

SECOND REGULAR SESSION

SENATE BILL NO. 1056

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

5431S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 144.070, 301.010, 301.020, 301.210, 301.213, 301.218, 301.227, 301.280, 301.550, 301.551, 301.553, 301.555, 301.557, 301.558, 301.559, 301.560, 301.561, 301.562, 301.563, 301.564, 301.565, 301.566, 301.567, 301.568, 301.569, 301.570, 301.571, 301.573, 301.576, 301.580, 303.440, 304.156, 306.015, 385.200, 385.206, 407.812, 407.818, 414.255, 578.120, and 643.315, RSMo, and to enact in lieu thereof forty new sections relating to the sale of motor vehicles and vessels, with penalty provisions.

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

Section A. Sections 144.070, 301.010, 301.020, 301.210,
2 301.213, 301.218, 301.227, 301.280, 301.550, 301.551, 301.553,
3 301.555, 301.557, 301.558, 301.559, 301.560, 301.561, 301.562,
4 301.563, 301.564, 301.565, 301.566, 301.567, 301.568, 301.569,
5 301.570, 301.571, 301.573, 301.576, 301.580, 303.440, 304.156,
6 306.015, 385.200, 385.206, 407.812, 407.818, 414.255, 578.120,
7 and 643.315, RSMo, are repealed and forty new sections enacted
8 in lieu thereof, to be known as sections 144.070, 301.010,
9 301.020, 301.210, 301.213, 301.218, 301.227, 301.280, 301.1000,
10 301.1003, 301.1006, 301.1009, 301.1012, 301.1015, 301.1018,
11 301.1021, 301.1024, 301.1027, 301.1030, 301.1033, 301.1036,
12 301.1039, 301.1042, 301.1045, 301.1048, 301.1051, 301.1054,
13 301.1057, 301.1060, 301.1063, 303.440, 304.156, 306.015,
14 385.200, 385.206, 407.812, 407.818, 414.255, 578.120, and
15 643.315, to read as follows:

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

144.070. 1. At the time the owner of any new or used
2 motor vehicle, trailer, boat, or outboard motor which was
3 acquired in a transaction subject to sales tax under the
4 Missouri sales tax law makes application to the director of
5 revenue for an official certificate of title and the
6 registration of the motor vehicle, trailer, boat, or
7 outboard motor as otherwise provided by law, the owner shall
8 present to the director of revenue evidence satisfactory to
9 the director of revenue showing the purchase price exclusive
10 of any charge incident to the extension of credit paid by or
11 charged to the applicant in the acquisition of the motor
12 vehicle, trailer, boat, or outboard motor, or that no sales
13 tax was incurred in its acquisition, and if sales tax was
14 incurred in its acquisition, the applicant shall pay or
15 cause to be paid to the director of revenue the sales tax
16 provided by the Missouri sales tax law in addition to the
17 registration fees now or hereafter required according to
18 law, and the director of revenue shall not issue a
19 certificate of title for any new or used motor vehicle,
20 trailer, boat, or outboard motor subject to sales tax as
21 provided in the Missouri sales tax law until the tax levied
22 for the sale of the same under sections 144.010 to 144.510
23 has been paid as provided in this section or is registered
24 under the provisions of subsection 5 of this section.

25 2. As used in subsection 1 of this section, the term
26 "purchase price" shall mean the total amount of the contract
27 price agreed upon between the seller and the applicant in
28 the acquisition of the motor vehicle, trailer, boat, or
29 outboard motor, regardless of the medium of payment therefor.

30 3. In the event that the purchase price is unknown or
31 undisclosed, or that the evidence thereof is not

32 satisfactory to the director of revenue, the same shall be
33 fixed by appraisement by the director.

34 4. The director of the department of revenue shall
35 endorse upon the official certificate of title issued by the
36 director upon such application an entry showing that such
37 sales tax has been paid or that the motor vehicle, trailer,
38 boat, or outboard motor represented by such certificate is
39 exempt from sales tax and state the ground for such
40 exemption.

41 5. Any person, company, or corporation engaged in the
42 business of renting or leasing motor vehicles, trailers,
43 boats, or outboard motors, which are to be used exclusively
44 for rental or lease purposes, and not for resale, may apply
45 to the director of revenue for authority to operate as a
46 leasing or rental company and pay an annual fee of two
47 hundred fifty dollars for such authority. Any company
48 approved by the director of revenue may pay the tax due on
49 any motor vehicle, trailer, boat, or outboard motor as
50 required in section 144.020 at the time of registration
51 thereof or in lieu thereof may pay a sales tax as provided
52 in sections 144.010, 144.020, 144.070 and 144.440. A sales
53 tax shall be charged to and paid by a leasing company which
54 does not exercise the option of paying in accordance with
55 section 144.020, on the amount charged for each rental or
56 lease agreement while the motor vehicle, trailer, boat, or
57 outboard motor is domiciled in this state. Any motor
58 vehicle, trailer, boat, or outboard motor which is leased as
59 the result of a contract executed in this state shall be
60 presumed to be domiciled in this state.

61 6. Every applicant to be a registered fleet owner as
62 described in subsections 6 to 10 of section 301.032 shall
63 furnish with the application to operate as a registered

64 fleet owner a corporate surety bond or irrevocable letter of
65 credit, as defined in section 400.5-102, issued by any state
66 or federal financial institution in the penal sum of one
67 hundred thousand dollars, on a form approved by the
68 department. The bond or irrevocable letter of credit shall
69 be conditioned upon the registered fleet owner complying
70 with the provisions of any statutes applicable to registered
71 fleet owners, and the bond shall be an indemnity for any
72 loss sustained by reason of the acts of the person bonded
73 when such acts constitute grounds for the suspension or
74 revocation of the registered fleet owner license. The bond
75 shall be executed in the name of the state of Missouri for
76 the benefit of all aggrieved parties or the irrevocable
77 letter of credit shall name the state of Missouri as the
78 beneficiary; except that, the aggregate liability of the
79 surety or financial institution to the aggrieved parties
80 shall, in no event, exceed the amount of the bond or
81 irrevocable letter of credit. The proceeds of the bond or
82 irrevocable letter of credit shall be paid upon receipt by
83 the department of a final judgment from a Missouri court of
84 competent jurisdiction against the principal and in favor of
85 an aggrieved party.

86 7. Any corporation may have one or more of its
87 divisions separately apply to the director of revenue for
88 authorization to operate as a leasing company, provided that
89 the corporation:

- 90 (1) Has filed a written consent with the director
91 authorizing any of its divisions to apply for such authority;
- 92 (2) Is authorized to do business in Missouri;
- 93 (3) Has agreed to treat any sale of a motor vehicle,
94 trailer, boat, or outboard motor from one of its divisions
95 to another of its divisions as a sale at retail;

96 (4) Has registered under the fictitious name
97 provisions of sections 417.200 to 417.230 each of its
98 divisions doing business in Missouri as a leasing company;
99 and

100 (5) Operates each of its divisions on a basis separate
101 from each of its other divisions. However, when the
102 transfer of a motor vehicle, trailer, boat or outboard motor
103 occurs within a corporation which holds a license to operate
104 as a motor vehicle or boat dealer pursuant to sections
105 [301.550 to 301.573] **301.1000 to 301.1063** the provisions in
106 subdivision (3) of this subsection shall not apply.

107 8. If the owner of any motor vehicle, trailer, boat,
108 or outboard motor desires to charge and collect sales tax as
109 provided in this section, the owner shall make application
110 to the director of revenue for a permit to operate as a
111 motor vehicle, trailer, boat, or outboard motor leasing
112 company. The director of revenue shall promulgate rules and
113 regulations determining the qualifications of such a
114 company, and the method of collection and reporting of sales
115 tax charged and collected. Such regulations shall apply
116 only to owners of motor vehicles, trailers, boats, or
117 outboard motors, electing to qualify as motor vehicle,
118 trailer, boat, or outboard motor leasing companies under the
119 provisions of subsection 5 of this section, and no motor
120 vehicle renting or leasing, trailer renting or leasing, or
121 boat or outboard motor renting or leasing company can come
122 under sections 144.010, 144.020, 144.070 and 144.440 unless
123 all motor vehicles, trailers, boats, and outboard motors
124 held for renting and leasing are included.

125 9. Any person, company, or corporation engaged in the
126 business of renting or leasing three thousand five hundred
127 or more motor vehicles which are to be used exclusively for

128 rental or leasing purposes and not for resale, and that has
129 applied to the director of revenue for authority to operate
130 as a leasing company may also operate as a registered fleet
131 owner as prescribed in section 301.032.

132 10. Beginning July 1, 2010, any motor vehicle dealer
133 licensed under section [301.560] **301.1018** engaged in the
134 business of selling motor vehicles or trailers shall apply
135 to the director of revenue for authority to collect and
136 remit the sales tax required under this section on all motor
137 vehicles sold by the motor vehicle dealer. A motor vehicle
138 dealer receiving authority to collect and remit the tax is
139 subject to all provisions under sections 144.010 to
140 144.525. Any motor vehicle dealer authorized to collect and
141 remit sales taxes on motor vehicles under this subsection
142 shall be entitled to deduct and retain an amount equal to
143 two percent of the motor vehicle sales tax pursuant to
144 section 144.140. Any amount of the tax collected under this
145 subsection that is retained by a motor vehicle dealer
146 pursuant to section 144.140 shall not constitute state
147 revenue. In no event shall revenues from the general
148 revenue fund or any other state fund be utilized to
149 compensate motor vehicle dealers for their role in
150 collecting and remitting sales taxes on motor vehicles. In
151 the event this subsection or any portion thereof is held to
152 violate Article IV, Section 30(b) of the Missouri
153 Constitution, no motor vehicle dealer shall be authorized to
154 collect and remit sales taxes on motor vehicles under this
155 section. No motor vehicle dealer shall seek compensation
156 from the state of Missouri or its agencies if a court of
157 competent jurisdiction declares that the retention of two
158 percent of the motor vehicle sales tax is unconstitutional
159 and orders the return of such revenues.

160 11. (1) Every motor vehicle dealer licensed under
161 section [301.560] **301.1018**, as soon as technologically
162 possible following the development and maintenance of a
163 modernized, integrated system for the titling of vehicles,
164 issuance and renewal of vehicle registrations, issuance and
165 renewal of driver's licenses and identification cards, and
166 perfection and release of liens and encumbrances on
167 vehicles, to be funded by the motor vehicle administration
168 technology fund [as created in] **under** section [301.558]
169 **301.1051**, shall collect and remit the sales tax required
170 under this section on all motor vehicles that such dealer
171 sells. In collecting and remitting this sales tax, motor
172 vehicle dealers shall be subject to all applicable
173 provisions under sections 144.010 to 144.527.

174 (2) The director of revenue may promulgate all
175 necessary rules and regulations for the administration of
176 this subsection. Any rule or portion of a rule, as that
177 term is defined in section 536.010, that is created under
178 the authority delegated in this subsection shall become
179 effective only if it complies with and is subject to all of
180 the provisions of chapter 536 and, if applicable, section
181 536.028. This subsection and chapter 536 are nonseverable
182 and if any of the powers vested with the general assembly
183 pursuant to chapter 536 to review, to delay the effective
184 date, or to disapprove and annul a rule are subsequently
185 held unconstitutional, then the grant of rulemaking
186 authority and any rule proposed or adopted after August 28,
187 2023, shall be invalid and void.

301.010. As used in this chapter and sections 304.010
2 to 304.040, 304.120 to 304.260, and sections 307.010 to
3 307.175, the following terms mean:

4 (1) "All-terrain vehicle", any motorized vehicle
5 manufactured and used exclusively for off-highway use, with
6 an unladen dry weight of one thousand five hundred pounds or
7 less, traveling on three, four or more nonhighway tires,
8 with either:

9 (a) A seat designed to be straddled by the operator,
10 and handlebars for steering control, but excluding an
11 electric bicycle; or

12 (b) A width of fifty inches or less, measured from
13 outside of tire rim to outside of tire rim, regardless of
14 seating or steering arrangement;

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

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

33 (6) "Boat transporter", any vehicle combination
34 capable of carrying cargo on the power unit and designed and
35 used specifically to transport assembled boats and boat

36 hulls. Boats may be partially disassembled to facilitate
37 transporting;

38 (7) "Body shop", a business that repairs physical
39 damage on motor vehicles that are not owned by the shop or
40 its officers or employees by mending, straightening,
41 replacing body parts, or painting;

42 (8) "Bus", a motor vehicle primarily for the
43 transportation of a driver and eight or more passengers but
44 not including shuttle buses;

45 (9) "Commercial motor vehicle", a motor vehicle
46 designed or regularly used for carrying freight and
47 merchandise, or more than eight passengers but not including
48 vanpools or shuttle buses;

49 (10) "Cotton trailer", a trailer designed for
50 transporting cotton at speeds less than seventy miles per
51 hour from field to field or from field to market and return;

52 (11) "Dealer", any person, firm, corporation,
53 association, agent or subagent engaged in the sale or
54 exchange of new, used or reconstructed motor vehicles or
55 trailers;

56 (12) "Director" or "director of revenue", the director
57 of the department of revenue;

58 (13) "Driveaway operation":

59 (a) The movement of a motor vehicle or trailer by any
60 person or motor carrier other than a dealer over any public
61 highway, under its own power singly, or in a fixed
62 combination of two or more vehicles, for the purpose of
63 delivery for sale or for delivery either before or after
64 sale;

65 (b) The movement of any vehicle or vehicles, not owned
66 by the transporter, constituting the commodity being
67 transported, by a person engaged in the business of

68 furnishing drivers and operators for the purpose of
69 transporting vehicles in transit from one place to another
70 by the driveaway or towaway methods; or

71 (c) The movement of a motor vehicle by any person who
72 is lawfully engaged in the business of transporting or
73 delivering vehicles that are not the person's own and
74 vehicles of a type otherwise required to be registered, by
75 the driveaway or towaway methods, from a point of
76 manufacture, assembly or distribution or from the owner of
77 the vehicles to a dealer or sales agent of a manufacturer or
78 to any consignee designated by the shipper or consignor;

79 (14) "Dromedary", a box, deck, or plate mounted behind
80 the cab and forward of the fifth wheel on the frame of the
81 power unit of a truck tractor-semitrailer combination. A
82 truck tractor equipped with a dromedary may carry part of a
83 load when operating independently or in a combination with a
84 semitrailer;

85 (15) "Electric bicycle", a bicycle equipped with fully
86 operable pedals, a saddle or seat for the rider, and an
87 electric motor of less than 750 watts that meets the
88 requirements of one of the following three classes:

89 (a) "Class 1 electric bicycle", an electric bicycle
90 equipped with a motor that provides assistance only when the
91 rider is pedaling and that ceases to provide assistance when
92 the bicycle reaches the speed of twenty miles per hour;

93 (b) "Class 2 electric bicycle", an electric bicycle
94 equipped with a motor that may be used exclusively to propel
95 the bicycle and that is not capable of providing assistance
96 when the bicycle reaches the speed of twenty miles per hour;
97 or

98 (c) "Class 3 electric bicycle", an electric bicycle
99 equipped with a motor that provides assistance only when the

