

Chapter 390

LICENSING REQUIREMENTS

ARTICLE I Driver's Licenses

Section 390.010. Driving While License Suspended or Revoked.

A person commits the offense of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been canceled, suspended or revoked under the laws of this State or any other State and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been canceled, suspended or revoked.

Section 390.020. Operation of Motor Vehicle Without Proper License Prohibited — Motorcycles — Special License.

- A. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 390.040, to:
1. Operate any vehicle upon any highway in this City unless the person has a valid license;
 2. Operate a motorcycle or motortricycle upon any highway of this City unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director. The Director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by Section 302.173, RSMo., is conducted on such vehicle;
 3. Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;
 4. Operate a motor vehicle with an instruction permit or license issued to another person; or
 5. Drive a commercial motor vehicle, except when operating under an instruction permit as provided for in Section 302.720, RSMo.

Section 390.030. Prohibited Uses of License.

- A. It shall be unlawful for any person to:

1. Display or to permit to be displayed, or to have in his/her possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered;
2. Lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof;
3. Display or to represent as one's own any license not issued to the person so displaying the same;
4. Fail or refuse to surrender to the Clerk of any Division of the Circuit Court or the Director, any license which has been suspended, canceled, disqualified or revoked, as provided by law;
5. Use a false or fictitious name or give a false or fictitious address on any application for a license, or any renewal or duplicate thereof, or knowingly to make a false statement;
6. Knowingly conceal a material fact, or otherwise commit a fraud in any such application;
7. Authorize or consent to any motor vehicle owned by him/her or under his/her control to be driven by any person, when he/she has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of Sections 302.010 to 302.780, RSMo.;
8. Employ a person to operate a motor vehicle in the transportation of persons or property, with knowledge that such person has not complied with the provisions of Sections 302.010 to 302.780, RSMo., or whose license has been revoked, suspended, canceled or disqualified; or who fails to produce his/her license upon demand of any person or persons authorized to make such demand;
9. Operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license; or
10. Fail to carry his/her instruction permit, operator's or chauffeur's license while operating a vehicle and to display instruction permit or said license upon demand of any Police Officer, court official or any other duly authorized person for inspection, when demand is made therefor. Failure to exhibit his/her instruction permit or license as aforesaid shall be presumptive evidence that said person is not a duly licensed operator or chauffeur.

Section 390.040. Exemptions From License Law.

A. The following persons are exempt from license hereunder:

1. Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;

2. A non-resident who is at least sixteen (16) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country;
3. A non-resident who is at least eighteen (18) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in Section 302.015, RSMo.; or
4. Convicted offenders of the Department of Corrections who have not been convicted of a motor vehicle felony as follows — driving while intoxicated, failing to stop after an accident and disclosing his/her identity, or driving a motor vehicle without the owner's consent — may operate State-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a Correctional Officer or other staff person in such truck.

ARTICLE II
Vehicle Licensing

Section 390.050. State Vehicle License Plates Required.

No person shall operate or park any motor vehicle or trailer upon any street or highway of this City, unless such motor vehicle or trailer has properly displayed a valid license plate or plates or temporary permit issued to the lawful owner of the vehicle by the Department of Revenue of the State of Missouri, except that any person who is a non-resident of the State of Missouri may operate or park any motor vehicle or trailer upon any street or highway of this City, provided the motor vehicle or trailer has been duly registered for the current year in the State, country, or other place of which the owner is a resident, provided that at all times such motor vehicle or trailer is being operated or parked upon the streets or highways of this City, the valid license plate or plates or temporary permit is properly displayed on such vehicle or trailer.

Section 390.060. Method of Displaying License Plates.

No motor vehicle or trailer shall be operated on any highway of this City unless it shall have displayed thereon the license plate or set of license plates issued by the Director of Revenue or the State Highways and Transportation Commission and authorized by Section 301.140, RSMo. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds on the front and rear of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motor scooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds shall be displayed on the front of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers

thereon right side up, or if two (2) plates are issued for the vehicle pursuant to Subsection (3) of Section 301.130, RSMo., displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by Section 301.140, RSMo., when properly attached, shall be prima facie evidence that the required fees have been paid.

Section 390.070. Unauthorized Plates, Tags, Stickers, Signs.

