

FIRST REGULAR SESSION  
[P E R F E C T E D]  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 363**  
95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GRIESHEIMER.

Offered April 15, 2009.

Senate Substitute No. 2 adopted, April 15, 2009.

Taken up for Perfection April 15, 2009. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

1862S.05P

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**AN ACT**

To repeal sections 32.063, 136.055, 144.025, 144.027, 144.060, 144.070, 301.280, and 301.562, RSMo, and to enact in lieu thereof ten new sections relating to motor vehicle dealers, with penalty provisions.

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

Section A. Sections 32.063, 136.055, 144.025, 144.027, 144.060, 144.070, 2 301.280, and 301.562, RSMo, are repealed and ten new sections enacted in lieu 3 thereof, to be known as sections 32.063, 32.095, 136.055, 144.025, 144.027, 4 144.060, 144.070, 301.280, 301.562, and 610.031, to read as follows:

32.063. 1. The director of revenue[, his] **and the director's** employees 2 or agents may accept credit cards in payment of taxes and fees. The type of 3 credit cards accepted shall be at the discretion of the director.

4 2. In addition to other fees provided by law, the director of revenue **and** 5 **the director's employees or agents** may set a fee to be added to each credit 6 card transaction equal to the charge paid by the state or the taxpayer for the use 7 of the credit card by the taxpayer. No other fees shall be imposed other than 8 those herein authorized.

32.095. 1. **Beginning January 1, 2012, the director of the** 2 **department of revenue may select or appoint any motor vehicle dealer,** 3 **as such term is defined in chapter 301, RSMo, to act as an agent of the** 4 **department of revenue for the purpose of titling and registering motor**

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

5 vehicles under chapter 301, RSMo. Such motor vehicle dealers shall  
6 only act as an agent under this section for an initial sale or lease of a  
7 motor vehicle, but shall not act as an agent under this section for any  
8 subsequent registration under chapter 301 or 306, RSMo.

9       2. The director of revenue may promulgate rules to administer  
10 the provisions of this section. Any rule or portion of a rule, as that  
11 term is defined in section 536.010, RSMo, that is created under the  
12 authority delegated in this section shall become effective only if it  
13 complies with and is subject to all of the provisions of chapter 536,  
14 RSMo, and, if applicable, section 536.028, RSMo. This section and  
15 chapter 536, RSMo, are nonseverable and if any of the powers vested  
16 with the general assembly pursuant to chapter 536, RSMo, to review, to  
17 delay the effective date, or to disapprove and annul a rule are  
18 subsequently held unconstitutional, then the grant of rulemaking  
19 authority and any rule proposed or adopted after August 28, 2009, shall  
20 be invalid and void.

136.055. 1. Any person who is selected or appointed by the state director  
2 of revenue as provided in subsection 2 of this section to act as an agent of  
3 the department of revenue, whose duties shall be the [sale] **processing** of motor  
4 vehicle [licenses] **title and registration transactions** and the collection of  
5 [motor vehicle] sales and use taxes **when required** under [the provisions of  
6 section] **sections 144.070 and 144.440**, RSMo, and who receives no salary from  
7 the department of revenue, shall be authorized to collect from the party requiring  
8 such services additional fees as compensation in full and for all services rendered  
9 on the following basis:

10       (1) For each motor vehicle or trailer [license sold] **registration issued**,  
11 renewed or transferred--[two dollars and fifty cents beginning January 1, 1998;  
12 and four dollars beginning July 1, 2000; and five dollars beginning August 28,  
13 2002, for those licenses biennially renewed pursuant to section 301.147,  
14 RSMo. Beginning July 1, 2003, for each motor vehicle or trailer license sold,  
15 renewed or transferred--]three dollars and fifty cents and seven dollars for those  
16 licenses sold or biennially renewed pursuant to section 301.147, RSMo;

17       (2) For each application or transfer of title--two dollars and fifty cents  
18 [beginning January 1, 1998];

19       (3) For each instruction permit, nondriver license, chauffeur's, operator's  
20 or driver's license issued for a period of three years or less--two dollars and fifty

21 cents and five dollars for licenses or instruction permits issued or renewed for a  
22 period exceeding three years;

23 (4) For each notice of lien processed--two dollars and fifty cents [beginning  
24 August 28, 2000];

25 (5) No notary fee or other fee or additional charge shall be paid or  
26 collected except for electronic telephone transmission reception--two dollars.