100 rider is pedaling and that ceases to provide assistance when
101 the bicycle reaches the speed of twenty-eight miles per hour;

102 (16) "Farm tractor", a tractor used exclusively for
103 agricultural purposes;

104 (17) "Fleet", any group of ten or more motor vehicles
105 owned by the same owner;

106 (18) "Fleet vehicle", a motor vehicle which is
107 included as part of a fleet;

108 (19) "Fullmount", a vehicle mounted completely on the
109 frame of either the first or last vehicle in a saddlemount
110 combination;

111 (20) "Gross weight", the weight of vehicle and/or
112 vehicle combination without load, plus the weight of any
113 load thereon;

114 (21) "Hail-damaged vehicle", any vehicle, the body of
115 which has become dented as the result of the impact of hail;

116 (22) "Highway", any public thoroughfare for vehicles,
117 including state roads, county roads and public streets,
118 avenues, boulevards, parkways or alleys in any municipality;

119 (23) "Improved highway", a highway which has been
120 paved with gravel, macadam, concrete, brick or asphalt, or
121 surfaced in such a manner that it shall have a hard, smooth
122 surface;

123 (24) "Intersecting highway", any highway which joins
124 another, whether or not it crosses the same;

125 (25) "Junk vehicle", a vehicle which:

126 (a) Is incapable of operation or use upon the highways
127 and has no resale value except as a source of parts or
128 scrap; or

129 (b) Has been designated as junk or a substantially
130 equivalent designation by this state or any other state;

131 (26) "Kit vehicle", a motor vehicle assembled by a
132 person other than a generally recognized manufacturer of
133 motor vehicles by the use of a glider kit or replica
134 purchased from an authorized manufacturer and accompanied by
135 a manufacturer's statement of origin;

136 (27) "Land improvement contractors' commercial motor
137 vehicle", any not-for-hire commercial motor vehicle the
138 operation of which is confined to:

139 (a) An area that extends not more than a radius of one
140 hundred fifty miles from its home base of operations when
141 transporting its owner's machinery, equipment, or auxiliary
142 supplies to or from projects involving soil and water
143 conservation, or to and from equipment dealers' maintenance
144 facilities for maintenance purposes; or

145 (b) An area that extends not more than a radius of
146 fifty miles from its home base of operations when
147 transporting its owner's machinery, equipment, or auxiliary
148 supplies to or from projects not involving soil and water
149 conservation.

150 Nothing in this subdivision shall be construed to prevent
151 any motor vehicle from being registered as a commercial
152 motor vehicle or local commercial motor vehicle;

153 (28) "Local commercial motor vehicle", a commercial
154 motor vehicle whose operations are confined to a
155 municipality and that area extending not more than fifty
156 miles therefrom, or a commercial motor vehicle whose
157 property-carrying operations are confined solely to the
158 transportation of property owned by any person who is the
159 owner or operator of such vehicle to or from a farm owned by
160 such person or under the person's control by virtue of a
161 landlord and tenant lease; provided that any such property

162 transported to any such farm is for use in the operation of
163 such farm;

164 (29) "Local log truck", a commercial motor vehicle
165 which is registered pursuant to this chapter to operate as a
166 motor vehicle on the public highways of this state; used
167 exclusively in this state; used to transport harvested
168 forest products; operated solely at a forested site and in
169 an area extending not more than a one hundred fifty mile
170 radius from such site; and when operated on the national
171 system of interstate and defense highways described in 23
172 U.S.C. Section 103, as amended, or outside the one hundred
173 fifty mile radius from such site with an extended distance
174 local log truck permit, does not have more than four axles,
175 and does not pull a trailer which has more than three
176 axles. Harvesting equipment which is used specifically for
177 cutting, felling, trimming, delimiting, debarking, chipping,
178 skidding, loading, unloading, and stacking may be
179 transported on a local log truck;

180 (30) "Local log truck tractor", a commercial motor
181 vehicle which is registered under this chapter to operate as
182 a motor vehicle on the public highways of this state; used
183 exclusively in this state; used to transport harvested
184 forest products, operated at a forested site and in an area
185 extending not more than a one hundred fifty mile radius from
186 such site; and when operated on the national system of
187 interstate and defense highways described in 23 U.S.C.
188 Section 103, as amended, or outside the one hundred fifty
189 mile radius from such site with an extended distance local
190 log truck permit, does not have more than three axles and
191 does not pull a trailer which has more than three axles;

192 (31) "Local transit bus", a bus whose operations are
193 confined wholly within a municipal corporation, or wholly

194 within a municipal corporation and a commercial zone, as
195 defined in section 390.020, adjacent thereto, forming a part
196 of a public transportation system within such municipal
197 corporation and such municipal corporation and adjacent
198 commercial zone;

199 (32) "Log truck", a vehicle which is not a local log
200 truck or local log truck tractor and is used exclusively to
201 transport harvested forest products to and from forested
202 sites which is registered pursuant to this chapter to
203 operate as a motor vehicle on the public highways of this
204 state for the transportation of harvested forest products;

205 (33) "Major component parts", the rear clip, cowl,
206 frame, body, cab, front-end assembly, and front clip, as
207 those terms are defined by the director of revenue pursuant
208 to rules and regulations or by illustrations;

209 (34) "Manufacturer", any person, firm, corporation or
210 association engaged in the business of manufacturing or
211 assembling motor vehicles, trailers or vessels for sale;

212 (35) "Motor change vehicle", a vehicle manufactured
213 prior to August, 1957, which receives a new, rebuilt or used
214 engine, and which used the number stamped on the original
215 engine as the vehicle identification number;

216 (36) "Motor vehicle", any self-propelled vehicle not
217 operated exclusively upon tracks, except farm tractors and
218 electric bicycles;

219 (37) "Motor vehicle primarily for business use", any
220 vehicle other than a recreational motor vehicle, motorcycle,
221 motortricycle, or any commercial motor vehicle licensed for
222 over twelve thousand pounds:

223 (a) Offered for hire or lease; or

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

226 (38) "Motorcycle", a motor vehicle operated on two
227 wheels;

228 (39) "Motorized bicycle", any two-wheeled or three-
229 wheeled device having an automatic transmission and a motor
230 with a cylinder capacity of not more than fifty cubic
231 centimeters, which produces less than three gross brake
232 horsepower, and is capable of propelling the device at a
233 maximum speed of not more than thirty miles per hour on
234 level ground, but excluding an electric bicycle;

242 (41) "Municipality", any city, town or village,
243 whether incorporated or not;

244 (42) "Nonresident", a resident of a state or country
245 other than the state of Missouri;

246 (43) "Non-USA-std motor vehicle", a motor vehicle not
247 originally manufactured in compliance with United States
248 emissions or safety standards;

249 (44) "Operator", any person who operates or drives a
250 motor vehicle;

251 (45) "Owner", any person, firm, corporation or
252 association, who holds the legal title to a vehicle or who
253 has executed a buyer's order or retail installment sales
254 contract with a motor vehicle dealer licensed under sections
255 [301.550 to 301.580] **301.1000 to 301.1063** for the purchase
256 of a vehicle with an immediate right of possession vested in
257 the transferee, or in the event a vehicle is the subject of

258 an agreement for the conditional sale or lease thereof with
259 the right of purchase upon performance of the conditions
260 stated in the agreement and with an immediate right of
261 possession vested in the conditional vendee or lessee, or in
262 the event a mortgagor of a vehicle is entitled to
263 possession, then such conditional vendee or lessee or
264 mortgagor shall be deemed the owner;

265 (46) "Public garage", a place of business where motor
266 vehicles are housed, stored, repaired, reconstructed or
267 repainted for persons other than the owners or operators of
268 such place of business;

269 (47) "Rebuilder", a business that repairs or rebuilds
270 motor vehicles owned by the rebuilder, but does not include
271 certificated common or contract carriers of persons or
272 property;

273 (48) "Reconstructed motor vehicle", a vehicle that is
274 altered from its original construction by the addition or
275 substitution of two or more new or used major component
276 parts, excluding motor vehicles made from all new parts, and
277 new multistage manufactured vehicles;

278 (49) "Recreational motor vehicle", any motor vehicle
279 designed, constructed or substantially modified so that it
280 may be used and is used for the purposes of temporary
281 housing quarters, including therein sleeping and eating
282 facilities which are either permanently attached to the
283 motor vehicle or attached to a unit which is securely
284 attached to the motor vehicle. Nothing herein shall prevent
285 any motor vehicle from being registered as a commercial
286 motor vehicle if the motor vehicle could otherwise be so
287 registered;

288 (50) "Recreational off-highway vehicle", any motorized
289 vehicle manufactured and used exclusively for off-highway

290 use which is more than fifty inches but no more than eighty
291 inches in width, measured from outside of tire rim to
292 outside of tire rim, with an unladen dry weight of three
293 thousand five hundred pounds or less, traveling on four or
294 more nonhighway tires and which may have access to ATV
295 trails;

296 (51) "Recreational trailer", any trailer designed,
297 constructed, or substantially modified so that it may be
298 used and is used for the purpose of temporary housing
299 quarters, including therein sleeping or eating facilities,
300 which can be temporarily attached to a motor vehicle or
301 attached to a unit which is securely attached to a motor
302 vehicle;

303 (52) "Rollback or car carrier", any vehicle
304 specifically designed to transport wrecked, disabled or
305 otherwise inoperable vehicles, when the transportation is
306 directly connected to a wrecker or towing service;

307 (53) "Saddlemount combination", a combination of
308 vehicles in which a truck or truck tractor tows one or more
309 trucks or truck tractors, each connected by a saddle to the
310 frame or fifth wheel of the vehicle in front of it. The
311 "saddle" is a mechanism that connects the front axle of the
312 towed vehicle to the frame or fifth wheel of the vehicle in
313 front and functions like a fifth wheel kingpin connection.
314 When two vehicles are towed in this manner the combination
315 is called a "double saddlemount combination". When three
316 vehicles are towed in this manner, the combination is called
317 a "triple saddlemount combination";

318 (54) "Salvage dealer and dismantler", a business that
319 dismantles used motor vehicles for the sale of the parts
320 thereof, and buys and sells used motor vehicle parts and
321 accessories;

322 (55) "Salvage vehicle", a motor vehicle, semitrailer,
323 or house trailer which:

324 (a) Was damaged during a year that is no more than six
325 years after the manufacturer's model year designation for
326 such vehicle to the extent that the total cost of repairs to
327 rebuild or reconstruct the vehicle to its condition
328 immediately before it was damaged for legal operation on the
329 roads or highways exceeds eighty percent of the fair market
330 value of the vehicle immediately preceding the time it was
331 damaged;

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

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

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

340 (e) Is abandoned property which is titled pursuant to
341 section 304.155 or section 304.157 and designated with the
342 words "salvage/abandoned property". The total cost of
343 repairs to rebuild or reconstruct the vehicle shall not
344 include the cost of repairing, replacing, or reinstalling
345 inflatable safety restraints, tires, sound systems, or
346 damage as a result of hail, or any sales tax on parts or
347 materials to rebuild or reconstruct the vehicle. For
348 purposes of this definition, "fair market value" means the
349 retail value of a motor vehicle as:

350 a. Set forth in a current edition of any nationally
351 recognized compilation of retail values, including automated
352 databases, or from publications commonly used by the

353 automotive and insurance industries to establish the values
354 of motor vehicles;

355 b. Determined pursuant to a market survey of
356 comparable vehicles with regard to condition and equipment;
357 and

358 c. Determined by an insurance company using any other
359 procedure recognized by the insurance industry, including
360 market surveys, that is applied by the company in a uniform
361 manner;

362 (56) "School bus", any motor vehicle used solely to
363 transport students to or from school or to transport
364 students to or from any place for educational purposes;

365 (57) "Scrap processor", a business that, through the
366 use of fixed or mobile equipment, flattens, crushes, or
367 otherwise accepts motor vehicles and vehicle parts for
368 processing or transportation to a shredder or scrap metal
369 operator for recycling;

370 (58) "Shuttle bus", a motor vehicle used or maintained
371 by any person, firm, or corporation as an incidental service
372 to transport patrons or customers of the regular business of
373 such person, firm, or corporation to and from the place of
374 business of the person, firm, or corporation providing the
375 service at no fee or charge. Shuttle buses shall not be
376 registered as buses or as commercial motor vehicles;

377 (59) "Special mobile equipment", every self-propelled
378 vehicle not designed or used primarily for the
379 transportation of persons or property and incidentally
380 operated or moved over the highways, including farm
381 equipment, implements of husbandry, road construction or
382 maintenance machinery, ditch-digging apparatus, stone
383 crushers, air compressors, power shovels, cranes, graders,
384 rollers, well-drillers and wood-sawing equipment used for

385 hire, asphalt spreaders, bituminous mixers, bucket loaders,
386 ditchers, leveling graders, finished machines, motor
387 graders, road rollers, scarifiers, earth-moving carryalls,
388 scrapers, drag lines, concrete pump trucks, rock-drilling
389 and earth-moving equipment. This enumeration shall be
390 deemed partial and shall not operate to exclude other such
391 vehicles which are within the general terms of this section;

392 (60) "Specially constructed motor vehicle", a motor
393 vehicle which shall not have been originally constructed
394 under a distinctive name, make, model or type by a
395 manufacturer of motor vehicles. The term specially
396 constructed motor vehicle includes kit vehicles;

397 (61) "Stinger-steered combination", a truck tractor-
398 semitrailer wherein the fifth wheel is located on a drop
399 frame located behind and below the rearmost axle of the
400 power unit;

401 (62) "Tandem axle", a group of two or more axles,
402 arranged one behind another, the distance between the
403 extremes of which is more than forty inches and not more
404 than ninety-six inches apart;

405 (63) "Towaway trailer transporter combination", a
406 combination of vehicles consisting of a trailer transporter
407 towing unit and two trailers or semitrailers, with a total
408 weight that does not exceed twenty-six thousand pounds; and
409 in which the trailers or semitrailers carry no property and
410 constitute inventory property of a manufacturer,
411 distributor, or dealer of such trailers or semitrailers;

412 (64) "Tractor", "truck tractor" or "truck-tractor", a
413 self-propelled motor vehicle designed for drawing other
414 vehicles, but not for the carriage of any load when
415 operating independently. When attached to a semitrailer, it
416 supports a part of the weight thereof;

417 (65) "Trailer", any vehicle without motive power
418 designed for carrying property or passengers on its own
419 structure and for being drawn by a self-propelled vehicle,
420 except those running exclusively on tracks, including a
421 semitrailer or vehicle of the trailer type so designed and
422 used in conjunction with a self-propelled vehicle that a
423 considerable part of its own weight rests upon and is
424 carried by the towing vehicle. The term trailer shall not
425 include cotton trailers as defined in this section and shall
426 not include manufactured homes as defined in section 700.010;

427 (66) "Trailer transporter towing unit", a power unit
428 that is not used to carry property when operating in a
429 towaway trailer transporter combination;

430 (67) "Truck", a motor vehicle designed, used, or
431 maintained for the transportation of property;

