, as defined in
57 section 301.010, of twenty-six thousand pounds or less.

58 7. The director shall promulgate rules as necessary to
59 implement the provisions of this section. Any rule or
60 portion of a rule, as that term is defined in section
61 536.010, that is created under the authority delegated in
62 this section shall become effective only if it complies with
63 and is subject to all of the provisions of chapter 536 and,
64 if applicable, section 536.028. This section and chapter
65 536 are nonseverable and if any of the powers vested with
66 the general assembly pursuant to chapter 536 to review, to
67 delay the effective date, or to disapprove and annul a rule
68 are subsequently held unconstitutional, then the grant of
69 rulemaking authority and any rule proposed or adopted after
70 August 28, 2021, shall be invalid and void.

142.824. 1. To claim a refund in accordance with
2 section 142.815, a person shall present to the director a
3 statement containing a written verification that the claim
4 is made under penalties of perjury and lists the total
5 amount of motor fuel purchased and used for exempt
6 purposes. The claim shall not be transferred or assigned
7 and shall be filed not more than three years after the date
8 the motor fuel was imported, removed or sold if the claimant
9 is a supplier, importer, exporter or distributor. If the
10 claim is filed by the ultimate consumer, a consumer must
11 file the claim within one year of the date of purchase or
12 April fifteenth following the year of purchase, whichever is
13 later. The claim statement **may be submitted electronically,**
14 **and** shall be supported by [the original sales slip, invoice

15 or other] documentation as approved by the director and
16 shall include the following information:

- 17 (1) Date of sale;
- 18 (2) Name and address of purchaser;
- 19 (3) Name and address of seller;
- 20 (4) Number of gallons purchased and base price per
21 gallon;
- 22 (5) Number of gallons purchased and charged Missouri
23 fuel tax, as a separate item; **and**
- 24 (6) Number of gallons purchased and charged sales tax,
25 if applicable, as a separate item[;
- 26 (7) Marked paid by the seller].

27 2. If the original sales slip or invoice is lost or
28 destroyed, a statement to that effect shall accompany the
29 claim for refund, and the claim statement shall also set
30 forth the serial number of the invoice. If the director
31 finds the claim is otherwise regular, the director may allow
32 such claim for refund.

33 3. The director may make any investigation necessary
34 before refunding the motor fuel tax to a person and may
35 investigate a refund after the refund has been issued and
36 within the time frame for making adjustments to the tax
37 pursuant to this chapter.

38 4. In any case where a refund would be payable to a
39 supplier pursuant to this chapter, the supplier may claim a
40 credit in lieu of such refund for a period not to exceed
41 three years.

42 5. Every person shall maintain and keep for a period
43 of three years records to substantiate all claims for refund
44 of the motor fuel tax, together with invoices, **original**
45 **sales slips marked paid by the seller**, bills of lading, and

46 other pertinent records and paper as may be required by the
47 director for reasonable administration of this chapter.

48 6. Motor fuel tax that has been paid more than once
49 with respect to the same gallon of motor fuel shall be
50 refunded by the director to the person who last paid the tax
51 after the subsequent taxable event upon submitting proof
52 satisfactory to the director.

53 7. Motor fuel tax that has otherwise been erroneously
54 paid by a person shall be refunded by the director upon
55 proof shown satisfactory to the director.

56 8. [If a refund is not issued within ninety days of an
57 accurate and complete filing, as required by this chapter,
58 the director shall pay interest at the rate set out in
59 section 32.065 accruing after the expiration of the ninety-
60 day period until the date the refund is issued. After
61 December 31, 2000,] If a refund is not issued within
62 [thirty] **forty-five** days of an accurate and complete filing,
63 as required by this chapter, the director shall pay interest
64 at the rate provided in section 32.065 accruing after the
65 expiration of the [thirty-day] **forty-five-day** period until
66 the date the refund is issued.

67 9. **The director shall promulgate rules as necessary to**
68 **implement the provisions of this section. Any rule or**
69 **portion of a rule, as that term is defined in section**
70 **536.010, that is created under the authority delegated in**
71 **this section shall become effective only if it complies with**
72 **and is subject to all of the provisions of chapter 536 and,**
73 **if applicable, section 536.028. This section and chapter**
74 **536 are nonseverable and if any of the powers vested with**
75 **the general assembly pursuant to chapter 536 to review, to**
76 **delay the effective date, or to disapprove and annul a rule**
77 **are subsequently held unconstitutional, then the grant of**

78 **rulemaking authority and any rule proposed or adopted after**
79 **August 28, 2021, shall be invalid and void.**