27 **2. The director of revenue shall award fee office contracts under**  
28 **this section through a competitive bidding process. The bidding**  
29 **process shall give priority to school districts or coalitions of school**  
30 **districts, charitable organizations, nonprofit organizations, and**  
31 **political subdivisions. The director of the department of revenue may**  
32 **promulgate rules and regulations necessary to carry out the provisions**  
33 **of this subsection. Any rule or portion of a rule, as that term is defined**  
34 **in section 536.010, RSMo, that is created under the authority delegated**  
35 **in this subsection shall become effective only if it complies with and is**  
36 **subject to all of the provisions of chapter 536, RSMo, and, if applicable,**  
37 **section 536.028, RSMo. This section and chapter 536, RSMo, are**  
38 **nonseverable and if any of the powers vested with the general assembly**  
39 **pursuant to chapter 536, RSMo, to review, to delay the effective date,**  
40 **or to disapprove and annul a rule are subsequently held**  
41 **unconstitutional, then the grant of rulemaking authority and any rule**  
42 **proposed or adopted after August 28, 2009, shall be invalid and void.**

43 **3. All fees collected by a tax-exempt organization may be**  
44 **retained and used by the organization.**

45 [2.] 4. All fees charged shall not exceed those in this section. [Beginning  
46 July 1, 2003,] The fees imposed by this section shall be collected by all permanent  
47 [branch] offices and all full-time or temporary offices maintained by the  
48 department of revenue.

49 [3.] 5. Any person acting as agent of the department of revenue for the  
50 sale and issuance of **registrations**, licenses, and other documents related to  
51 motor vehicles shall have an insurable interest in all license plates, licenses, tabs,  
52 forms and other documents held on behalf of the department.

53 [4.] 6. [The fee increases authorized by this section and approved by the  
54 general assembly were requested by the fee agents. All fee agent offices shall  
55 display a three foot by four foot sign with black letters of at least three inches in  
56 height on a white background which states:

57           The increased fees approved by the Missouri Legislature and charged  
58           by this fee office were requested by the fee agents.] **The fees authorized**  
59 **by this section shall not be collected by motor vehicle dealers acting as**  
60 **agents of the department of revenue under section 32.095, RSMo, or**  
61 **those motor vehicle dealers authorized to collect and remit sales tax**  
62 **under subsection 8 of section 144.070, RSMo.**

144.025. 1. Notwithstanding any other provisions of law to the contrary,  
2 in any retail sale other than retail sales governed by subsections 4 and 5 of this  
3 section, where any article on which sales or use tax has been paid, credited, or  
4 otherwise satisfied or which was exempted or excluded from sales or use tax is  
5 taken in trade as a credit or part payment on the purchase price of the article  
6 being sold, the tax imposed by sections 144.020 and 144.440 shall be computed  
7 only on that portion of the purchase price which exceeds the actual allowance  
8 made for the article traded in or exchanged, if there is a bill of sale or other  
9 record showing the actual allowance made for the article traded in or  
10 exchanged. Where the purchaser of a motor vehicle, trailer, boat or outboard  
11 motor, **hereinafter referred to as "unit"**, receives a rebate from the seller or  
12 manufacturer, the tax imposed by sections 144.020 and 144.440 shall be computed  
13 only on that portion of the purchase price which exceeds the amount of the  
14 rebate, if there is a bill of sale or other record showing the actual rebate given by  
15 the seller or manufacturer. Where the trade-in or exchange allowance plus any  
16 applicable rebate exceeds the purchase price of the purchased [article] **unit** there  
17 shall be no sales or use tax owed **and such excess trade-in or exchange**  
18 **allowance may be applied to any subsequent purchases of units made**  
19 **within one hundred eighty days of the trade-in.** This section shall also  
20 apply to [motor vehicles, trailers, boats, and outboard motors] **units** sold by the  
21 owner or holder of the properly assigned certificate **or certificates** of ownership  
22 if the seller purchases or contracts to purchase [a] subsequent [motor vehicle,  
23 trailer, boat, or outboard motor] **units** within one hundred eighty days before or  
24 after the date of the sale of the original [article] **units** and [a bill] **bills** of sale  
25 showing the paid sale price is presented to the department of revenue [at the  
26 time of licensing. A copy of the bill of sale shall be left with the licensing office.]  
27 **If the sale price of the original unit exceeds the purchase price of**  
28 **subsequent units, such excess may only be applied to any subsequent**  
29 **units purchased within one hundred eighty days of the sale of the**  
30 **original unit.** Where the subsequent motor vehicle, trailer, boat, or outboard