No person shall operate a motor vehicle or trailer on which there is displayed on the front or rear thereof any other plate, tag or placard bearing any number except the plate furnished by the Director of Revenue or the placard herein authorized, and the official license tag of any municipality of this State, nor shall there be displayed on any motor vehicle or trailer a placard, sign or tag bearing the words "license lost", "license applied for", or words of similar import, as a substitute for such number plates or such placard.

Section 390.080. License Plates On Vehicles Displayed For Sale.

No person shall show, exhibit, display or have in possession for the purpose of sale any motor vehicle bearing or displaying thereon any number or license plates, except those of the dealer or owner so displaying said motor vehicle; provided however, that where the motor vehicle is placed on consignment with a dealer by the owner thereof, there may be displayed a number or license plate issued to the owner thereof.

Section 390.090. Certificate of Ownership Required For Registered Vehicle.

It shall be unlawful for any person to operate in this City a motor vehicle or trailer required to be registered as provided by law unless a certificate of ownership has been applied for as provided in Section 301.190, RSMo.

Section 390.100. Transfer of Certificate of Ownership Upon Sale of Vehicle.

It shall be unlawful for any person to buy or sell in this City any motor vehicle or trailer registered under the laws of this State unless at the time of delivery thereof there shall pass between the parties a certificate of ownership with an assignment thereof as provided in Section 301.210, RSMo., as amended, and the sale of any motor vehicle or trailer registered under the laws of this State, without the assignment of such certificate of ownership, shall be fraudulent and void.

Section 390.110. Removal of Plates On Transfer of Vehicle — Use By Purchaser.

Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his/her possession whether in use or not unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the trade-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty (30) days. As used in this Section, the term "*trade-in motor vehicle or trailer*" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

Section 390.120. Sale By Dealer. [Ord. No. 00-5 §1, 5-8-2000]

Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty (30) days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by Section 301.130, RSMo., number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under Subsection (5) of Section 301.140, RSMo., and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars fifty cents (\$10.50), to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty (30) days.

Section 390.130. False Information By Dealer.

No dealer shall advise any purchaser of a motor vehicle or trailer that such purchaser may drive such a motor vehicle or trailer without compliance with the foregoing license requirements.

ARTICLE III
Miscellaneous Provisions

Section 390.140. Financial Responsibility Required.

- A. No owner of a motor vehicle registered in this State or required to be registered in this State shall operate the vehicle, or authorize any other person to operate the vehicle registered, or maintain registration of a motor vehicle, or permit another person to operate such vehicle upon the streets or the alleys of this City unless the owner maintains the financial responsibility as required in this Section which conforms to the requirements of the laws of this State. No non-resident shall operate or permit another person to operate in this State a motor vehicle registered to such non-resident unless the non-resident maintains the financial responsibility which conforms to the requirements of the laws of the non-resident's State of residence. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. However, no owner or non-resident shall be in violation of this Subsection if he/she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation.
- B. For purposes of this Section, the term "*financial responsibility*" shall mean the ability to respond in damages for liability on account of accidents occurring after the effective date of proof of said financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, in the amount of fifty thousand dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident and in the amount of ten thousand

dollars (\$10,000.00) because of injury to or destruction of property of others in any one (1) accident.

- C. Proof of financial responsibility may be shown by any of the following:
1. A current insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the named insured, the policy number, the effective dates of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five (5) or more motor vehicles shall be satisfactory evidence of insurance in lieu of an insurance identification card; or
 2. A certificate of the State Treasurer of a cash or security deposit according to Section 303.240, RSMo.; or
 3. A surety bond according to Section 303.230, RSMo; or
 4. A photocopy or an image displayed on a mobile electronic device as authorized by and subject to the restrictions of Section 303.024, RSMo.
- D. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if the proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any Peace Officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties.
- E. However, no person shall be found guilty of violating this Section if the operator demonstrates to the court that he/she met the financial responsibility requirements of Section 303.025, RSMo., at the time the Peace Officer wrote the citation.
- F. Any person who violates any provisions of this Section shall be guilty of an ordinance violation.