142.869. 1. The tax imposed by this chapter shall not
2 apply to passenger motor vehicles, buses as defined in
3 section 301.010, or commercial motor vehicles registered in
4 this state which are powered by alternative fuel, and for
5 which a valid decal has been acquired as provided in this
6 section, provided that sales made to alternative fueled
7 vehicles powered by propane, compressed natural gas, or
8 liquefied natural gas that do not meet the requirements of
9 subsection 3 of this section shall be taxed exclusively
10 pursuant to subdivisions (4) to (7) of subsection 1 of
11 section 142.803, respectively. The owners or operators of
12 such motor vehicles, except plug-in electric hybrids, shall,
13 in lieu of the tax imposed by section 142.803, pay an annual
14 alternative fuel decal fee as follows: seventy-five dollars
15 on each passenger motor vehicle, school bus as defined in
16 section 301.010, and commercial motor vehicle with a
17 licensed gross vehicle weight of eighteen thousand pounds or
18 less; one hundred dollars on each motor vehicle with a
19 licensed gross weight in excess of eighteen thousand pounds
20 but not more than thirty-six thousand pounds used for farm
21 or farming transportation operations and registered with a
22 license plate designated with the letter "F"; one hundred
23 fifty dollars on each motor vehicle with a licensed gross
24 vehicle weight in excess of eighteen thousand pounds but
25 less than or equal to thirty-six thousand pounds, and each
26 passenger-carrying motor vehicle subject to the registration
27 fee provided in sections 301.059, 301.061 and 301.063; two
28 hundred fifty dollars on each motor vehicle with a licensed
29 gross weight in excess of thirty-six thousand pounds used
30 for farm or farming transportation operations and registered

31 with a license plate designated with the letter "F"; and one
32 thousand dollars on each motor vehicle with a licensed gross
33 vehicle weight in excess of thirty-six thousand pounds.

34 Owners or operators of plug-in electric hybrids shall pay
35 one-half of the stated annual alternative fuel decal fee.
36 Notwithstanding provisions of this section to the contrary,
37 motor vehicles licensed as historic under section 301.131
38 which are powered by alternative fuel shall be exempt from
39 both the tax imposed by this chapter and the alternative
40 fuel decal requirements of this section. For the purposes
41 of this section, a plug-in electric hybrid shall be any
42 hybrid vehicle made by a manufacturer with a model year of
43 2018 or newer, that has not been modified from the original
44 manufacturer specifications, with an internal combustion
45 engine and batteries that can be recharged by connecting a
46 plug to an electric power source.

47 **2. Beginning January 1, 2022, the fees in subsection 1**
48 **of this section shall be increased by twenty percent of the**
49 **fee in effect on August 28, 2021, per year for a period of**
50 **five years, except that the fee for motor vehicles with a**
51 **licensed gross vehicle weight in excess of thirty-six**
52 **thousand pounds shall be increased by ten percent of the fee**
53 **in effect on August 28, 2021, per year for a period of five**
54 **years.**

55 **3.** Except interstate fuel users and vehicles licensed
56 under a reciprocity agreement as defined in section 142.617,
57 the tax imposed by section 142.803 shall not apply to motor
58 vehicles registered outside this state which are powered by
59 alternative fuel other than propane, compressed natural gas,
60 and liquefied natural gas, and for which a valid temporary
61 alternative fuel decal has been acquired as provided in this
62 section. The owners or operators of such motor vehicles

63 shall, in lieu of the tax imposed by section 142.803, pay a
64 temporary alternative fuel decal fee of eight dollars on
65 each such vehicle. Such decals shall be valid for a period
66 of fifteen days from the date of issuance and shall be
67 attached to the lower right-hand corner of the front
68 windshield on the motor vehicle for which it was issued.
69 Such decal and fee shall not be transferable. All proceeds
70 from such decal fees shall be deposited as specified in
71 section 142.345. Alternative fuel dealers selling such
72 decals in accordance with rules and regulations prescribed
73 by the director shall be allowed to retain fifty cents for
74 each decal fee timely remitted to the director.