31 motor is titled more than one hundred eighty days after the sale of the original  
32 motor vehicle, trailer, boat, or outboard motor, the allowance pursuant to this  
33 section shall be made if the person titling such article establishes that the  
34 purchase or contract to purchase was finalized prior to the expiration of the one  
35 hundred eighty-day period.

36 2. As used in this section, the term "boat" includes all motorboats and  
37 vessels, as the terms "motorboat" and "vessel" are defined in section 306.010,  
38 RSMo.

39 3. As used in this section, the term "motor vehicle" includes motor  
40 vehicles as defined in section 301.010, RSMo, recreational vehicles as defined in  
41 section 700.010, RSMo, or a combination of a truck as defined in section 301.010,  
42 RSMo, and a trailer as defined in section 301.010, RSMo.

43 4. The provisions of subsection 1 of this section shall not apply to retail  
44 sales of manufactured homes in which the purchaser receives a document known  
45 as the "Manufacturer's Statement of Origin" for purposes of obtaining a title to  
46 the manufactured home from the department of revenue of this state or from the  
47 appropriate agency or officer of any other state.

48 5. Any purchaser of a motor vehicle or trailer used for agricultural use by  
49 the purchaser shall be allowed to use as an allowance to offset the sales and use  
50 tax liability towards the purchase of the motor vehicle or trailer any grain or  
51 livestock produced or raised by the purchaser. The director of revenue may  
52 prescribe forms for compliance with this subsection.

144.027. 1. When a motor vehicle, trailer, boat or outboard motor,  
2 **hereinafter referred to as "unit"**, for which all sales or use tax has been paid  
3 is replaced due to theft or a casualty loss in excess of the value of the unit, the  
4 director shall permit the amount of the insurance proceeds plus any owner's  
5 deductible obligation, as certified by the insurance company, to be a credit  
6 against the purchase price of [another motor vehicle, trailer, boat or outboard  
7 motor which is] **subsequent units which are** purchased or [is] contracted to  
8 purchase within one hundred eighty days of the date of payment by the insurance  
9 company as a replacement motor vehicle, trailer, boat or outboard motor. **Where**  
10 **the credit exceeds the purchase price of subsequent units, there shall**  
11 **be no sales or use tax owed and such excess credit may be applied to**  
12 **any subsequent units purchased within one hundred eighty days of the**  
13 **date of payment by the insurance company as a replacement motor**  
14 **vehicle, trailer, boat, or outboard motor.** As used in this section, the term

15 "boat" includes all motorboats and vessels, as the terms "motorboat" and "vessel"  
16 are defined in section 306.010, RSMo.