432 (68) "Truck-tractor semitrailer-semitrailer", a
433 combination vehicle in which the two trailing units are
434 connected with a B-train assembly which is a rigid frame
435 extension attached to the rear frame of a first semitrailer
436 which allows for a fifth-wheel connection point for the
437 second semitrailer and has one less articulation point than
438 the conventional A-dolly connected truck-tractor semitrailer-
439 trailer combination;

440 (69) "Truck-trailer boat transporter combination", a
441 boat transporter combination consisting of a straight truck
442 towing a trailer using typically a ball and socket
443 connection with the trailer axle located substantially at
444 the trailer center of gravity rather than the rear of the
445 trailer but so as to maintain a downward force on the
446 trailer tongue;

447 (70) "Used parts dealer", a business that buys and
448 sells used motor vehicle parts or accessories, but not

449 including a business that sells only new, remanufactured or
450 rebuilt parts. Business does not include isolated sales at
451 a swap meet of less than three days;

452 (71) "Utility vehicle", any motorized vehicle
453 manufactured and used exclusively for off-highway use which
454 is more than fifty inches but no more than eighty inches in
455 width, measured from outside of tire rim to outside of tire
456 rim, with an unladen dry weight of three thousand five
457 hundred pounds or less, traveling on four or six wheels, to
458 be used primarily for landscaping, lawn care, or maintenance
459 purposes;

460 (72) "Vanpool", any van or other motor vehicle used or
461 maintained by any person, group, firm, corporation,
462 association, city, county or state agency, or any member
463 thereof, for the transportation of not less than eight nor
464 more than forty-eight employees, per motor vehicle, to and
465 from their place of employment; however, a vanpool shall not
466 be included in the definition of the term bus or commercial
467 motor vehicle as defined in this section, nor shall a
468 vanpool driver be deemed a chauffeur as that term is defined
469 by section 303.020; nor shall use of a vanpool vehicle for
470 ride-sharing arrangements, recreational, personal, or
471 maintenance uses constitute an unlicensed use of the motor
472 vehicle, unless used for monetary profit other than for use
473 in a ride-sharing arrangement;

474 (73) "Vehicle", any mechanical device on wheels,
475 designed primarily for use, or used, on highways, except
476 motorized bicycles, electric bicycles, vehicles propelled or
477 drawn by horses or human power, or vehicles used exclusively
478 on fixed rails or tracks, or cotton trailers or motorized
479 wheelchairs operated by handicapped persons;

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

486 (75) "Wrecker or towing service", the act of
487 transporting, towing or recovering with a wrecker, tow
488 truck, rollback or car carrier any vehicle not owned by the
489 operator of the wrecker, tow truck, rollback or car carrier
490 for which the operator directly or indirectly receives
491 compensation or other personal gain.

301.020. 1. Every owner of a motor vehicle or
2 trailer, which shall be operated or driven upon the highways
3 of this state, except as herein otherwise expressly
4 provided, shall annually file, by mail or otherwise, in the
5 office of the director of revenue, an application for
6 registration on a blank to be furnished by the director of
7 revenue for that purpose containing:

15 (2) The name, the applicant's identification number
16 and address of the owner of such motor vehicle or trailer;

20 2. If the vehicle is a motor vehicle primarily for
21 business use as defined in section 301.010 and if such
22 vehicle is ten years of age or less and has less than one
23 hundred fifty thousand miles on the odometer, the director
24 of revenue shall retain the odometer information provided in
25 the vehicle inspection report, and provide for prompt access
26 to such information, together with the vehicle
27 identification number for the motor vehicle to which such
28 information pertains, for a period of ten years after the
29 receipt of such information. This section shall not apply
30 unless:

31 (1) The application for the vehicle's certificate of
32 ownership was submitted after July 1, 1989; and

33 (2) The certificate was issued pursuant to a
34 manufacturer's statement of origin.

35 3. If the vehicle is any motor vehicle other than a
36 motor vehicle primarily for business use, a recreational
37 motor vehicle, motorcycle, motortricycle, autocycle, bus, or
38 any commercial motor vehicle licensed for over twelve
39 thousand pounds and if such motor vehicle is ten years of
40 age or less and has less than one hundred fifty thousand
41 miles on the odometer, the director of revenue shall retain
42 the odometer information provided in the vehicle inspection
43 report, and provide for prompt access to such information,
44 together with the vehicle identification number for the
45 motor vehicle to which such information pertains, for a
46 period of ten years after the receipt of such information.

47 This subsection shall not apply unless:

48 (1) The application for the vehicle's certificate of
49 ownership was submitted after July 1, 1990; and

50 (2) The certificate was issued pursuant to a
51 manufacturer's statement of origin.

52 4. If the vehicle qualifies as a reconstructed motor
53 vehicle, motor change vehicle, specially constructed motor
54 vehicle, non-USA-std motor vehicle, as defined in section
55 301.010, or prior salvage [as referenced in section
56 301.573], the owner or lienholder shall surrender the
57 certificate of ownership. The owner shall make an
58 application for a new certificate of ownership, pay the
59 required title fee, and obtain the vehicle examination
60 certificate required pursuant to subsection 9 of section
61 301.190. If an insurance company pays a claim on a salvage
62 vehicle as defined in section 301.010 and the owner retains
63 the vehicle, as prior salvage, the vehicle shall only be
64 required to meet the examination requirements under
65 subsection 10 of section 301.190. Notarized bills of sale
66 along with a copy of the front and back of the certificate
67 of ownership for all major component parts installed on the
68 vehicle and invoices for all essential parts which are not
69 defined as major component parts shall accompany the
70 application for a new certificate of ownership. If the
71 vehicle is a specially constructed motor vehicle, as defined
72 in section 301.010, two pictures of the vehicle shall be
73 submitted with the application. If the vehicle is a kit
74 vehicle, the applicant shall submit the invoice and the
75 manufacturer's statement of origin on the kit. If the
76 vehicle requires the issuance of a special number by the
77 director of revenue or a replacement vehicle identification
78 number, the applicant shall submit the required application
79 and application fee. All applications required under this
80 subsection shall be submitted with any applicable taxes
81 which may be due on the purchase of the vehicle or parts.
82 The director of revenue shall appropriately designate
83 "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-

84 USA-Std Motor Vehicle", or "Specially Constructed Motor
85 Vehicle" on the current and all subsequent issues of the
86 certificate of ownership of such vehicle.

87 5. Every insurance company that pays a claim for
88 repair of a motor vehicle which as the result of such
89 repairs becomes a reconstructed motor vehicle as defined in
90 section 301.010 or that pays a claim on a salvage vehicle as
91 defined in section 301.010 and the owner is retaining the
92 vehicle shall in writing notify the owner of the vehicle,
93 and in a first party claim, the lienholder if a lien is in
94 effect, that he is required to surrender the certificate of
95 ownership, and the documents and fees required pursuant to
96 subsection 4 of this section to obtain a prior salvage motor
97 vehicle certificate of ownership or documents and fees as
98 otherwise required by law to obtain a salvage certificate of
99 ownership, from the director of revenue. The insurance
100 company shall within thirty days of the payment of such
101 claims report to the director of revenue the name and
102 address of such owner, the year, make, model, vehicle
103 identification number, and license plate number of the
104 vehicle, and the date of loss and payment.

105 6. Anyone who fails to comply with the requirements of
106 this section shall be guilty of a class B misdemeanor.

107 7. An applicant for registration may make a donation
108 of one dollar to promote a blindness education, screening
109 and treatment program. The director of revenue shall
110 collect the donations and deposit all such donations in the
111 state treasury to the credit of the blindness education,
112 screening and treatment program fund established in section
113 209.015. Moneys in the blindness education, screening and
114 treatment program fund shall be used solely for the purposes
115 established in section 209.015; except that the department

116 of revenue shall retain no more than one percent for its
117 administrative costs. The donation prescribed in this
118 subsection is voluntary and may be refused by the applicant
119 for registration at the time of issuance or renewal. The
120 director shall inquire of each applicant at the time the
121 applicant presents the completed application to the director
122 whether the applicant is interested in making the one dollar
123 donation prescribed in this subsection.

124 8. An applicant for registration may make a donation
125 of an amount not less than one dollar to promote an organ
126 donor program. The director of revenue shall collect the
127 donations and deposit all such donations in the state
128 treasury to the credit of the organ donor program fund as
129 established in sections 194.297 to 194.304. Moneys in the
130 organ donor fund shall be used solely for the purposes
131 established in sections 194.297 to 194.304, except that the
132 department of revenue shall retain no more than one percent
133 for its administrative costs. The donation prescribed in
134 this subsection is voluntary and may be refused by the
135 applicant for registration at the time of issuance or
136 renewal. The director shall inquire of each applicant at
137 the time the applicant presents the completed application to
138 the director whether the applicant is interested in making a
139 contribution not less than one dollar as prescribed in this
140 subsection.

141 9. An applicant for registration may make a donation
142 of one dollar to the Missouri medal of honor recipients
143 fund. The director of revenue shall collect the donations
144 and deposit all such donations in the state treasury to the
145 credit of the Missouri medal of honor recipients fund as
146 established in section 226.925. Moneys in the medal of
147 honor recipients fund shall be used solely for the purposes

148 established in section 226.925, except that the department
149 of revenue shall retain no more than one percent for its
150 administrative costs. The donation prescribed in this
151 subsection is voluntary and may be refused by the applicant
152 for registration at the time of issuance or renewal. The
153 director shall inquire of each applicant at the time the
154 applicant presents the completed application to the director
155 whether the applicant is interested in making the one dollar
156 donation prescribed in this subsection.

301.210. 1. In the event of a sale or transfer of
2 ownership of a motor vehicle or trailer for which a
3 certificate of ownership has been issued, the holder of such
4 certificate shall endorse on the same an assignment thereof,
5 with warranty of title in form printed thereon, and
6 prescribed by the director of revenue, with a statement of
7 all liens or encumbrances on such motor vehicle or trailer,
8 and deliver the same to the buyer at the time of the
9 delivery to him of such motor vehicle or trailer; provided
10 that, when the transfer of a motor vehicle, trailer, boat or
11 outboard motor occurs within a corporation which holds a
12 license to operate as a motor vehicle or boat dealer
13 pursuant to sections **[301.550 to 301.575] 301.1000 to**
14 **301.1063**, the provisions of subdivision (3) of subsection 7
15 of section 144.070 shall not apply.

16 2. The buyer shall then present such certificate,
17 assigned as aforesaid, to the director of revenue, at the
18 time of making application for the registration of such
19 motor vehicle or trailer, whereupon a new certificate of
20 ownership shall be issued to the buyer, the fee therefor
21 being that prescribed in subsection 5 of section 301.190.

22 3. If such motor vehicle or trailer is sold to a
23 resident of another state or country, or if such motor

24 vehicle or trailer is destroyed or dismantled, the owner
25 thereof shall immediately notify the director of revenue.
26 Certificates when so signed and returned to the director of
27 revenue shall be retained by the director of revenue and all
28 certificates shall be appropriately indexed so that at all
29 times it will be possible for him to expeditiously trace the
30 ownership of the motor vehicle or trailer designated therein.

31 4. It shall be unlawful for any person to buy or sell
32 in this state any motor vehicle or trailer registered under
33 the laws of this state, unless, at the time of the delivery
34 thereof, there shall pass between the parties such
35 certificates of ownership with an assignment thereof, as
36 provided in this section, and the sale of any motor vehicle
37 or trailer registered under the laws of this state, without
38 the assignment of such certificate of ownership, shall be
39 presumed fraudulent and void unless the parties have
40 executed a written agreement for delayed delivery of
41 certificate of ownership as provided in subsection 5 of this
42 section.

43 5. (1) A motor vehicle dealer licensed under sections
44 [301.550 to 301.580] **301.1000 to 301.1063** may deliver a
45 motor vehicle or trailer to a purchaser with a written
46 agreement to pass the certificate of ownership with an
47 assignment to the purchaser within thirty days after
48 delivery, inclusive of weekends and holidays.

49 (2) The form of the agreement shall be prescribed by
50 the director of revenue. The agreement shall provide that
51 if the motor vehicle dealer does not pass the certificate of
52 ownership with an assignment to the purchaser within thirty
53 days that the sale shall be voidable at purchaser's option
54 and, in such case, dealer shall repurchase the vehicle by
55 paying and satisfying in full any purchase money lien

56 against the vehicle, including accrued penalties and fees,
57 with the remainder of one hundred percent of the sale price
58 refunded and paid by the dealer to the buyer. As used in
59 this subdivision, the term "sale price" shall include the
60 negotiated price of the vehicle, the down payment, the trade-
61 in allowance even if the allowance reflected negative
62 equity, and the price of all optional services and products
63 sold to the buyer under the sales and finance transaction.

64 (3) In the event a motor vehicle subject to this
65 subsection has suffered physical damage covered by the
66 purchaser's vehicle insurance policy and the vehicle is
67 determined by the insurance company to be a total loss, the
68 insurance company may satisfy the claim in full, with
69 respect to the damage to the vehicle, by transferring all
70 proceeds to such purchaser and any secured lienholder of
71 record. The purchaser shall not assign the purchaser's
72 corresponding insurance benefits to any party without the
73 express written permission of the insurer. In conjunction
74 with such satisfaction of the claim, if as part of such
75 claim settlement the insurance company is to receive the
76 vehicle under subdivision (4) of this subsection, but clear
77 title never vests with the purchaser within the thirty-day
78 period after the date of sale prescribed by subdivision (2)
79 of this subsection or within ten days of the claim
80 settlement date, whichever is later, the insurance company
81 shall notify the dealer that clear title never vested with
82 the purchaser and the dealer shall reimburse the insurance
83 company for the salvage value of such vehicle as determined
84 in the claims settlement with the purchaser, and in exchange
85 the insurance company shall assign its rights to the vehicle
86 back to the dealer. If the dealer fails to make payment to
87 the insurance company within fifteen days of receiving

88 notice, the dealer shall be liable to the insurance company
89 for the value of the salvage as determined in the claims
90 settlement with the purchaser, plus any actual damages and
91 any applicable court costs, in return for the right to
92 acquire the title and apply for a salvage title under this
93 chapter.

94 (4) Notwithstanding any provision of law to the
95 contrary, completion of the requirements of this subsection
96 shall constitute *prima facie* evidence of an ownership
97 interest vested in the purchaser of the vehicle for all
98 purposes other than for a subsequent transfer of ownership
99 of the vehicle by the purchaser, subject to the rights of
100 any secured lienholder of record; however, the purchaser may
101 use a dealer-supplied copy of the agreement to transfer his
102 or her ownership of the vehicle to an insurance company in
103 situations where the vehicle has been declared salvage or a
104 total loss by the insurance company as a result of a
105 settlement of a claim. Such insurance company may apply for
106 a salvage certificate of title or junking certificate under
107 subsection 3 of section 301.193 in order to transfer its
108 interest in such vehicle. The purchaser may also use a
109 dealer-supplied copy of the agreement on the form prescribed
110 by the director of revenue as proof of ownership interest.
111 Any lender or insurance company may rely upon a copy of the
112 signed written agreement on the form prescribed by the
113 director of revenue as proof of ownership interest. Any
114 lien placed upon a vehicle based upon such signed written
115 agreement shall be valid and enforceable, notwithstanding
116 the absence of a certificate of ownership.