Section 390.141. Conviction For Failure To Maintain Financial Responsibility or Court-Ordered Supervision, Court To Forward To Director of Revenue, Failure To Appear in Court — Procedure. [Ord. No. 00-8 §2, 5-8-2000]

- A. Whenever a court convicts a person of a violation of Section 303.025, RSMo., or enters an order of court-ordered supervision, the Clerk of the court shall within ten (10) days forward a report of the conviction or order of supervision to the Director of Revenue in a form prescribed by the Department of Revenue. In any case where the person charged with the violation fails to appear in court, the procedures provided in Section 302.341, RSMo., shall apply. For the purposes of this Section, the term "*court-ordered supervision*" is used to indicate where a court of record may, upon a plea or finding of guilt, defer further proceedings of a sentence, and

enter an order for supervision of the defendant, if the defendant is charged with a violation, in which case no points shall be assessed.

- B. The Department of Revenue shall keep records of such reports. However, reports of court-ordered supervision shall not be released to any outside source, except the affected operator and those entities provided for in Subsection 4 of Section 32.091, RSMo., and shall be used only to inform the director and the courts that such operator has previously been assigned court supervision.

Section 390.143. Display of False Evidence of Insurance, Penalty, Confiscation of False Evidence, Misdemeanor. [Ord. No. 00-8 §2, 5-8-2000]

No person shall display evidence of insurance to a Law Enforcement Officer knowing there is no valid liability insurance in effect on the motor vehicle as required pursuant to this Article, or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance. If the Law Enforcement Officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court. Any person convicted of violating this Section is guilty of a misdemeanor.

Section 390.145. Alteration, Production or Sale of Invalid Insurance Card, Misdemeanor. [Ord. No. 00-8 §2, 5-8-2000]

No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person who violates this Section is guilty of a misdemeanor.

ARTICLE IV
City Motor Vehicle License Tax

Section 390.150. Motor Vehicle License Tax — Required. [CC 1964 §8.250]

No person, firm or corporation shall use or operate a public or private motor vehicle on the streets, alleys or highways of the City of Wellington without first obtaining a City motor vehicle license.

Section 390.160. Annually To Be Paid — When. [CC 1964 §8.260]

All license taxes on motor vehicles herein provided for shall be paid annually to the City Collector and the year for such license tax shall begin on the first (1st) day of January of each year. Provided, that if the motor vehicle is acquired after July first (1st) of any year, said license tax shall be one-half ($\frac{1}{2}$) of annual license fee.

Section 390.170. Certificate of Ownership. [CC 1964 §8.270; Ord. No. S-49 §§1 — 2, 1-1-1985]

- A. *Definitions.* As used in this Article, the following terms shall mean:

MOTOR VEHICLE — Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors.

- B. Every person, firm or corporation using or operating a motor vehicle in or upon the City streets and public highways of the City of Wellington, Missouri, to obtain a

motor vehicle license, shall exhibit a certificate of ownership for the vehicle for which a license is desired to the City Collector and shall pay to the City a license tax as follows:

1. For each automobile, motorcycle, motorscooter: \$4.00.
2. For each truck: \$4.00.
3. An additional charge of one dollar (\$1.00) shall be assessed and collected as a penalty for any license issued after the first (1st) day of April.

Section 390.180. Registration of Motor Vehicle. [CC 1964 §8.280]

Upon the sale of any motor vehicle licensed in accordance with this Chapter, except by a manufacturer or dealer, the vendor shall immediately give notice thereof with the name and address of the vendee to the City Collector and the vendee shall immediately notify the City Collector of the purchase by him/her, stating the name of the previous owner and the number under which said motor vehicle is registered. Upon the filing of such statement by the vendee and the payment by him/her to the City Collector of the sum of one dollar (\$1.00), the City Collector shall register such transfer upon his/her books kept for that purpose, and thereafter it shall be legal for the vendee to operate the motor vehicle under the registration and license of his/her vendor.

Section 390.190. Issuance of License Emblem. [CC 1964 §8.290]

Upon payment of the license tax herein provided for, City Collector shall issue to the applicant a license emblem, bearing the number of the license issued to such owner, together with such other words and figures as will properly identify the same. The Collector shall provide a sufficient number of license emblems at the expense of the City to supply all applicants. Every motor vehicle shall at all times while being used or operated on the public highways, have displayed, unobscured, the license emblem issued by the City Collector bearing the number assigned to such vehicle by the City Collector. The license emblem shall be placed on the inside of the motor vehicle on the lower right-hand side of the windshield, and any person, firm or corporation violating any of the provisions of this Article shall be deemed guilty of an ordinance violation.