17 2. If the owner of a motor vehicle, trailer, boat or outboard motor as  
18 described in subsection 1 of this section does not have insurance coverage for the  
19 motor vehicle, trailer, boat or outboard motor, the director shall permit the fair  
20 market value of the motor vehicle, trailer, boat or outboard motor as determined  
21 by the Kelly Blue Book, NADA Used Car Guide, Abos Blue Book or the average  
22 of two appraisals from licensed motor vehicle or boat dealers to be a credit  
23 against the purchase price of [a replacement motor vehicle, trailer, boat or  
24 outboard motor which is] **subsequent units** purchased or [is] contracted to  
25 purchase within one hundred eighty days of the date of such loss as certified by  
26 a law enforcement agency or such other evidence as the director may require as  
27 proof of the date of loss of the motor vehicle, trailer, boat or outboard  
28 motor. **Where the credit exceeds the purchase price of subsequent units,**  
29 **there shall be no sales or use tax owed and such excess credit may be**  
30 **applied to any subsequent units purchased within one hundred eighty**  
31 **days of the date of such loss as certified by a law enforcement agency**  
32 **or such other evidence as the director may require as proof of the date**  
33 **of loss of the motor vehicle, trailer, boat, or outboard motor.**

144.060. It shall be the duty of every person making any purchase or  
2 receiving any service upon which a tax is imposed by sections 144.010 to 144.510  
3 to pay, to the extent possible under the provisions of section 144.285, the amount  
4 of such tax to the person making such sale or rendering such service[;]. Any  
5 person who shall willfully and intentionally refuse to pay such tax shall be guilty  
6 of a misdemeanor[; provided, however, that]. The provisions of this section shall  
7 not apply to any person making any purchase or sale of a motor vehicle subject  
8 to sales tax as provided by the Missouri sales tax law, **unless such person**  
9 **making the sale is a motor vehicle dealer authorized to collect and**  
10 **remit sales tax pursuant to subsection 8 of section 144.070.**

144.070. 1. At the time the owner of any new or used motor vehicle,  
2 trailer, boat, or outboard motor which was acquired in a transaction subject to  
3 sales tax under the Missouri sales tax law makes application to the director of  
4 revenue for an official certificate of title and the registration of the [automobile]  
5 **motor vehicle**, trailer, boat, or outboard motor as otherwise provided by law,  
6 [he] **the owner** shall present to the director of revenue evidence satisfactory to  
7 the director of revenue showing the purchase price exclusive of any charge

8 incident to the extension of credit paid by or charged to the applicant in the  
9 acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales  
10 tax was incurred in its acquisition, and if sales tax was incurred in its  
11 acquisition, the applicant shall pay or cause to be paid to the director of revenue  
12 the sales tax provided by the Missouri sales tax law in addition to the  
13 registration fees now or hereafter required according to law, and the director of  
14 revenue shall not issue a certificate of title for any new or used motor vehicle,  
15 trailer, boat, or outboard motor subject to sales tax as provided in the Missouri  
16 sales tax law until the tax levied for the sale of the same under sections 144.010  
17 to 144.510 has been paid as [herein] provided **in this section** or is registered  
18 under the provisions of subsection 5 of this section.

19 2. As used [above] **in subsection 1 of this section**, the term "purchase  
20 price" shall mean the total amount of the contract price agreed upon between the  
21 seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or  
22 outboard motor, regardless of the medium of payment therefor.

23 3. In the event that the purchase price is unknown or undisclosed, or that  
24 the evidence thereof is not satisfactory to the director of revenue, the same shall  
25 be fixed by appraisalment by the director. **The appraisalment by the director**  
26 **may be calculated based on the value as evidenced by the current**  
27 **volume of the National Automobile Dealers Association's Official Used**  
28 **Car Guide, Central Edition, at the time of purchase.**

29 4. The director of the department of revenue shall endorse upon the  
30 official certificate of title issued by [him] **the director** upon such application an  
31 entry showing that such sales tax has been paid or that the **motor** vehicle,  
32 trailer, boat, or outboard motor represented by such certificate is exempt from  
33 sales tax and state the ground for such exemption.