117 (5) No motor vehicle dealer shall be authorized under
118 this subsection to enter and have outstanding any such
119 written agreements until such dealer has provided to the

120 director of revenue a surety bond or irrevocable letter of
121 credit in an amount not less than one hundred thousand
122 dollars in a form which complies with the requirements of
123 section [301.560] **301.1018** and in lieu of the fifty thousand
124 dollar bond otherwise required for licensure as a motor
125 vehicle dealer.

301.213. 1. Notwithstanding the provisions of
2 sections 301.200 and 301.210, any person licensed as a motor
3 vehicle dealer under sections [301.550 to 301.580] **301.1000**
4 **to 301.1063** that has provided to the director of revenue a
5 surety bond or irrevocable letter of credit in an amount not
6 less than one hundred thousand dollars in a form which
7 complies with the requirements of section [301.560] **301.1018**
8 and in lieu of the fifty thousand dollar bond otherwise
9 required for licensure as a motor vehicle dealer shall be
10 authorized to purchase or accept in trade any motor vehicle
11 for which there has been issued a certificate of ownership,
12 and to receive such vehicle subject to any existing liens
13 thereon created and perfected under sections 301.600 to
14 301.660 provided the licensed dealer receives the following:

15 (1) A signed written contract between the licensed
16 dealer and the owner of the vehicle outlining the terms of
17 the sale or acceptance in trade of such motor vehicle
18 without transfer of the certificate of ownership; and

19 (2) Physical delivery of the vehicle to the licensed
20 dealer; and

21 (3) A power of attorney from the owner to the licensed
22 dealer, in accordance with subsection 4 of section 301.300,
23 authorizing the licensed dealer to obtain a duplicate or
24 replacement title in the owner's name and sign any title
25 assignments on the owner's behalf.

26 2. If the dealer complies with the requirements of
27 subsection 1 of this section, the sale or trade of the
28 vehicle to the dealer shall be considered final, subject to
29 any existing liens created and perfected under sections
30 301.600 to 301.660. Once the prior owner of the motor
31 vehicle has physically delivered the motor vehicle to the
32 licensed dealer, the prior owners' insurable interest in
33 such vehicle shall cease to exist.

34 3. If a licensed dealer complies with the requirements
35 of subsection 1 of this section, and such dealer has
36 provided to the director of revenue a surety bond or
37 irrevocable letter of credit in amount not less than one
38 hundred thousand dollars in a form which complies with the
39 requirements of section **[301.560] 301.1018** and in lieu of
40 the fifty thousand dollar bond otherwise required for
41 licensure as a motor vehicle dealer, such dealer may sell
42 such vehicle prior to receiving and assigning to the
43 purchaser the certificate of ownership, provided such dealer
44 complies with the following:

45 (1) All outstanding liens created on the vehicle
46 pursuant to sections 301.600 to 301.660 have been paid in
47 full, and the dealer provides a copy of proof or other
48 evidence to the purchaser; and

49 (2) The dealer has obtained proof or other evidence
50 from the department of revenue confirming that no
51 outstanding child support liens exist upon the vehicle at
52 the time of sale and provides a copy of said proof or other
53 evidence to the purchaser; and

54 (3) The dealer has obtained proof or other evidence
55 from the department of revenue confirming that all
56 applicable state sales tax has been satisfied on the sale of

57 the vehicle to the previous owner and provides a copy of
58 said proof or other evidence to the purchaser; and

59 (4) The dealer has signed an application for duplicate
60 or replacement title for the vehicle under subsection 4 of
61 section 301.300 and provides a copy of the application to
62 the purchaser, along with a copy of the power of attorney
63 required by subsection 1 of this section, and the dealer has
64 prepared and delivered to the purchaser an application for
65 title for the vehicle in the purchaser's name; and

66 (5) The dealer and the purchaser have entered into a
67 written agreement for the subsequent assignment and delivery
68 of such certificate of ownership, on a form prescribed by
69 the director of revenue, to take place at a time, not to
70 exceed sixty calendar days, after the time of delivery of
71 the motor vehicle to the purchaser. Such agreement shall
72 require the purchaser to provide to the dealer proof of
73 financial responsibility in accordance with chapter 303 and
74 proof of comprehensive and collision coverage on the motor
75 vehicle. Such dealer shall maintain the original or an
76 electronic copy of the signed agreement and deliver a copy
77 of the signed agreement to the purchaser. Such dealer shall
78 also complete and deliver to the director of revenue such
79 form as the director shall prescribe demonstrating that the
80 purchaser has purchased the vehicle without contemporaneous
81 delivery of the title.

82 Notwithstanding any provision of law to the contrary,
83 completion of the requirements of this subsection shall
84 constitute prima facie evidence of an ownership interest
85 vested in the purchaser of the vehicle for all purposes
86 other than for a subsequent transfer of ownership of the
87 vehicle by the purchaser, subject to the rights of any

88 secured lienholder of record; however, the purchaser may use
89 the dealer-supplied copy of the agreement to transfer his or
90 her ownership of the vehicle to an insurance company in
91 situations where the vehicle has been declared salvage or a
92 total loss by the insurance company as a result of a
93 settlement of a claim. Such insurance company may apply for
94 a salvage certificate of title or junking certificate
95 pursuant to the provisions of subsection 3 of section
96 301.193 in order to transfer its interest in such vehicle.
97 The purchaser may also use the dealer-supplied copy of the
98 agreement on the form prescribed by the director of revenue
99 as proof of ownership interest. Any lender or insurance
100 company may rely upon a copy of the signed written agreement
101 on the form prescribed by the director of revenue as proof
102 of ownership interest. Any lien placed upon a vehicle based
103 upon such signed written agreement shall be valid and
104 enforceable, notwithstanding the absence of a certificate of
105 ownership.

106 4. Following a sale or other transaction in which a
107 certificate of ownership has not been assigned from the
108 owner to the licensed dealer, the dealer shall, within ten
109 business days, apply for a duplicate or replacement
110 certificate of ownership. Upon receipt of a duplicate or
111 replacement certificate of ownership applied for under
112 subsection 4 of section 301.300, the dealer shall assign and
113 deliver said certificate of ownership to the purchaser of
114 the vehicle within five business days. The dealer shall
115 maintain proof of the assignment and delivery of the
116 certificate of ownership to the purchaser. For purposes of
117 this subsection, a dealer shall be deemed to have delivered
118 the certificate of ownership to the purchaser upon either:

(1) Physical delivery of the certificate of ownership to any of the purchasers identified in the contract with such dealer; or

(2) Mailing of the certificate, postage prepaid, return receipt requested, to any of the purchasers at any of their addresses identified in the contract with such dealer.

5. If a licensed dealer fails to comply with subsection 3 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees.

6. If a licensed dealer fails or is unable to comply with subsection 4 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees. If the dealer cannot be found by the purchaser after making reasonable attempts, or if the dealer fails to assign and deliver the duplicate or replacement certificate of ownership to the purchaser by the date agreed upon by the dealer and the purchaser, as required by subsection 4 of this section, then the purchaser may deliver to the director a copy of the contract for sale of the vehicle, a copy of the application for duplicate title provided by the dealer to the purchaser, a copy of the secure power of attorney allowing the dealer to assign the duplicate title, and the proof or other evidence obtained by the purchaser from the dealer under subsection 3 of this section. Thereafter, the director shall mail by certified mail, return receipt requested, a notice to the dealer at the last address given to the department by that dealer. That notice shall inform the dealer that the director intends to cancel any prior

151 certificate of title which may have been issued to the
152 dealer on the vehicle and issue to the purchaser a
153 certificate of title in the name of the purchaser, subject
154 to any liens incurred by the purchaser in connection with
155 the purchase of the vehicle, unless the dealer, within ten
156 business days from the date of the director's notice, files
157 with the director a written objection to the director taking
158 such action. If the dealer does file a timely, written
159 objection with the director, then the director shall not
160 take any further action without an order from a court of
161 competent jurisdiction. However, if the dealer does not
162 file a timely, written objection with the director, then the
163 director shall cancel the prior certificate of title issued
164 to the dealer on the vehicle and issue a certificate of
165 title to the purchaser of the vehicle, subject to any liens
166 incurred by the purchaser in connection with the purchase of
167 the vehicle and subject to the purchaser satisfying all
168 applicable taxes and fees associated with registering the
169 vehicle.

170 7. If a seller misrepresents to a dealer that the
171 seller is the owner of a vehicle and the dealer, the owner,
172 any subsequent purchaser, or any prior or subsequent
173 lienholder is thereby damaged, then the seller shall be
174 liable to each such party for actual and punitive damages,
175 plus court costs and reasonable attorney fees.

176 8. When a lienholder is damaged as a result of a
177 licensed dealer's acts, errors, omissions, or violations of
178 this section, then the dealer shall be liable to the
179 lienholder for actual damages, plus court costs and
180 reasonable attorney fees.

181 9. No court costs or attorney fees shall be awarded
182 under this section unless, prior to filing any such action,
183 the following conditions have been met:

184 (1) The aggrieved party seeking damages has delivered
185 an itemized written demand of the party's actual damages to
186 the party from whom damages are sought; and

187 (2) The party from whom damages are sought has not
188 satisfied the written demand within thirty days after
189 receipt of the written demand.

190 10. The department of revenue may use a dealer's
191 repeated or intentional violation of this section as a cause
192 to suspend, revoke, or refuse to issue or renew any license
193 required pursuant to sections **[301.550 to 301.580] 301.1000**
194 **to 301.1063**, in addition to the causes set forth in section
195 **[301.562] 301.1030**. The hearing process shall be the same
196 as that established in subsection 6 of section **[301.562]**
197 **301.1030**.

198 11. No dealer shall enter into a contract under this
199 section after December 31, 2020. Any contract entered into
200 prior to December 31, 2020, shall be enforceable as provided
201 in this section. This section shall be repealed effective
202 December 31, 2020.

301.218. 1. No person shall, except as an incident to
2 the sale, repair, rebuilding or servicing of vehicles by a
3 licensed franchised motor vehicle dealer, carry on or
4 conduct the following business unless licensed to do so by
5 the department of revenue under sections 301.217 to 301.229:

6 (1) Selling used parts of or used accessories for
7 vehicles as a used parts dealer, as defined in section
8 301.010;

12 (3) Rebuilding and repairing four or more wrecked or
13 dismantled vehicles in a calendar year as a rebuilder or
14 body shop, as defined in section 301.010;

15 (4) Processing scrapped vehicles or vehicle parts as a
16 scrap processor, as defined in section 301.010.

17 2. Sales at a salvage pool or a salvage disposal sale
18 shall be open only to and made to persons actually engaged
19 in and holding a current license under sections 301.217 to
20 301.221 and [301.550 to 301.573] **301.1000 to 301.1063** or any
21 person from another state or jurisdiction who is legally
22 allowed in his or her state of domicile to purchase for
23 resale, rebuild, dismantle, crush, or scrap either motor
24 vehicles or salvage vehicles, and to persons who reside in a
25 foreign country that are purchasing salvage vehicles for
26 export outside of the United States. Operators of salvage
27 pools or salvage disposal sales shall keep a record, for
28 three years, of sales of salvage vehicles with the
29 purchasers' name and address, and the year, make, and
30 vehicle identification number for each vehicle. These
31 records shall be open for inspection as provided in section
32 301.225. Such records shall be submitted to the department
33 on a quarterly basis.

34 3. The operator of a salvage pool or salvage disposal
35 sale, or subsequent purchaser, who sells a nonrepairable
36 motor vehicle or a salvage motor vehicle to a person who is
37 not a resident of the United States at a salvage pool or a
38 salvage disposal sale shall:

41 the words "FOR EXPORT ONLY" in capital letters that are
42 black; and

43 (2) Stamp in each unused reassignment space on the
44 back of the title the words "FOR EXPORT ONLY" and print the
45 number of the dealer's salvage vehicle license, name of the
46 salvage pool, or the name of the governmental entity, as
47 applicable.

48 The words "FOR EXPORT ONLY" required under subdivisions (1)
49 and (2) of this subsection shall be at least two inches wide
50 and clearly legible. Copies of the stamped titles shall be
51 forwarded to the department.

52 4. The director of revenue shall issue a separate
53 license for each kind of business described in subsection 1
54 of this section, to be entitled and designated as either
55 "used parts dealer"; "salvage dealer or dismantler";
56 "rebuilder or body shop"; or "scrap processor" license.

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

16 certificate of title, junking certificate, or certificate of
17 ownership exists, the seller, if licensed under sections
18 301.217 to 301.221, shall forward the certificate to the
19 director of revenue within ten days, with the notation of
20 the date sold for destruction and the name of the purchaser
21 clearly shown on the face of the certificate.

22 2. Whenever a vehicle is classified as junk, as
23 defined in section 301.010, the purchaser may forward to the
24 director of revenue a properly completed application for a
25 junking certificate as well as the salvage certificate of
26 title or certificate of ownership and the director shall
27 issue a negotiable junking certificate to the purchaser of
28 the vehicle. The director may also issue a junking
29 certificate to a possessor of a vehicle manufactured twenty-
30 six years or more prior to the current model year who has a
31 bill of sale for said vehicle but does not possess a
32 certificate of ownership, provided no claim of theft has
33 been made on the vehicle and the highway patrol has by
34 letter stated the vehicle is not listed as stolen after
35 checking the registration number through its nationwide
36 computer system. Such junking certificate may be granted
37 within thirty days of the submission of a request. A
38 junking certificate shall authorize the holder to possess,
39 transport, or, by assignment, transfer ownership in such
40 parts, scrap, or junk.

41 3. For any vehicle issued a junking certificate or
42 such similar document or classification pursuant to the laws
43 of another state, regardless of whether such designation has
44 been subsequently changed by law in any other state, the
45 department shall only issue a junking certificate, and a
46 salvage certificate of title or original certificate of
47 ownership shall not thereafter be issued for such vehicle.

48 Notwithstanding the provisions of this subsection, if the
49 vehicle has not previously been classified as a junk
50 vehicle, the applicant making the original junking
51 certification application shall, within ninety days, be
52 allowed to rescind his application for a junking certificate
53 by surrendering the junking certificate and apply for a
54 salvage certificate of title in his name. The seller of a
55 vehicle for which a junking certificate has been applied for
56 or issued shall disclose such fact in writing to any
57 prospective buyers before sale of such vehicle; otherwise
58 the sale shall be voidable at the option of the buyer.

59 4. No scrap metal operator shall acquire or purchase a
60 motor vehicle or parts thereof without, at the time of such
61 acquisition, receiving the original certificate of ownership
62 or salvage certificate of title or junking certificate from
63 the seller of the vehicle or parts, unless the seller is a
64 licensee under sections 301.219 to 301.221.

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

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

74 7. Notwithstanding any other provision of this
75 section, a motor vehicle dealer as defined in section
76 [301.550] **301.1000** and licensed under the provisions of
77 sections [301.550 to 301.572] **301.1000 to 301.1063** may
78 negotiate one reassignment of a salvage certificate of title
79 on the back thereof.