75 [3.] 4. Owners or operators of passenger motor
76 vehicles, buses as defined in section 301.010, or commercial
77 motor vehicles registered in this state which are powered by
78 compressed natural gas or liquefied natural gas who have
79 installed a compressed natural gas fueling station or
80 liquefied natural gas fueling station used solely to fuel
81 the motor vehicles they own or operate as of December 31,
82 2015, may continue to apply for and use the alternative fuel
83 decal in lieu of paying the tax imposed under subdivisions
84 (4) and (5) of subsection 1 of section 142.803. Owners or
85 operators of compressed natural gas fueling stations or
86 liquefied natural gas fueling stations whose vehicles bear
87 an alternative fuel decal shall be prohibited from selling
88 or providing compressed natural gas or liquefied natural gas
89 to any motor vehicle they do not own or operate. Owners or
90 operators of motor vehicles powered by compressed natural
91 gas or liquefied natural gas bearing an alternative fuel
92 decal after January 1, 2016, that decline to renew the
93 alternative fuel decals for such motor vehicles shall no
94 longer be eligible to apply for and use alternative fuel

95 decals under this subsection. Any compressed natural gas or
96 liquefied natural gas obtained at any fueling station not
97 owned by the owner or operator of the motor vehicle bearing
98 an alternative fuel decal shall be subject to the tax under
99 subdivisions (4) and (5) of subsection 1 of section 142.803.

100 [4.] 5. An owner or operator of a motor vehicle
101 powered by propane may continue to apply for and use the
102 alternative fuel decal in lieu of paying the tax imposed
103 under subdivision (6) of subsection 1 of section 142.803.
104 If the appropriate motor fuel tax under subdivision (6) of
105 subsection 1 of section 142.803 is collected at the time of
106 fueling, an operator of a propane fueling station that uses
107 quick-connect fueling nozzles may sell propane as a motor
108 fuel without verifying the application of a valid Missouri
109 alternative fuel decal. If an owner or operator of a motor
110 vehicle powered by propane that bears an alternative fuel
111 decal refuels at an unattended propane refueling station,
112 such owner or operator shall not be eligible for a refund of
113 the motor fuel tax paid at such refueling.

114 [5.] 6. The director shall annually, on or before
115 January thirty-first of each year, collect or cause to be
116 collected from owners or operators of the motor vehicles
117 specified in subsection 1 of this section the annual decal
118 fee. Applications for such decals shall be supplied by the
119 department of revenue. In the case of a motor vehicle which
120 is not in operation by January thirty-first of any year, a
121 decal may be purchased for a fractional period of such year,
122 and the amount of the decal fee shall be reduced by one-
123 twelfth for each complete month which shall have elapsed
124 since the beginning of such year. This subsection shall not
125 apply to an owner or operator of a motor vehicle powered by

126 propane who fuels such vehicle exclusively at unattended
127 fueling stations that collect the motor fuel tax.

128 **[6.] 7.** Upon the payment of the fee required by
129 subsection 1 of this section, the director shall issue a
130 decal, which shall be valid for the current calendar year
131 and shall be attached to the lower right-hand corner of the
132 front windshield on the motor vehicle for which it was
133 issued.

134 **[7.] 8.** The decal fee paid pursuant to subsection 1 of
135 this section for each motor vehicle shall be transferable
136 upon a change of ownership of the motor vehicle and, if the
137 LP gas or natural gas equipment is removed from a motor
138 vehicle upon a change of ownership and is reinstalled in
139 another motor vehicle, upon such reinstallation. Such
140 transfers shall be accomplished in accordance with rules and
141 regulations promulgated by the director.

142 **[8.] 9.** It shall be unlawful for any person to operate
143 a motor vehicle required to have an alternative fuel decal
144 upon the highways of this state without a valid decal unless
145 the motor vehicle is exclusively fueled at propane,
146 compressed natural gas, or liquefied natural gas fueling
147 stations that collect the motor fuel tax.

148 **[9.] 10.** No person shall cause to be put, or put, any
149 alternative fuel into the fuel supply receptacle or battery
150 of a motor vehicle required to have an alternative fuel
151 decal unless the motor vehicle either has a valid decal
152 attached to it or the appropriate motor fuel tax is
153 collected at the time of such fueling.

154 **[10.] 11.** Any person violating any provision of this
155 section is guilty of an infraction and shall, upon
156 conviction thereof, be fined five hundred dollars.

157 [11.] 12. Motor vehicles displaying a valid
158 alternative fuel decal are exempt from the licensing and
159 reporting requirements of this chapter.