34 5. Any person, company, or corporation engaged in the business of renting  
35 or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used  
36 exclusively for rental or lease purposes, and not for resale, may apply to the  
37 director of revenue for authority to operate as a leasing company. Any company  
38 approved by the director of revenue may pay the tax due on any motor vehicle,  
39 trailer, boat, or outboard motor as required in section 144.020 at the time of  
40 registration thereof or in lieu thereof may pay a sales tax as provided in sections  
41 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid  
42 by a leasing company which does not exercise the option of paying in accordance  
43 with section 144.020, on the amount charged for each rental or lease agreement

44 while the motor vehicle, trailer, boat, or outboard motor is domiciled in this  
45 state. Any motor vehicle, **trailer**, boat, or outboard motor which is leased as the  
46 result of a contract executed in this state shall be presumed to be domiciled in  
47 this state.

48           6. Any corporation may have one or more of its divisions separately apply  
49 to the director of revenue for authorization to operate as a leasing company,  
50 provided that the corporation:

51           (1) Has filed a written consent with the director authorizing any of its  
52 divisions to apply for such authority;

53           (2) Is authorized to do business in Missouri;

54           (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or  
55 outboard motor from one of its divisions to another of its divisions as a sale at  
56 retail within the meaning of subdivision (9) of subsection 1 of section 144.010;

57           (4) Has registered under the fictitious name provisions of sections 417.200  
58 to 417.230, RSMo, each of its divisions doing business in Missouri as a leasing  
59 company; and

60           (5) Operates each of its divisions on a basis separate from each of its other  
61 divisions.

62 However, when the transfer of a motor vehicle, trailer, boat or outboard motor  
63 occurs within a corporation which holds a license to operate as a motor vehicle  
64 or boat dealer pursuant to sections 301.550 to [301.575] **301.573**, RSMo, the  
65 provisions in subdivision (3) of this subsection shall not apply.

66           7. If the owner of any motor vehicle, trailer, boat, or outboard motor  
67 desires to charge and collect sales tax as provided [hereinabove] **in this section**,  
68 [he] **the owner** shall make application to the director of revenue for a permit to  
69 operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The  
70 director of revenue shall promulgate rules and regulations determining the  
71 qualifications of such a company, and the method of collection and reporting of  
72 sales tax charged and collected. Such regulations shall apply only to owners of  
73 motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor  
74 vehicle, trailer, boat, or outboard motor leasing companies under the provisions  
75 of subsection 5 of this section, and no motor vehicle renting or leasing, trailer  
76 renting or leasing, or boat or outboard motor renting or leasing company can come  
77 under sections 144.010, 144.020, 144.070 and 144.440 unless all **motor** vehicles,  
78 trailers, boats, and outboard motors held for renting and leasing are included.

79           **8. Beginning July 1, 2010, any motor vehicle dealer licensed**



80 under section 301.560, RSMo, engaged in the business of selling motor  
81 vehicles or trailers may apply to the director of revenue for authority  
82 to collect and remit the sales tax required under this section on all  
83 motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer  
84 receiving authority to collect and remit the tax is subject to all  
85 provisions under sections 144.010 to 144.525. Any motor vehicle dealer  
86 authorized to collect and remit sales taxes on motor vehicles under this  
87 subsection shall be entitled to deduct and retain an amount equal to  
88 two percent of the motor vehicle sales tax pursuant to section  
89 144.140. Any amount of the tax collected under this subsection that is  
90 retained by a motor vehicle dealer pursuant to section 144.140 shall not  
91 constitute state revenue. In no event shall revenues from the general  
92 revenue fund or any other state fund be utilized to compensate motor  
93 vehicle dealers for their role in collecting and remitting sales taxes on  
94 motor vehicles. In the event this subsection or any portion thereof is  
95 held to violate article IV, section 30(b) of the Missouri Constitution, no  
96 motor vehicle dealer shall be authorized to collect and remit sales taxes  
97 on motor vehicles under this section. No motor vehicle dealer shall  
98 seek compensation from the state of Missouri or its agencies if a court  
99 of competent jurisdiction declares that the retention of two percent of  
100 the motor vehicle sales tax is unconstitutional and orders the return of  
101 such revenues.