80 8. Notwithstanding the provisions of subsection 1 of
81 this section, an insurance company which settles a claim for
82 a stolen vehicle may apply for and shall be issued a
83 negotiable salvage certificate of title without the payment
84 of any fee upon proper application within thirty days after
85 settlement of the claim for such stolen vehicle. However,
86 if the insurance company upon recovery of a stolen vehicle
87 determines that the stolen vehicle has not sustained damage
88 to the extent that the vehicle would have otherwise been
89 declared a salvage vehicle pursuant to section 301.010, then
90 the insurance company may have the vehicle inspected by the
91 Missouri state highway patrol, or other law enforcement
92 agency authorized by the director of revenue, in accordance
93 with the inspection provisions of subsection 9 of section
94 301.190. Upon receipt of title application, applicable fee,
95 the completed inspection, and the return of any previously
96 issued negotiable salvage certificate, the director shall
97 issue an original title with no salvage or prior salvage
98 designation. Upon the issuance of an original title the
99 director shall remove any indication of the negotiable
100 salvage title previously issued to the insurance company
101 from the department's electronic records.

102 9. Notwithstanding subsection 4 of this section or any
103 other provision of the law to the contrary, if a motor
104 vehicle is inoperable and is at least ten model years old,
105 or the parts are from a motor vehicle that is inoperable and
106 is at least ten model years old, a scrap metal operator may
107 purchase or acquire such motor vehicle or parts without
108 receiving the original certificate of ownership, salvage
109 certificate of title, or junking certificate from the seller
110 of the vehicle or parts, provided the scrap metal operator
111 verifies with the department of revenue, via the

112 department's online record access, that the motor vehicle is
113 not subject to any recorded security interest or lien and
114 the scrap metal operator complies with the requirements of
115 this subsection. In lieu of forwarding certificates of
116 title or ownership for such motor vehicles as required by
117 subsection 5 of this section, the scrap metal operator shall
118 forward a copy of the seller's state identification card
119 along with a bill of sale to the department of revenue. The
120 bill of sale form shall be designed by the director and such
121 form shall include, but not be limited to, a certification
122 that the motor vehicle is at least ten model years old, is
123 inoperable, is not subject to any recorded security interest
124 or lien, and a certification by the seller that the seller
125 has the legal authority to sell or otherwise transfer the
126 seller's interest in the motor vehicle or parts. Upon
127 receipt of the information required by this subsection, the
128 department of revenue shall cancel any certificate of title
129 or ownership and registration for the motor vehicle. If the
130 motor vehicle is inoperable and at least twenty model years
131 old, then the scrap metal operator shall not be required to
132 verify with the department of revenue whether the motor
133 vehicle is subject to any recorded security interests or
134 liens. As used in this subsection, the term "inoperable"
135 means a motor vehicle that is in a rusted, wrecked,
136 discarded, worn out, extensively damaged, dismantled, and
137 mechanically inoperative condition and the vehicle's highest
138 and best use is for scrap purposes. The director of the
139 department of revenue is directed to promulgate rules and
140 regulations to implement and administer the provisions of
141 this section, including but not limited to, the development
142 of a uniform bill of sale. Any rule or portion of a rule,
143 as that term is defined in section 536.010, that is created

144 under the authority delegated in this section shall become
145 effective only if it complies with and is subject to all of
146 the provisions of chapter 536 and, if applicable, section
147 536.028. This section and chapter 536 are nonseverable and
148 if any of the powers vested with the general assembly
149 pursuant to chapter 536 to review, to delay the effective
150 date, or to disapprove and annul a rule are subsequently
151 held unconstitutional, then the grant of rulemaking
152 authority and any rule proposed or adopted after August 28,
153 2012, shall be invalid and void.

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 twenty years old or older, any
17 motor vehicle having a gross vehicle weight rating of more
18 than sixteen thousand pounds, new vehicles that are
19 transferred on a manufacturer's statement of origin between
20 one franchised motor vehicle dealer and another, or boats,
21 all-terrain vehicles or trailers. The sale of all temporary
22 permits shall be recorded in the appropriate space on the

23 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] 301.1030** or a penalty assessed by the director not
38 to exceed three hundred dollars per violation. Every motor
39 vehicle and boat dealer shall retain copies of the monthly
40 sales 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.

301.1000. 1. As used in sections 301.1000 to
2 301.1063, the following terms mean:

3 (1) "Board", the Missouri motor vehicle board
4 established under section 301.1003;

5 (2) "Boat dealer", any natural person, partnership, or
6 corporation who, for a commission or with an intent to make
7 a profit or gain of money or other thing of value, sells,
8 barter, exchanges, leases or rents with the option to
9 purchase, offers, attempts to sell, or negotiates the sale
10 of any vessel or vessel trailer, whether or not the vessel
11 or vessel trailer is owned by such person. The sale of six
12 or more vessels or vessel trailers in any calendar year
13 shall be required as evidence that such person is eligible
14 for licensure as a boat dealer under sections 301.1000 to
15 301.1063, except that such sales requirements shall be
16 waived for entities also licensed as boat manufacturers
17 under section 301.1015 who custom manufacture boats:

18 (a) For use with biological research and management
19 equipment for fisheries; or

20 (b) For use with scientific sampling and for
21 geological or chemistry purposes;

28 (4) "Department", the Missouri department of commerce
29 and insurance;

30 (5) "Director", the executive director of the Missouri
31 motor vehicle board;

32 (6) "Division", the division of professional
33 registration of the department of commerce and insurance;

34 (7) "Emergency vehicles", motor vehicles used as
35 ambulances, law enforcement vehicles, and firefighting and
36 assistance vehicles;

44 (9) "Motor vehicle broker", a person who holds himself
45 or herself out through solicitation, advertisement, or
46 otherwise as one who offers to arrange a transaction
47 involving the retail sale of a motor vehicle and who is not:

48 (a) A dealer, or any agent, or any employee of a
49 dealer when acting on behalf of a dealer;

50 (b) A manufacturer, or any agent, or employee of a
51 manufacturer when acting on behalf of a manufacturer:

52 (c) The owner of the vehicle involved in the
53 transaction; or

54 (d) A public motor vehicle auction or wholesale motor
55 vehicle auction where buyers are licensed dealers in this
56 state or any other state;

57 (10) "Motor vehicle dealer" or "dealer", any person
58 who, for commission or with an intent to make a profit or
59 gain of money or other thing of value, sells, barters,
60 exchanges, leases or rents with the option to purchase, or
61 who offers or attempts to sell or negotiates the sale of
62 motor vehicles or trailers whether or not the motor vehicles
63 or trailers are owned by such person; provided, however, an
64 individual auctioneer or auction conducted by an auctioneer
65 licensed under chapter 343 shall not be included within the
66 definition of a motor vehicle dealer. The sale of six or
67 more motor vehicles or trailers in any calendar year shall
68 be required as evidence that such person is engaged in the
69 motor vehicle business and is eligible for licensure as a
70 motor vehicle dealer under sections 301.1000 to 301.1063.
71 Any licensed motor vehicle dealer failing to meet the
72 minimum vehicle sales requirements as referenced in this
73 subsection shall not be qualified to renew his or her
74 license for one year. To be eligible for license renewal,
75 applicants shall meet the minimum requirement of six sales
76 per year;

77 (11) "New motor vehicle", any motor vehicle being
78 transferred for the first time from a manufacturer,
79 distributor, or new vehicle dealer that has not been
80 registered or titled in this state or any other state and
81 that is offered for sale, barter, or exchange by a dealer
82 who is franchised to sell, barter, or exchange that
83 particular make of motor vehicle. The term "new motor
84 vehicle" shall not include manufactured homes, as defined in
85 section 700.010;

86 (12) "New motor vehicle franchise dealer", any motor
87 vehicle dealer who has been franchised to deal in a certain
88 make of motor vehicle by the manufacturer or distributor of
89 that make of motor vehicle and who may, in line with
90 conducting his or her business as a franchise dealer, sell,
91 barter, or exchange used motor vehicles;

92 (13) "Person", includes any natural person,
93 partnership, corporation, or association, joint venture,
94 limited liability company, or any other entity;

95 (14) "Powersport dealer", any motor vehicle dealer who
96 sells, either pursuant to a franchise agreement or
97 otherwise, primarily motor vehicles including, but not
98 limited to, motorcycles, all-terrain vehicles, and personal
99 watercraft, as such terms are defined in this chapter and
100 chapter 306;

101 (15) "Public motor vehicle auction", any person, firm,
102 or corporation who takes possession of a motor vehicle
103 whether by consignment, bailment, or any other arrangement,
104 except by title, for the purpose of selling motor vehicles
105 at a public auction by a licensed auctioneer;

106 (16) "Recreational motor vehicle dealer", a dealer of
107 new or used motor vehicles designed, constructed, or
108 substantially modified for use as temporary housing
109 quarters, including sleeping and eating facilities that are
110 either permanently attached to the motor vehicle or attached
111 to a unit that is securely attached to the motor vehicle;

112 (17) "Storage lot", an area within the same city or
113 county where a dealer may store excess vehicle inventory;

114 (18) "Trailer," any trailer as defined in section
115 301.010;

116 (19) "Trailer dealer", any person selling, either
117 exclusively or otherwise, trailers. A trailer dealer may

118 acquire a motor vehicle for resale only as a trade-in for a
119 trailer. Notwithstanding the provisions of sections 301.010
120 and 301.069, trailer dealers may purchase one driveaway
121 license plate to display such motor vehicle for
122 demonstration purposes. The sale of six or more trailers in
123 any calendar year shall be required as evidence that such
124 person is engaged in the trailer business and is eligible
125 for licensure as a trailer dealer under sections 301.1000 to
126 301.1063. Any licensed trailer dealer failing to meet the
127 minimum trailer and vehicle sales requirements as referenced
128 in this subdivision shall not be qualified to renew his or
129 her license for one year. Applicants who reapply after the
130 one-year period shall meet the requirement of six sales per
131 year;

132 (20) "Used motor vehicle", any motor vehicle that is
133 not a new motor vehicle, as defined in this section, and
134 that has been sold, bartered, exchanged, or given away, or
135 that may have had a title issued in this state or any other
136 state, or a motor vehicle so used as to be what is commonly
137 known as a secondhand motor vehicle. In the event of an
138 assignment of the statement of origin from an original
139 franchise dealer to any individual or other motor vehicle
140 dealer other than a new motor vehicle franchise dealer of
141 the same make, the vehicle so assigned shall be deemed to be
142 a used motor vehicle, and a certificate of ownership shall
143 be obtained in the assignee's name. The term "used motor
144 vehicle" shall not include manufactured homes, as defined in
145 section 700.010;

146 (21) "Used motor vehicle dealer", any motor vehicle
147 dealer who is not a new motor vehicle franchise dealer;

148 (22) "Vessel", every boat and watercraft defined as a
149 vessel in section 306.010;

150 (23) "Vessel trailer", any trailer, as defined by
151 section 301.010, that is designed and manufactured for the
152 purposes of transporting vessels;

164 (25) "Wholesale motor vehicle dealer", a motor vehicle
165 dealer who sells motor vehicles only to other new motor
166 vehicle franchise dealers or used motor vehicle dealers or
167 via auctions limited to other dealers of any class.

168 2. For purposes of sections 301.1000 to 301.1063, the
169 term "motor vehicle" or the term "trailer" shall not include
170 manufactured homes, as defined in section 700.010.

171 3. Dealers shall be divided into classes as follows:

172 (1) Franchised new motor vehicle dealers;

173 (2) Used motor vehicle dealers;

174 (3) Wholesale motor vehicle dealers;

175 (4) Powersport dealers:

176 (5) Public motor vehicle auctions:

177 (6) Wholesale motor vehicle auctions:

178 (7) Recreational motor vehicle dealers:

179 (8) Historic motor vehicle dealers:

180 (9) Classic motor vehicle dealers: and

181 (10) Boat dealers

301.1003. 1. There is hereby created within the
2 department of commerce and insurance the "Missouri Motor
3 Vehicle Board", which shall be responsible for the licensing
4 of all manufacturers, motor vehicle dealers, boat dealers,
5 wholesale motor vehicle auctions, public motor vehicle
6 auctions, and wholesale motor vehicle dealers under the
7 provisions of sections 301.1000 to 301.1063 and the rules
8 and regulations that it may adopt.

9 2. All the powers, duties, and functions of the
10 Missouri department of revenue granted in sections 301.550
11 to 301.571 and section 301.280 in effect before August 28,
12 2026, are transferred by type I transfer, as provided in the
13 Omnibus State Reorganization Act of 1974, to the board. The
14 rules and regulations adopted by the department of revenue
15 that were adopted pursuant to sections 301.550 to 301.580
16 before August 28, 2026, shall continue in effect on and
17 after August 28, 2026.

18 3. The board shall be composed of nine members, all to
19 be selected and appointed by the governor, by and with the
20 advice and consent of the senate, not more than five of whom
21 shall be affiliated with the same political party. Each
22 member of the board shall be a citizen of the United States
23 and a resident of this state for at least five years prior
24 to his or her appointment. Five members shall be licensed
25 franchised new motor vehicle dealers, two members shall be
26 licensed used motor vehicle dealers, one member shall be a
27 licensed powersport dealer, and one member shall be a public
28 member having no pecuniary interest in any motor vehicle
29 dealership or boat dealership.

30 4. The members of the board shall be appointed for a
31 term of four years, except that from the first nine-member
32 board, the governor shall designate three members to serve a

33 two-year term, three members to serve a three-year term, and
34 three members to serve a four-year term. Thereafter, each
35 member shall be appointed for a four-year term. Each member
36 shall serve until the expiration of his or her term or until
37 his or her successor is appointed and qualified. Any
38 vacancy on the board shall be filled by the governor, by and
39 with the advice and consent of the senate, for the duration
40 of the unexpired term.

41 5. The board shall elect a chair and secretary at the
42 first regular meeting held after January first of each
43 year. The board shall meet at such times as it may
44 determine, but the board shall meet at least quarterly.
45 Special meetings may be held upon call of the chair upon
46 adequate notice given by the director to the members of the
47 board. To conduct business, a quorum of the board shall be
48 in attendance, and five members of the board shall
49 constitute a quorum. Board members shall receive no salary
50 or other compensation for their service as members but shall
51 receive their necessary travel and other expenses incurred
52 while actually engaged in performing their official duties.

53 6. The board shall adopt an official seal, to consist
54 of the official seal of the state of Missouri bordered by an
55 inscription containing the words "Missouri Motor Vehicle
56 Board".

57 7. The board shall adopt those rules and regulations
58 necessary for the enforcement of sections 301.1000 to
59 301.1063. Any rule or portion of a rule, as that term is
60 defined in section 536.010, that is created under the
61 authority delegated in this section shall become effective
62 only if it complies with and is subject to all of the
63 provisions of chapter 536 and, if applicable, section
64 536.028. This section and chapter 536 are nonseverable and

65 if any of the powers vested with the general assembly
66 pursuant to chapter 536 to review, to delay the effective
67 date, or to disapprove and annul a rule are subsequently
68 held unconstitutional, then the grant of rulemaking
69 authority and any rule proposed or adopted after August 28,
70 2026, shall be invalid and void.

71 8. All orders or decisions of the board shall be in
72 writing and signed by the director with the official seal
73 affixed thereto.