142.1000. 1. There is hereby created within the
2 department of revenue the "Electric Vehicle Task Force" to
3 consist of the following members:

4 (1) The director of the department of revenue, or his
5 or her designee, who shall serve as chair;

6 (2) The chairman of the public service commission, or
7 his or her designee, who shall serve as vice chair;

8 (3) The director of the department of transportation,
9 or his or her designee;

10 (4) One member of the senate committee with
11 jurisdiction over transportation matters, to be appointed by
12 the president pro tempore of the senate;

13 (5) One member of the house of representatives
14 committee with jurisdiction over transportation matters, to
15 be appointed by the speaker of the house of representatives;

16 (6) One member of the senate committee with
17 jurisdiction over transportation matters, to be appointed by
18 the minority floor leader of the senate;

19 (7) One member of the house of representatives
20 committee with jurisdiction over transportation matters, to
21 be appointed by the minority floor leader of the house of
22 representatives;

23 (8) One representative of the trucking or heavy
24 vehicle industry, to be appointed by the president pro
25 tempore of the senate;

26 (9) One representative of electric vehicle
27 manufacturers or dealers, to be appointed by the speaker of
28 the house of representatives;

29 (10) One representative of conventional motor vehicle
30 manufacturers or dealers, to be appointed by the president
31 pro tempore of the senate;

32 (11) One representative of the petroleum industry or
33 convenience stores, to be appointed by the speaker of the
34 house of representatives;

35 (12) One representative of electric vehicle charging
36 station manufacturers or operators, to be appointed by the
37 president pro tempore of the senate; and

38 (13) One representative of electric utilities, to be
39 appointed by the speaker of the house of representatives.

40 2. The task force shall analyze the following in the
41 context of transportation funding, and make recommendations
42 as to any actions the state should take to fund
43 transportation infrastructure in anticipation of more
44 widespread adoption of electric vehicles:

45 (1) Removal or mitigation of barriers to electric
46 vehicle charging, including strategies, such as time-of-use
47 rates, to reduce operating costs for current and future
48 electric vehicle owners without shifting costs to electric
49 ratepayers who do not own or operate electric vehicles;

50 (2) Strategies for managing the impact of electric
51 vehicles on, and services provided for electric vehicles by,
52 the electricity transmission and distribution system;

53 (3) Electric system benefits and costs of electric
54 vehicle charging, electric utility planning for electric
55 vehicle charging, and rate design for electric vehicle
56 charging;

57 (4) The appropriate role of electric utilities with
58 regard to the deployment and operation of electric vehicle
59 charging systems;

60 (5) How and on what terms, including quantity,
61 pricing, and time of day, charging stations owned or
62 operated by entities other than electric utilities will
63 obtain electricity to provide to electric vehicles;

64 (6) What safety standards should apply to the charging
65 of electric vehicles;

66 (7) The recommended scope of the jurisdiction of the
67 public service commission, the department of revenue, and
68 other state agencies over charging stations owned or
69 operated by entities other than electric utilities;

70 (8) Whether charging stations owned or operated by
71 entities other than electric utilities will be free to set
72 the rates or prices at which they provide electricity to
73 electric vehicles, and any other issues relevant to the
74 appropriate oversight of the rates and prices charged by
75 such stations, including transparency to the consumer of
76 those rates and prices; and

77 (9) The recommended billing and complaint procedures
78 for charging stations;

79 (10) Options to address how electric vehicle users pay
80 toward the cost of maintaining the state's transportation
81 infrastructure, including methods to assess the impact of
82 electric vehicles on that infrastructure and how to
83 calculate a charge based on that impact, the potential
84 assessment of a charge to electric vehicles as a rate per
85 kilowatt hour delivered to an electric vehicle, varying such
86 per-kilowatt-hour charge by size and type of electric
87 vehicle, and phasing in such per-kilowatt-hour charge;

88 (11) The accuracy of electric metering and submetering
89 technology for charging electric vehicles;

90 (12) Strategies to encourage electric vehicle usage
91 without shifting costs to electric ratepayers who do not own
92 or charge electric vehicles; and

93 (13) Any other issues the task force considers
94 relevant.

95 3. The department of revenue shall provide such
96 research, clerical, technical, and other services as the
97 task force may require in the performance of its duties.

98 4. The task force may hold public meetings at which it
99 may invite testimony from experts, or it may solicit
100 information from any party it deems may have information
101 relevant to its duties under this section.

102 5. No later than December 31, 2022, the task force
103 shall provide to the general assembly and the governor a
104 written report detailing its findings and recommendations,
105 including identifying any recommendations that may require
106 enabling legislation.

107 6. Members shall serve on the task force without
108 compensation, but may, at the discretion of the director of
109 the department of revenue, be reimbursed for actual and
110 necessary expenses incurred in the performance of their
111 official duties as members of the task force.