301.280. 1. Every motor vehicle dealer and boat dealer shall make a  
2 monthly report to the department of revenue, on blanks to be prescribed by the  
3 department of revenue, giving the following information: date of the sale of each  
4 motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of  
5 the buyer; the name of the manufacturer; year of manufacture; model of vehicle;  
6 vehicle identification number; style of vehicle; odometer setting; and it shall also  
7 state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or  
8 secondhand. **Each monthly sales report filed by a motor vehicle dealer**  
9 **who collects sales tax under subsection 8 of section 144.070, RSMo, shall**  
10 **also include the amount of state and local sales tax collected for each**  
11 **motor vehicle sold if sales tax was due.** The odometer reading is not  
12 required when reporting the sale of any motor vehicle that is ten years old or  
13 older, any motor vehicle having a gross vehicle weight rating of more than sixteen  
14 thousand pounds, new vehicles that are transferred on a manufacturer's  
15 statement of origin between one franchised motor vehicle dealer and another, or

16 boats, all-terrain vehicles or trailers. The sale of all thirty-day temporary  
17 permits, without exception, shall be recorded in the appropriate space on the  
18 dealer's monthly sales report by recording the complete permit number issued on  
19 the motor vehicle or trailer sale listed. The monthly sales report shall be  
20 completed in full and signed by an officer, partner, or owner of the dealership,  
21 and actually received by the department of revenue on or before the fifteenth day  
22 of the month succeeding the month for which the sales are being reported. If no  
23 sales occur in any given month, a report shall be submitted for that month  
24 indicating no sales. Any vehicle dealer who fails to file a monthly report or who  
25 fails to file a timely report shall be subject to disciplinary action as prescribed in  
26 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  
28 the monthly sales report as part of the records to be maintained at the dealership  
29 location and shall hold them available for inspection by appropriate law  
30 enforcement officials and officials of the department of revenue. Every vehicle  
31 dealer selling twenty or more vehicles a month shall file the monthly sales report  
32 with the department in an electronic format. Any dealer filing a monthly sales  
33 report in an electronic format shall be exempt from filing the notice of transfer  
34 required by section 301.196. For any dealer not filing electronically, the notice  
35 of transfer required by section 301.196 shall be submitted with the monthly sales  
36 report as prescribed by the director.

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

47       3. Every dealer and every person operating a public garage in which a  
48 motor vehicle remains unclaimed for a period of fifteen days shall, within five  
49 days after the expiration of that period, report the motor vehicle as unclaimed to  
50 the director of revenue. Such report shall be on a form prescribed by the director  
51 of revenue. A motor vehicle left by its owner whose name and address are known

52 to the dealer or his employee or person operating a public garage or his employee  
53 is not considered unclaimed. Any dealer or person operating a public garage who  
54 fails to report a motor vehicle as unclaimed as herein required forfeits all claims  
55 and liens for its garaging, parking or storing.

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

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

301.562. 1. The department may refuse to issue or renew any license  
2 required pursuant to sections 301.550 to 301.573 for any one or any combination  
3 of causes stated in subsection 2 of this section. The department shall notify the  
4 applicant or licensee in writing at his or her last known address of the reasons  
5 for the refusal to issue or renew the license and shall advise the applicant or  
6 licensee of his or her right to file a complaint with the administrative hearing  
7 commission as provided by chapter 621, RSMo.