74 9. Each member of the board, and each person who
75 provides information to or otherwise participates in the
76 operation of the board, shall be immune from personal civil
77 liability for such acts performed within the scope of their
78 official duties so long as the acts were performed in good
79 faith and were not negligent.

301.1006. 1. The board shall employ an executive
2 director who shall serve at the pleasure of the board. The
3 board may employ such other personnel as are required to
4 fulfill its duties and responsibilities under sections
5 301.1000 to 301.1063. The duties of the director shall
6 include, but not be limited to:

7 (1) The supervision and direction of the activities of
8 the board's employees;

9 (2) The receipt and prompt disposition of all
10 correspondence or inquiries directed to the board;

11 (3) Serving as the custodian of the files and records
12 of the board;

13 (4) Maintaining all minutes of board proceedings;

14 (5) Maintaining a record, which shall be available for
15 public inspection, of the total number of annual new motor
16 vehicle sales by individual franchise dealers and a separate
17 record of total annual used motor vehicle sales by

18 individual used motor vehicle dealers from dealer sales
19 records;

20 (6) Supervising the handling and disposition of all
21 complaints against licensees submitted to the board and
22 maintaining a log of such complaints to be made available
23 for public inspection, subject to applicable law regarding
24 nondisclosure. The complaints shall be logged into record,
25 the record shall include at a minimum, the licensee's name,
26 the name of the complaining party, if given, the date of the
27 complaint, and a brief statement of the complaint and its
28 ultimate disposition. Notwithstanding any provisions of law
29 to the contrary, such complaint shall be kept in confidence
30 by the executive director until such time as formal
31 proceedings are filed with the director, or the executive
32 director disposes of the complaint in accordance with
33 sections 301.1000 to 301.1063, provided that upon inquiry
34 from a licensee against whom a complaint has been received,
35 the executive director shall acknowledge to the licensee
36 that a complaint has been made. The licensee shall have
37 access to all complaints and information contained therein;

38 (7) Keeping custody of the board's official seal and
39 affixing of this seal to all licenses and orders issued by
40 the board under sections 301.1000 to 301.1063;

41 (8) The performance of any other duty required in the
42 enforcement of sections 301.1000 to 301.1063.

43 2. The annual salary of the director shall be set in
44 accordance with the state uniform classification and pay
45 system pay plan and shall be set in a range not below range
46 "G14" as provided by such system.

301.1009. 1. There is hereby established in the
2 office of the state treasurer a fund to be known as the
3 "Missouri Motor Vehicle Board Fund". All fees of any kind

4 and character authorized to be charged by the board, other
5 than fees for the issuance of the license plates and
6 certificates of number authorized by section, shall be
7 collected by the director of the division of professional
8 registration and shall be transmitted to the department of
9 commerce and insurance for deposit in the state treasury for
10 credit to this fund, to be disbursed only in payment of
11 expenses of maintaining the board and for the enforcement of
12 the provisions of law concerning professions regulated by
13 the board. No other moneys shall be paid out of the state
14 treasury for carrying out these provisions. Warrants shall
15 be issued by the state treasurer for payment out of such
16 fund. Fees collected under section 301.1024 for the
17 issuance of dealer license plates and certificates of number
18 shall be transferred to the credit of the department of
19 revenue to offset its costs for the manufacture of such
20 license plates and certificates of number.

21 2. The provisions of section 33.080 to the contrary
22 notwithstanding, moneys in this fund shall not be
23 transferred and placed to the credit of general revenue
24 until the amount in the fund at the end of the biennium
25 exceeds two times the amount of the appropriation from the
26 board's funds for the preceding fiscal year or, if the board
27 by regulation permits registration renewal less frequently
28 than yearly, three times the appropriation from the board's
29 funds for the preceding fiscal year. The amount, if any, in
30 the fund that shall lapse is that amount in the fund that
31 exceeds the appropriate multiple of the appropriations from
32 the board's funds for the preceding fiscal year.

301.1012. The powers and duties of the board shall
2 include, but not be limited to, the following:

3 (1) To establish the qualifications of applicants for
4 licensure, provided that all qualifications shall be
5 necessary to ensure competence and integrity;

6 (2) To examine, or cause to be examined, the
7 qualifications of each applicant for licensure;

8 (3) To license qualified applicants under the
9 provisions of sections 301.1000 to 301.1063;

10 (4) To establish and collect fees for licensure and
11 renewal that are sufficient to cover all expenses for the
12 administration and operation of the board;

13 (5) To levy on licensees' special assessments, as
14 necessary, to cover costs of operating the board;

15 (6) To revoke, suspend, deny, or otherwise discipline
16 a license, or assess a civil penalty upon a licensee, for
17 just cause as set out in sections 301.1030 and 301.1033 of
18 this chapter or enumerated in regulations promulgated by the
19 board;

20 (7) To ensure that inspections are conducted relating
21 to the motor vehicle sales industry and to ensure that all
22 licensed dealers are conducting business in a professional
23 and lawful manner, not in violation of any provisions of
24 this chapter, chapter 407, any regulations duly promulgated
25 by the board, or any other applicable state or federal law;

26 (8) To receive and investigate complaints concerning
27 the conduct of persons and businesses licensed by the board
28 and to take appropriate disciplinary action if warranted;

29 (9) To receive and investigate complaints concerning
30 the sales of motor vehicles by persons not holding a current
31 license issued by the board;

32 (10) To enter into contracts necessary or convenient
33 for carrying out the provisions of this chapter or the
34 functions of the board;

45 (a) **Advertising;**

46 (b) Licensing;

47 (c) Dealer practices;

48 (d) Franchise relations; and

49 (e) Complaint review; and

301.1015. 1. It shall be unlawful for any person,
2 partnership, corporation, company, or association, unless
3 the seller is a financial institution or is selling
4 repossessed motor vehicles or is disposing of vehicles used
5 and titled solely in its ordinary course of business, or is
6 a collector of antique motor vehicles, to sell or display
7 with an intent to sell six or more motor vehicles in a
8 calendar year, except when such motor vehicles are
9 registered in the name of the seller, unless such person,
10 partnership, corporation, company, or association is:

11 (1) Licensed as a motor vehicle dealer by the board
12 under sections 301.1000 to 301.1063;

15 (3) Selling commercial motor vehicles with a gross
16 weight of at least nineteen thousand five hundred pounds,
17 but only with respect to such commercial motor vehicles;

18 (4) An auctioneer, acting at the request of the owner
19 at an auction, when such auction is not a public motor
20 vehicle auction.

21 2. Any person, partnership, corporation, company, or
22 association that has reason to believe that the provisions
23 of this section are being violated shall file a complaint
24 with the prosecuting attorney in the county in which the
25 violation occurred. The prosecuting attorney shall
26 investigate the complaint and take appropriate action.

27 3. For the purposes of sections 301.1000 to 301.1063,
28 the sale, barter, exchange, lease, or rental with option to
29 purchase of six or more motor vehicles in a calendar year by
30 any person, partnership, corporation, company, or
31 association, whether or not the motor vehicles are owned by
32 them, shall be *prima facie* evidence of intent to make a
33 profit or gain of money and such person, partnership,
34 corporation, company, or association shall be deemed to be
35 acting as a motor vehicle dealer without a license.

36 4. Any person, partnership, corporation, company, or
37 association who violates subsection 1 of this section is
38 guilty of a class A misdemeanor. A second or subsequent
39 conviction shall be deemed a class E felony.

40 5. The provisions of this section shall not apply to
41 liquidation of an estate or trust used for estate planning
42 purposes.

301.1018. 1. All licenses issued under sections
2 301.1000 to 301.1063 shall be issued for a period of twelve
3 consecutive months except, at the discretion of the board,
4 the periods may be adjusted as is necessary to distribute

5 the licenses as equally as practicable on a monthly basis,
6 and the board may, by regulation, authorize biennial
7 licensure for all or any class of licenses required under
8 sections 301.1000 to 301.1063. The expiration date shall be
9 the last day of the twelfth or twenty-fourth month of
10 validity or the last day of the designated month. Every
11 license shall be renewed annually or biennially by the board
12 on application by the licensee and by payment of fees
13 required by law, the renewal to take effect on the first day
14 of the succeeding month. If a material change has occurred
15 from the information appearing on a dealer's initial
16 application or previous year's renewal application, the
17 dealer shall notify the board of such changes no later than
18 the next renewal. The board shall prescribe a form for the
19 disclosure of the changes and shall include in the renewal
20 application a request for disclosure of material changes.

21 2. Every motor vehicle dealer, powersport dealer, boat
22 dealer, manufacturer, boat manufacturer, public motor
23 vehicle auction, wholesale motor vehicle auction, or
24 wholesale motor vehicle dealer shall make application to the
25 board for issuance of a license. The application shall be
26 on forms prescribed by the division and shall be issued
27 under the terms and provisions of sections 301.1000 to
28 301.1068.

29 3. (1) Every application for the issuance of a used
30 motor vehicle dealer's license shall be accompanied by proof
31 that the applicant, within the last twelve months, has
32 completed an educational seminar course approved by the
33 board as prescribed by subdivision (2) of this subsection.
34 Wholesale and public auto auctions and applicants currently
35 holding a new or used license for a separate dealership
36 shall be exempt from the requirements of this subsection.

37 The provisions of this subsection shall not apply to current
38 new motor vehicle franchise dealers or motor vehicle leasing
39 agencies or applicants for a new motor vehicle franchise or
40 a motor vehicle leasing agency. The provisions of this
41 subsection shall not apply to used motor vehicle dealers who
42 were licensed before August 28, 2026.

43 (2) The educational seminar shall include, but is not
44 limited to, the dealer requirements of sections 301.1000 to
45 301.1063, the rules promulgated to implement, enforce, and
46 administer sections 301.1000 to 301.1063, and any other
47 rules and regulations promulgated by the board. Any person
48 seeking initial licensure as a used motor vehicle dealer
49 shall, as a condition precedent to the issuance of a
50 license, successfully complete an examination prepared and
51 administered by the board.

52 4. In addition, the board shall require all applicants
53 to provide such information as the board may deem necessary
54 to determine that the applicant is of good moral character,
55 and every application for a license shall contain, in
56 addition to such information as the board may require, the
57 following information:

58 (1) The name and business address, not a post office
59 box, of the applicant and the fictitious name, if any, under
60 which the applicant intends to conduct business; and if the
61 applicant is a partnership, the name and residence address
62 of each partner, an indication of whether the partner is a
63 limited or general partner, and the name under which the
64 partnership business is to be conducted. In the event that
65 the applicant is a corporation, the application shall list
66 the names of the principal officers and board of directors
67 of the corporation and the state in which the corporation is
68 incorporated. Each application shall be verified by the

69 oath or affirmation of the applicant, if an individual, or
70 in the event an applicant is a partnership or corporation,
71 by a partner or officer;

72 (2) Whether the application is being made for
73 registration as a new motor vehicle franchise dealer, used
74 motor vehicle dealer, powersport dealer, manufacturer, boat
75 manufacturer, wholesale motor vehicle dealer, boat dealer,
76 wholesale motor vehicle auction, or public motor vehicle
77 auction;

78 (3) When the application is for a new motor vehicle
79 franchise dealer, the application shall be accompanied by a
80 copy of the franchise agreement in the registered name of
81 the dealership setting out the appointment of the applicant
82 as a franchise holder and it shall be signed by the
83 manufacturer, or the manufacturer's authorized agent, or the
84 distributor, or the distributor's authorized agent, and
85 shall include a description of the make of all motor
86 vehicles covered by the franchise. The board shall not
87 require a copy of the franchise agreement to be submitted
88 with each renewal application unless the applicant is now
89 the holder of a franchise from a different manufacturer or
90 distributor from that previously filed, or unless a new term
91 of agreement has been entered into;

92 (4) When the application is for a public motor vehicle
93 auction, that the public motor vehicle auction has met the
94 requirements of subsection 7 of this section.

95 5. Once licensed, no dealer, manufacturer, or motor
96 vehicle auction may terminate and cease its business without
97 providing the board with a minimum of thirty days' prior
98 written notification, except when a license has been
99 suspended or revoked. On termination of business, a
100 licensee shall immediately surrender to the board its

101 license certificate, dealer license plates, sales reports,
102 and any other materials furnished by the board or the
103 department. After termination of business, the former
104 licensee shall continue to maintain and make available to
105 the board and the department the records described in
106 section 301.1027.

107 6. No insurance company, finance company, credit
108 union, savings and loan association, bank, or trust company
109 shall be required to obtain a license from the board in
110 order to sell any motor vehicle, trailer, or vessel
111 repossessed or purchased by the company on the basis of
112 total destruction or theft thereof when the sale of the
113 motor vehicle, trailer, or vessel is in conformance with
114 applicable title and registration laws of this state.

115 7. No person shall be issued a license to conduct a
116 public motor vehicle auction or wholesale motor vehicle
117 auction if such person has a violation of sections 301.1000
118 to 301.1063 or other violations of chapter 301, sections
119 407.511 to 407.556, or section 578.120 that resulted in a
120 felony conviction or finding of guilt or a violation of any
121 federal motor vehicle laws that resulted in a felony
122 conviction or finding of guilt.

123 8. The board may adopt regulations specifying
124 additional training or conditions for applicants seeking
125 licensure under sections 301.1000 to 301.1063, and for
126 otherwise implementing and enforcing the provisions of this
127 section.

301.1021. 1. In addition to submitting the
2 application forms prescribed by the division, each applicant
3 shall comply with the application requirements set forth in
4 this section.

5 2. Every application other than a renewal application
6 for a motor vehicle franchise dealer shall include a
7 certification that the applicant has an established place of
8 business. Such application shall include an annual
9 certification that the applicant has an established place of
10 business for the first three years and only for every other
11 year thereafter. The certification shall be performed by a
12 uniformed member of the Missouri state highway patrol or
13 authorized or designated employee stationed in the troop
14 area in which the applicant's place of business is located,
15 except that in counties of the first classification,
16 certification may be performed by an officer of a
17 metropolitan police department when the applicant's
18 established place of business of distributing or selling
19 motor vehicles or trailers is in the metropolitan area where
20 the certifying metropolitan police officer is employed.
21 When the application is being made for licensure as a boat
22 manufacturer or boat dealer, certification shall be
23 performed by a uniformed member of the Missouri state
24 highway patrol or authorized or designated employee
25 stationed in the troop area in which the applicant's place
26 of business is located or, if the applicant's place of
27 business is located within the jurisdiction of a
28 metropolitan police department in a first class county, by
29 an officer of such metropolitan police department. An
30 established place of business for any new motor vehicle
31 franchise dealer, used motor vehicle dealer, boat dealer,
32 powersport dealer, wholesale motor vehicle dealer, trailer
33 dealer, or wholesale or public auction shall be a permanent
34 enclosed building or structure, either owned in fee or
35 leased and actually occupied as a place of business by the
36 applicant for the selling, bartering, trading, servicing, or

37 exchanging of motor vehicles, boats, personal watercraft, or
38 trailers and wherein the public may contact the owner or
39 operator at any reasonable time, and wherein shall be kept
40 and maintained the books, records, files, and other matters
41 required and necessary to conduct the business. The
42 applicant shall maintain a working telephone number during
43 the entire registration year that will allow the public, the
44 board, and law enforcement to contact the applicant during
45 regular business hours. The applicant shall also maintain
46 an email address during the entire registration year that
47 may be used for official correspondence with the board. In
48 order to qualify as an established place of business for all
49 applicants licensed under this section, there shall be an
50 exterior sign displayed carrying the name of the business
51 set forth in letters at least six inches in height and
52 clearly visible to the public, and there shall be an area or
53 lot that shall not be a public street on which multiple
54 vehicles, boats, personal watercraft, or trailers may be
55 displayed. The sign shall contain the name of the
56 dealership by which it is known to the public through
57 advertising or otherwise, which need not be identical to the
58 name appearing on the dealership's license so long as such
59 name is registered as a fictitious name with the secretary
60 of state, has been approved by its line-make manufacturer in
61 writing in the case of a new motor vehicle franchise dealer
62 and a copy of such fictitious name registration has been
63 provided to the board. Dealers who sell only emergency
64 vehicles as defined in section 301.1000 are exempt from
65 maintaining a place of business, including the related law
66 enforcement certification requirements, and from meeting the
67 minimum yearly sales.