112 7. The task force shall expire on December 31, 2022.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (1) Driving a motor vehicle under the influence of
5 alcohol or a controlled substance, or of an alcohol-related
6 enforcement contact as defined in subsection 3 of section
7 302.525;

8 (2) Driving a commercial motor vehicle which causes a
9 fatality through the negligent operation of the commercial
10 motor vehicle, including but not limited to the offenses of

11 vehicular manslaughter, homicide by motor vehicle, and
12 negligent homicide;

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

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

18 (5) Using a commercial or noncommercial motor vehicle
19 in the commission of any felony, as defined in section
20 302.700, except a felony as provided in subsection 4 of this
21 section.

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

26 3. Any person is disqualified from operating a
27 commercial motor vehicle for life if convicted of two or
28 more violations of any of the offenses specified in
29 subsection 1 of this section, or any combination of those
30 offenses, arising from two or more separate incidents. The
31 director may issue rules and regulations, in accordance with
32 guidelines established by the Secretary, under which a
33 disqualification for life under this section may be reduced
34 to a period of not less than ten years.

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

41 5. Any person is disqualified from operating a
42 commercial motor vehicle for a period of not less than sixty

43 days if convicted of two serious traffic violations or one
44 hundred twenty days if convicted of three serious traffic
45 violations, arising from separate incidents occurring within
46 a three-year period.

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

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

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

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

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

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

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

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

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

90 15. Any person disqualified from operating a
91 commercial motor vehicle pursuant to subsection 1, 2, 3 or 4
92 of this section shall have such commercial driver's license
93 cancelled, and upon conclusion of the period of
94 disqualification shall take the written and driving tests
95 and meet all other requirements of sections 302.700 to
96 302.780. Such disqualification and cancellation shall not
97 be withdrawn by the director until such person reapplies for
98 a commercial driver's license in this or any other state
99 after meeting all requirements of sections 302.700 to
100 302.780.

101 16. The director shall disqualify a driver upon
102 receipt of notification that the Secretary has determined a
103 driver to be an imminent hazard pursuant to 49 CFR 383.52.
104 Due process of a disqualification determined by the
105 Secretary pursuant to this section shall be held in

106 accordance with regulations promulgated by the Secretary.
107 The period of disqualification determined by the Secretary
108 pursuant to this section shall be served concurrently to any
109 other period of disqualification which may be imposed by the
110 director pursuant to this section. Both disqualifications
111 shall appear on the driving record of the driver.

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

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

124 **19. Any person is disqualified from driving a**
125 **commercial motor vehicle for life for being convicted of**
126 **using a commercial motor vehicle in the commission of a**
127 **felony involving an act or practice of severe forms of**
128 **trafficking in persons, as defined in U.S.C. 7102(11). A**
129 **disqualification for life under this subsection shall not be**
130 **reduced.**

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

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

407.536. 1. Any person transferring ownership of a
2 motor vehicle previously titled in this or any other state
3 shall do so by assignment of title and shall place the
4 mileage registered on the odometer at the time of transfer
5 above the signature of the transferor. The signature of the
6 transferor below the mileage shall constitute an odometer
7 mileage statement. The transferee shall sign such odometer
8 mileage statement before an application for certificate of
9 ownership may be made. If the true mileage is known to the
10 transferor to be different from the number of miles shown on
11 the odometer or the true mileage is unknown, a statement
12 from the transferor shall accompany the assignment of title
13 which shall contain all facts known by the transferor
14 concerning the true mileage of the motor vehicle. That
15 statement shall become a part of the permanent record of the
16 motor vehicle with the Missouri department of revenue. The
17 department of revenue shall place on all new titles issued
18 after September 28, 1977, a box titled "mileage at the time
19 of transfer".

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

32 permanent part of the records of the Missouri department of
33 revenue.

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

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

59 (1) If the transferor states that to the best of his
60 knowledge the mileage disclosed is the actual mileage of the
61 motor vehicle, an asterisk shall follow the mileage on the
62 face of the title or document of ownership issued by the
63 Missouri department of revenue. The asterisk shall

64 reference to a statement on the face and bottom of the title
65 document which shall read as follows: "Actual Mileage";

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

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

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

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

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

94 7. The granting or creation of a security interest or
95 lien shall not be considered a change of ownership for the

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

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

407.556. 1. A violation of the provisions of sections
2 407.511 to 407.556 by any person licensed or registered as a
3 manufacturer or dealer pursuant to the provisions of chapter

4 301, shall be considered a violation of the provisions of
5 that chapter, subjecting that person to revocation or
6 suspension of any license issued pursuant to the provisions
7 of that chapter.

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

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

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

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

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

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

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