8 2. The department may cause a complaint to be filed with the  
9 administrative hearing commission as provided by chapter 621, RSMo, against  
10 any holder of any license issued under sections 301.550 to 301.573 for any one or  
11 any combination of the following causes:

12 (1) The applicant or license holder was previously the holder of a license  
13 issued under sections 301.550 to 301.573, which license was revoked for cause  
14 and never reissued by the department, or which license was suspended for cause  
15 and the terms of suspension have not been fulfilled;

16 (2) The applicant or license holder was previously a partner, stockholder,  
17 director or officer controlling or managing a partnership or corporation whose  
18 license issued under sections 301.550 to 301.573 was revoked for cause and never  
19 reissued or was suspended for cause and the terms of suspension have not been  
20 fulfilled;

21 (3) The applicant or license holder has, within ten years prior to the date  
22 of the application, been finally adjudicated and found guilty, or entered a plea of

23 guilty or nolo contendere, in a prosecution under the laws of any state or of the  
24 United States, for any offense reasonably related to the qualifications, functions,  
25 or duties of any business licensed under sections 301.550 to 301.573; for any  
26 offense, an essential element of which is fraud, dishonesty, or an act of violence;  
27 or for any offense involving moral turpitude, whether or not sentence is imposed;

28 (4) Use of fraud, deception, misrepresentation, or bribery in securing any  
29 license issued pursuant to sections 301.550 to 301.573;

30 (5) Obtaining or attempting to obtain any money, commission, fee, barter,  
31 exchange, or other compensation by fraud, deception, or misrepresentation;

32 (6) Violation of, or assisting or enabling any person to violate any  
33 provisions of this chapter and chapters 144, 306, 307, 407, 578, and 643, RSMo,  
34 or of any lawful rule or regulation adopted pursuant to this chapter and chapters  
35 306, 307, 407, 578, and 643, RSMo;

36 (7) The applicant or license holder has filed an application for a license  
37 which, as of its effective date, was incomplete in any material respect or  
38 contained any statement which was, in light of the circumstances under which it  
39 was made, false or misleading with respect to any material fact;

40 (8) The applicant or license holder has failed to pay the proper application  
41 or license fee or other fees required pursuant to this chapter or chapter 306,  
42 RSMo, or fails to establish or maintain a bona fide place of business;

43 (9) Uses or permits the use of any special license or license plate assigned  
44 to the license holder for any purpose other than those permitted by law;

45 (10) The applicant or license holder is finally adjudged insane or  
46 incompetent by a court of competent jurisdiction;

47 (11) Use of any advertisement or solicitation which is false;

48 (12) Violations of sections 407.511 to 407.556, RSMo, section 578.120,  
49 RSMo, which resulted in a conviction or finding of guilt or violation of any federal  
50 motor vehicle laws which result in a conviction or finding of guilt.

51 3. Any such complaint shall be filed within one year of the date upon  
52 which the department receives notice of an alleged violation of an applicable  
53 statute or regulation. After the filing of such complaint, the proceedings shall be  
54 conducted in accordance with the provisions of chapter 621, RSMo. Upon a  
55 finding by the administrative hearing commission that the grounds, provided in  
56 subsection 2 of this section, for disciplinary action are met, the department may,  
57 singly or in combination, refuse to issue the person a license, issue a private  
58 reprimand, place the person on probation on such terms and conditions as the

59 department deems appropriate for a period of one day to five years, suspend the  
60 person's license from one day to six days, or revoke the person's license for such  
61 period as the department deems appropriate. The applicant or licensee shall  
62 have the right to appeal the decision of the administrative hearing commission  
63 and department in the manner provided in chapter 536, RSMo.

64 4. Upon the suspension or revocation of any person's license issued under  
65 sections 301.550 to 301.573, the department shall recall any distinctive number  
66 plates that were issued to that licensee.

**610.031. 1. Notwithstanding any provision of section 610.021 to  
2 the contrary, no public governmental body shall be authorized to close  
3 a public meeting or record to the extent that such meeting or record  
4 concerns the awarding of a fee contract under the provisions of section  
5 136.055, RSMo.**

**6 2. For purposes of this chapter, any meeting held by a public  
7 governmental body where the awarding of a fee contract under section  
8 136.055, RSMo, is discussed shall be considered a public meeting.**

Bill ✓

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