68 3. For purposes of this section, an established place
69 of business shall be the location at which the dealership
70 regularly conducts sales activity, service, and all other
71 elements of the dealership's business, and that:

72 (1) Satisfies all local zoning regulations;

73 (2) Has sales, service, and office space devoted
74 exclusively to the dealership of at least two hundred fifty
75 square feet in a permanent, enclosed building not used as a
76 residence;

77 (3) Houses all records the dealership is required to
78 maintain under section 301.1027;

79 (4) Is equipped with a desk, chairs, filing space, a
80 telephone number by which the dealership owner may be
81 reached during posted business hours, and working utilities
82 including electricity and provisions for space heating;

83 (5) Displays a sign and business hours as required by
84 this section, except that this requirement shall not apply
85 to wholesale dealers;

86 (6) Has contiguous space designated for the exclusive
87 use of the dealership adequate to permit the display of at
88 least ten motor vehicles, except that this requirement shall
89 not apply to wholesale dealers or boat dealers;

90 (7) In the case of new motor vehicle franchise
91 dealers, the established place of business shall include
92 adequate facilities, tools, and personnel necessary to
93 properly service and repair motor vehicles and trailers
94 under their franchisor's warranty; and

95 (8) Is open to the public for business a minimum of
96 twenty hours per week, with business hours to be prominently
97 posted at the dealership location as provided by board
98 regulation, subject to the provisions of section 578.120.

99 4. The licenses of all motor vehicle dealers, boat
100 dealers, and auctions shall specify the location of the
101 established place of business, and each license shall be
102 prominently displayed at each licensed established place of
103 business. Any dealer wishing to change location shall
104 provide the board with at least thirty days written advance
105 notice, and an inspection by the appropriate law enforcement
106 agency of the proposed new location shall be submitted prior
107 to approval of a change of location. There shall be no
108 additional fee for such approvals if the new location is
109 within the same city or county, and in such case the board
110 shall endorse the change of location on the current
111 license. A change in location to a different city or county
112 shall require a new license and an additional fee.

113 5. A franchised dealer may maintain more than one
114 location for the display and sale of motor vehicles under
115 the same license, provided that each location meets the
116 requirements of this section, that each location is
117 identified on the license application, and that nothing
118 within the dealer's franchise prohibits the additional
119 locations. However, a separate license shall be required
120 for each separate and distinct dealership as determined by
121 the board, but the board shall adopt regulations regarding
122 the requirements for issuance of multi-location permits to
123 allow a dealer to operate the same dealership from different
124 locations within the same city or county under the same
125 license, and shall adopt regulations regarding the approval
126 procedure and requirements to be followed by dealers wishing
127 to maintain a storage lot as defined in section 301.1000.

128 6. All initial applications shall contain a
129 photograph, not to exceed eight inches by ten inches, but no
130 less than five inches by seven inches, showing the business

131 building, lot, and sign. A new motor vehicle franchise
132 dealer applicant who has purchased a currently licensed new
133 motor vehicle franchised dealership shall be allowed to
134 submit a photograph of the existing dealership building,
135 lot, and sign but shall be required to submit a new
136 photograph upon the installation of the new dealership sign
137 as required by this section. Applicants for license renewal
138 shall not be required to submit a photograph unless the
139 business has moved from its previously licensed location, or
140 unless the name of the business or address has changed, or
141 unless the class of business has changed.

142 7. Each motor vehicle dealer's place of business,
143 except wholesale dealers, shall be identified by a permanent
144 sign visible from the nearest public street so that the
145 public may quickly and easily identify the dealership. The
146 sign shall contain the name of the dealership by which it is
147 known to the public, which need not be identical to the name
148 appearing on the dealership's license so long as such name
149 is registered as a fictitious name with the secretary of
150 state, and a copy of such fictitious name registration has
151 been provided to the board. The name shall appear on the
152 sign in letters no less than six inches in height.

153 8. Motor vehicles sold by a public motor vehicle
154 auction licensee shall not require inspection under sections
155 307.350 to 307.400, provided that the licensee has not been
156 assigned the certificate of ownership to such vehicles and
157 is acting only as an agent for the sellers of such
158 vehicles. Any person holding a public motor vehicle auction
159 shall display in a conspicuous manner two signs each of
160 which shall bear the following warning in letters at least
161 six inches high: "Attention Buyers: Vehicles sold at this
162 auction may not have had a safety inspection." The

163 dimensions of each sign shall be at least two feet by two
164 feet.

165 9. Every applicant as a motor vehicle dealer,
166 powersport dealer, boat dealer, manufacturer, boat
167 manufacturer, public motor vehicle auction, wholesale motor
168 vehicle auction, or wholesale motor vehicle dealer shall
169 furnish with the application a corporate surety bond or an
170 irrevocable letter of credit as defined in section 400.5-
171 102, issued by any state or federal financial institution in
172 the penal sum of fifty thousand dollars on a form approved
173 by the board. The bond or irrevocable letter of credit
174 shall be conditioned upon the dealer complying with the
175 provisions of this chapter and shall be an indemnity for any
176 loss sustained by reason of the acts of the person bonded
177 when such acts constitute grounds for the suspension or
178 revocation of the dealer's license. The bond shall be
179 executed in the name of the state of Missouri for the
180 benefit of all aggrieved parties or the irrevocable letter
181 of credit shall name the state of Missouri as the
182 beneficiary, except that the aggregate liability of the
183 surety or financial institution to the aggrieved parties
184 shall, in no event, exceed the amount of the bond or
185 irrevocable letter of credit. Additionally, every applicant
186 as a new motor vehicle franchise dealer, a used motor
187 vehicle dealer, a powersport dealer, a wholesale motor
188 vehicle dealer, or boat dealer shall furnish with the
189 application a copy of a current dealer garage policy bearing
190 the policy number and name of the insurer and the insured.
191 The proceeds of the bond or irrevocable letter of credit
192 furnished by an applicant shall be paid upon receipt by the
193 department of a final judgment from a Missouri court of
194 competent jurisdiction against the principal and in favor of

195 an aggrieved party. The proceeds of the bond or irrevocable
196 letter of credit furnished by an applicant shall be paid at
197 the order of the department and in the amount determined by
198 the department to any buyer or interested lienholder up to
199 the greater of the amount required for the release of the
200 purchase money lien or the sales price paid by the buyer
201 where a dealer has failed to fulfill the dealer's
202 obligations under an agreement to assign and deliver title
203 to the buyer within thirty days under a contract entered
204 into under subsection 5 of section 301.210. The department
205 shall direct release of the bond or irrevocable letter of
206 credit proceeds upon presentation of a written agreement
207 entered into under subsection 5 of section 301.210, copies
208 of the associated sales and finance documents, and the
209 affidavit or affidavits of the buyer or lienholder stating
210 that the certificate of title with assignment thereof has
211 not been passed to the buyer within thirty days of the date
212 of the contract entered into under subsection 5 of section
213 301.210, that the dealer has not fulfilled the agreement
214 under the contract to repurchase the vehicle, that the buyer
215 or the lienholder has notified the dealer of the claim on
216 the bond or letter of credit, and the amount claimed by the
217 purchaser or lienholder. In addition, prior to directing
218 release and payment of the proceeds of a bond or irrevocable
219 letter of credit, the department shall ensure that there is
220 satisfactory evidence to establish that the vehicle that is
221 subject to the written agreement has been returned by the
222 buyer to the dealer or that the buyer has represented to the
223 department that the buyer will surrender possession of the
224 vehicle to the dealer upon payment of the proceeds of the
225 bond or letter of credit directed by the department.
226 Excepting ordinary wear and tear or mechanical failures not

227 caused by the buyer, the amount of proceeds to be paid to
228 the buyer under the bond or irrevocable letter of credit
229 shall be reduced by an amount equivalent to any damage,
230 abuse, or destruction incurred by the vehicle while the
231 vehicle was in the buyer's possession as agreed between the
232 buyer and the dealer. The dealer may apply to a court of
233 competent jurisdiction to contest the claim on the bond or
234 letter of credit, including the amount of the claim and the
235 amount of any adjustment for any damage, abuse, or
236 destruction, by filing a petition with the court within
237 thirty days of the notification by the buyer or lienholder.
238 If the dealer does not fulfill the agreement or file a
239 petition to request judicial relief from the terms of the
240 agreement or contest the amount of the claim, the bond or
241 letter of credit shall be released by the department and
242 directed paid in the amount or amounts presented by the
243 lienholder or buyer.

244 10. Every applicant shall pay all applicable license
245 and examination fees as established by the board. The fees
246 established by the board shall not be less than one hundred
247 fifty dollars for initial licensure and annual license
248 renewal for all classifications of dealers.

249 11. In establishing fees for licensure, the board
250 shall attempt, as closely as practicable, to generate annual
251 revenues sufficient to cover the board's operational costs
252 in implementing sections 301.1000 to 301.1063.

301.1024. 1. Except as otherwise provided in
2 subsection 4 of this section, upon the initial issuance of a
3 license by the board, the board shall assign a distinctive
4 dealer license number or certificate of number to the
5 applicant and the board shall issue one number plate or
6 certificate bearing the distinctive dealer license number or

7 certificate of number and two additional number plates or
8 certificates of number as quickly as practicable after
9 presentment of the application and payment by the applicant
10 of a fee of fifty dollars for the first plate or certificate
11 and ten dollars and fifty cents for each additional plate or
12 certificate. The board and the department of revenue shall
13 cooperate in order to create a system for the manufacture
14 and distribution of dealer and manufacturer license plates
15 authorized hereby. Upon renewal, the board shall issue the
16 distinctive dealer license number or certificate of number
17 as quickly as possible. The issuance of such distinctive
18 dealer license number or certificate of number shall be in
19 lieu of registering each motor vehicle, trailer, vessel or
20 vessel trailer dealt with by a boat dealer, boat
21 manufacturer, manufacturer, public motor vehicle auction,
22 wholesale motor vehicle dealer, wholesale motor vehicle
23 auction, or new or used motor vehicle dealer. The license
24 plates described in this section shall be made with fully
25 reflective material with a common color scheme and design,
26 shall be clearly visible at night, and shall be
27 aesthetically attractive, as prescribed by section 301.130.

28 2. Notwithstanding any other provision of the law to
29 the contrary, the board shall assign the following
30 distinctive dealer license numbers to:

31 New motor vehicle D-0 through D-99
32 franchise dealers

33 New powersport dealers D-1000 through D-1999

34 Used motor vehicle and D-2000 through D-9999
35 used powersport dealers

36 Wholesale motor vehicle W-0 through W-1999
37 dealers

38 Wholesale motor vehicle WA-0 through WA-999
39 auctions

40 New and used trailer T-0 through T-9999
41 dealers

42 Motor vehicle, trailer, DM-0 through DM-999
43 and boat manufacturers

44 Public motor vehicle A-0 through A-1999
45 auctions

46 Boat dealers M-0 through M-9999

47 New and used RV-0 through RV-999
48 recreational motor
49 vehicle dealers

50 For purposes of this subsection, qualified transactions
51 shall include the purchase of salvage-titled vehicles by a
52 licensed salvage dealer. A used motor vehicle dealer who
53 also holds a salvage dealer's license shall be allowed one
54 additional plate or certificate number per fifty-unit
55 qualified transactions annually. In order for salvage
56 dealers to obtain number plates or certificates under this
57 section, dealers shall submit to the board on August first
58 of each year a statement certifying, under penalty of
59 perjury, the dealer's number of purchases during the
60 reporting period of July first of the immediately preceding
61 year to June thirtieth of the present year. The provisions
62 of this subsection shall become effective on December 1,
63 2026.

64 3. Upon the sale of a currently licensed motor vehicle
65 dealership the board shall, upon request, authorize the new
66 approved dealer applicant to retain the selling dealer's
67 license number and shall cause the new dealer's records to
68 indicate such transfer. If the new approved dealer
69 applicant elects not to retain the selling dealer's license
70 number, the board shall issue the new dealer applicant a new
71 dealer's license number and an equal number of plates or
72 certificates as the board had issued to the selling dealer.

73 4. In the case of motor vehicle dealers, the board
74 shall issue one number plate bearing the distinctive dealer
75 license number and may issue one additional number plate to
76 the applicant upon payment by the dealer of a fifty-dollar
77 fee for the number plate bearing the distinctive dealer
78 license number and ten dollars and fifty cents for the
79 additional number plate. The board may issue a third plate
80 to the motor vehicle dealer upon completion of the dealer's
81 fifteenth qualified transaction and payment of a fee of ten
82 dollars and fifty cents. In the case of new motor vehicle
83 manufacturers, powersport dealers, recreational motor
84 vehicle dealers, and trailer dealers, the board shall issue
85 one number plate bearing the distinctive dealer license
86 number and may issue two additional number plates to the
87 applicant upon payment by the manufacturer or dealer of a
88 fifty-dollar fee for the number plate bearing the
89 distinctive dealer license number and ten dollars and fifty
90 cents for each additional number plate. Boat dealers and
91 boat manufacturers shall be entitled to one certificate of
92 number bearing such number upon the payment of a fifty-
93 dollar fee. Additional number plates and as many additional
94 certificates of number may be obtained upon payment of a fee
95 of ten dollars and fifty cents for each additional plate or

96 certificate. New motor vehicle manufacturers shall not be
97 issued or possess more than three hundred forty-seven
98 additional number plates or certificates of number
99 annually. New and used motor vehicle dealers, powersport
100 dealers, wholesale motor vehicle dealers, boat dealers, and
101 trailer dealers are limited to one additional plate or
102 certificate of number per ten-unit qualified transactions
103 annually. New and used recreational motor vehicle dealers
104 are limited to two additional plates or certificate of
105 number per ten-unit qualified transactions annually for
106 their first fifty transactions and one additional plate or
107 certificate of number per ten-unit qualified transactions
108 thereafter. An applicant seeking the issuance of an initial
109 license shall indicate on his or her initial application the
110 applicant's proposed annual number of sales in order for the
111 board to issue the appropriate number of additional plates
112 or certificates of number. A motor vehicle dealer, trailer
113 dealer, boat dealer, powersport dealer, recreational motor
114 vehicle dealer, motor vehicle manufacturer, boat
115 manufacturer, or wholesale motor vehicle dealer obtaining a
116 distinctive dealer license plate or certificate of number or
117 additional license plate or additional certificate of
118 number, throughout the calendar year, shall be required to
119 pay a fee for such license plates or certificates of number
120 computed on the basis of one-twelfth of the full fee
121 prescribed for the original and duplicate number plates or
122 certificates of number for such dealers' licenses,
123 multiplied by the number of months remaining in the
124 licensing period for which the dealer or manufacturers shall
125 be required to be licensed. In the event of a renewing
126 dealer, the fee due at the time of renewal shall not be
127 prorated. Wholesale and public auctions shall be issued a

128 certificate of dealer registration in lieu of a dealer
129 number plate. In order for dealers to obtain number plates
130 or certificates under this section, dealers shall submit to
131 the board on August first of each year a statement
132 certifying, under penalty of perjury, the dealer's number of
133 sales during the reporting period of July first of the
134 immediately preceding year to June thirtieth of the present
135 year.

136 5. The plates issued under this section may be
137 displayed on any motor vehicle owned by a new motor vehicle
138 manufacturer. The plates issued under this section may be
139 displayed on any motor vehicle or trailer owned and held for
140 resale by the motor vehicle dealer or manufacturer, and used
141 by a customer who is test driving the motor vehicle with the
142 dealer's permission, for use by any customer while the
143 customer's vehicle is being serviced or repaired by the
144 motor vehicle dealer, for use and display purposes during,
145 but not limited to, parades, private events, charitable
146 events, or for use by an employee or officer, but shall not
147 be displayed on any motor vehicle or trailer hired or loaned
148 to others or upon any regularly used service or wrecker
149 vehicle. Motor vehicle dealers may display their dealer
150 plates on a tractor, truck, or trailer to demonstrate a
151 vehicle under a loaded condition. Trailer dealers may
152 display their dealer license plates in like manner, except
153 such plates may only be displayed on trailers owned and held
154 for resale by the trailer dealer.

155 6. The certificates of number issued under this
156 section may be displayed on any vessel or vessel trailer
157 owned and held for resale by a boat manufacturer or a boat
158 dealer, and used by a customer who is test driving the
159 vessel or vessel trailer with the dealer's permission, or is

160 used by an employee or licensed owner of the dealership, but
161 shall not be displayed on any vessel or vessel trailer hired
162 or loaned to others or upon any regularly used service
163 vessel or vessel trailer. Boat dealers and manufacturers
164 may display their certificate of number on a vessel or
165 vessel trailer that is being transported to an exhibit or
166 show.

167 7. It shall be unlawful to use or permit the use of
168 any dealer's license plates on vehicles for which there is
169 no automobile liability insurance coverage. No dealer's
170 license plates or certificates of number shall be issued
171 unless the dealer certifies to the board and department of
172 revenue that there is automobile liability insurance
173 coverage, or an approved certificate of self-insurance that
174 is in compliance with Missouri law. Such automobile
175 liability insurance or certificate of self-insurance shall
176 be maintained as long as each dealer license plate remains
177 valid. If insurance or a certificate of self-insurance is
178 not so maintained, the dealer's license plates shall be
179 surrendered to the board or the department of revenue. The
180 board may also cancel and recall any dealer license plate
181 under such circumstances and may cancel and recall any
182 license plate that has been used in any way not authorized
183 by the provisions of this section; board investigators are
184 authorized to pick up or remove such plates for return to
185 the board. Any person violating any of the provisions of
186 this section shall be guilty of a class A misdemeanor.
187 Misuse of any dealer license plate or certificate of number
188 shall constitute cause for discipline of a license under
189 section 301.1030.

190 8. If any law enforcement officer has probable cause
191 to believe that any license plate or certificate of number

192 issued under this section is being misused in violation of
193 this section, the license plate or certificate of number may
194 be seized and surrendered to the board.

301.1027. 1. Any person licensed as a motor vehicle
2 dealer, boat dealer, manufacturer, boat manufacturer, public
3 motor vehicle auction, wholesale motor vehicle auction, or
4 wholesale motor vehicle dealer under the provisions of
5 sections 301.1000 to 301.1063 shall permit an employee of
6 the board or any law enforcement official showing valid
7 credentials to inspect, during normal business hours, any of
8 the business documents that are in his or her possession or
9 under his or her custody or control including, but not
10 limited to, the following:

11 (1) Any title to any motor vehicle or vessel;
12 (2) Any application for title to any motor vehicle or
13 vessel;

14 (3) Any affidavit provided under chapter 301 or
15 chapter 407;

16 (4) Any assignment of title to any motor vehicle or
17 vessel;

18 (5) Any disclosure statement or other document
19 relating to mileage or odometer readings required by the
20 laws of the United States or the laws of any other state;

21 (6) Any inventory and related documentation.

22 2. For purposes of this section, the term "law
23 enforcement official" shall mean any of the following:

24 (1) The attorney general, or any person designated by
25 the attorney general to make such an inspection;

26 (2) Any prosecuting attorney or any person designated
27 by a prosecuting attorney to make such an inspection;

28 (3) Any member or authorized or designated employee of
29 the highway patrol or water patrol;

30 (4) Any sheriff or deputy sheriff;
31 (5) Any peace officer certified under chapter 590
32 acting in the officer's official capacity.

33 3. All dealer business records regarding lists of
34 vehicles in inventory for sale or that are on consignment;
35 vehicle purchases, sales, leases, trades, and transfers of
36 ownership; documents transferring or assigning title to any
37 vehicle or vessel; odometer disclosure statements; records
38 of dealer license plates assigned to the dealer and any
39 temporary certificates of ownership; and all other records
40 required by the board or department of revenue shall be
41 maintained on the premises of the established place of
42 business for the time periods set forth by board
43 regulation. The board may, on written request by a dealer,
44 permit records to be maintained at a location other than the
45 established place of business for good cause shown.

301.1030. 1. The board may refuse to issue any
2 license required under sections 301.1000 to 301.1063 for any
3 one or any combination of causes stated in subsection 2 of
4 this section. The board shall notify the applicant in
5 writing of the reasons for the refusal to issue the license
6 and shall advise the applicant of his or her right to file a
7 complaint with the administrative hearing commission as
8 provided by chapter 621.

9 2. The board may cause a complaint to be filed with
10 the administrative hearing commission as provided by chapter
11 621, against any holder of any license required under
12 sections 301.1000 to 301.1063 or any person who has failed
13 to renew or has surrendered his license for any one or any
14 combination of the following causes:

15 (1) The person was previously the holder of a license
16 issued under sections 301.1000 to 301.1063 or sections

17 301.550 to 301.580, or was previously a partner,
18 stockholder, or director or officer controlling or managing
19 a partnership or corporation holding such license, which
20 license was revoked for cause and never reissued by the
21 board, or which license was suspended for cause and the
22 terms of suspension have not been fulfilled;

23 (2) The person has been finally adjudicated and found
24 guilty, or entered a plea of guilty or nolo contendere, in a
25 criminal prosecution under the laws of any state, of the
26 United States, or of any country, for any offense directly
27 related to the duties and responsibilities of the
28 occupation, as set forth in section 324.012, regardless of
29 whether or not sentence is imposed;

30 (3) Use of fraud, deception, misrepresentation or
31 bribery in securing any license issued under sections
32 301.1000 to 301.1063;

33 (4) Obtaining or attempting to obtain any money,
34 commission, fee, barter, exchange, or other compensation by
35 fraud, deception, or misrepresentation;

36 (5) Violation of, or assisting or enabling any person
37 to violate any provisions of this chapter and chapters 143,
38 144, 306, 307, 407, 578, and 643 or of any lawful rule or
39 regulation adopted under this chapter and chapters 143, 144,
40 306, 307, 407, 578, and 643;

41 (6) The applicant or license holder has filed an
42 application for a license that, as of its effective date,
43 was incomplete in any material respect or contained any
44 statement that was, in light of the circumstances under
45 which it was made, false or misleading with respect to any
46 material fact;

47 (7) The applicant or license holder has failed to pay
48 the proper application or license fee or fails to establish
49 or maintain an established place of business;

50 (8) The applicant or license holder uses or permits
51 the use of any license or license plate assigned to him or
52 her for any purpose other than those permitted by law;

56 (10) Use of any advertisement or solicitation that
57 violates the provisions of section 301.1045 or is otherwise
58 false, deceptive, or misleading;

64 (12) Failing to comply subsequent to receipt of any
65 written warning from the board;

66 (13) Failing or refusing to pay any civil penalty
67 imposed by the board under section 301.1033; or

68 (14) Failing to maintain automobile liability
69 insurance or a certificate of self-insurance as required by
70 section 301.1024.

71 3. After the filing of such complaint, the proceedings
72 shall be conducted in accordance with the provisions of
73 chapter 621. Upon a finding by the administrative hearing
74 commission that the grounds, provided in subsection 2 of
75 this section, for disciplinary action are met, the board
76 may, singly or in combination, refuse to issue the person a
77 license, issue a license for a period of less than two
78 years, issue a private reprimand, issue a civil penalty not

79 to exceed five hundred dollars per violation or five
80 thousand dollars in the aggregate unless otherwise permitted
81 by law, place the person on probation on such terms and
82 conditions as the board deems appropriate for a period of
83 one day to five years, suspend the person's license from one
84 day to six days, or revoke the person's license for such
85 period as the board deems appropriate. The licensee shall
86 have the right to appeal the decision of the administrative
87 hearing commission and board in the manner provided in
88 chapter 536.

89 4. Upon the suspension or revocation of any person's
90 license issued under sections 301.1000 to 301.1063, the
91 board shall cancel and recall any dealer license plates or
92 certificates of number that were issued to that licensee.
93 If any licensee who has been suspended or revoked shall
94 neglect or refuse to surrender his or her license or
95 distinctive number license plates issued under sections
96 301.1000 to 301.1063, the board shall direct any agent or
97 employee of the department of revenue, or any law
98 enforcement officer, to secure possession thereof and return
99 such items to the director of revenue. For purposes of this
100 subsection, a "law enforcement officer" means any member of
101 the highway patrol, any sheriff or deputy sheriff, or any
102 peace officer certified under chapter 590 acting in his or
103 her official capacity. Failure of the licensee to surrender
104 his or her license or distinctive number license plates upon
105 demand by the board, any agent or employee of the department
106 of revenue, or any law enforcement officer shall be a class
107 A misdemeanor.

108 5. If at any time after disciplinary sanctions have
109 been imposed under this section or under any provision of
110 sections 301.1000 to 301.1063, the licensee removes himself

111 or herself from the state of Missouri, ceases to be
112 currently licensed under the provisions of sections 301.1000
113 to 301.1063, or fails to keep the board advised of his
114 current established place of business and residence, the
115 time of his absence, or unlicensed status, or unknown
116 whereabouts shall not be deemed or taken as any part of the
117 time of discipline so imposed.

118 6. Notwithstanding the foregoing provisions of this
119 section, the following events or acts by the holder of any
120 license issued under sections 301.1000 to 301.1063 are
121 deemed to present a clear and present danger to the public
122 welfare and shall be considered cause for suspension or
123 revocation of such license under the procedure set forth in
124 subsection 7 of this section at the discretion of the board:

125 (1) The expiration or revocation of any corporate
126 surety bond or irrevocable letter of credit, as required by
127 section 301.1021, without submission of a replacement bond
128 or letter of credit that provides coverage for the entire
129 period of licensure;

130 (2) The failure to maintain an established place of
131 business as required by section 301.1021;

132 (3) Criminal convictions as set forth in subdivision
133 (2) of subsection 2 of this section, whether or not sentence
134 is imposed; or

135 (4) Three or more occurrences of violations that have
136 been established following proceedings before the
137 administrative hearing commission under subsection 3 of this
138 section, or which have been established following
139 proceedings before the director under subsection 7 of this
140 section, of this chapter and chapters 143, 144, 306, 307,
141 578, and 643 or of any lawful rule or regulation adopted

142 under this chapter and chapters 143, 144, 306, 307, 578, and
143 643, not previously set forth herein.

144 7. (1) Any license issued under sections 301.1000 to
145 301.1063 may be suspended or revoked, following an
146 evidentiary hearing before the board or its designated
147 hearing officer, if affidavits or sworn testimony by an
148 authorized agent of the board alleges the occurrence of any
149 of the events or acts described in subsection 6 of this
150 section.

151 (2) For any license that the board believes may be
152 subject to suspension or revocation under this subsection,
153 the board shall immediately issue a notice of hearing to the
154 licensee of record. The board's notice of hearing:

155 (a) Shall be served upon the licensee personally or by
156 first-class mail to the dealer's last known address, as
157 registered with the board;

158 (b) Shall be based on affidavits or sworn testimony
159 presented to the board, and shall notify the licensee that
160 such information presented therein constitutes cause to
161 suspend or revoke the licensee's license;

162 (c) Shall provide the licensee with a minimum of ten
163 days' notice prior to hearing;

164 (d) Shall specify the events or acts that may provide
165 cause for suspension or revocation of the license and shall
166 include with the notice a copy of all affidavits, sworn
167 testimony, or other information presented to the board that
168 support discipline of the license; and

169 (e) Shall inform the licensee that he or she has the
170 right to attend the hearing and present any evidence in his
171 or her defense, including evidence to show that the event or
172 act that may result in suspension or revocation has been

173 corrected to the board's satisfaction, and that he or she
174 may be represented by counsel at the hearing.

175 (3) At any hearing before the board conducted under
176 this subsection, the board or its designated hearing officer
177 shall consider all evidence relevant to the issue of whether
178 the license should be suspended or revoked due to the
179 occurrence of any of the acts set forth in subsection 5 of
180 this section. Within twenty business days after such
181 hearing, the board or its designated hearing officer shall
182 issue a written order, with findings of fact and conclusions
183 of law, that either grants or denies the issuance of an
184 order of suspension or revocation. The suspension or
185 revocation shall be effective ten days after the date of the
186 order. The written order of the board or its hearing
187 officer shall be the final decision of the board and shall
188 be subject to judicial review under the provisions of
189 chapter 536.

190 (4) Notwithstanding the provisions of this chapter or
191 chapter 610 or 621 to the contrary, the proceedings under
192 this subsection shall be closed, and no order shall be made
193 public until it is final, for purposes of appeal.

301.1033. (1) Upon a finding by the administrative
2 hearing commission under subsections 2 and 3 of section
3 301.1030, any person violating any of the provisions of
4 sections 301.1000 to 301.1063 may be assessed a civil
5 penalty by the board in lieu of or as a condition of any
6 other penalty authorized by this chapter. No such civil
7 penalty shall exceed five hundred dollars per violation or
8 five thousand dollars in the aggregate unless otherwise
9 permitted by law. Civil penalties collected under sections
10 301.1000 to 301.1063 shall be deposited in the state
11 treasury to the credit of the state highway fund.

301.1036. 1. The board or its designated
representative may issue process, subpoena witnesses,
administer oaths, examine books and papers, and require the
production thereof, and cause the deposition of any witness
to be taken and the costs thereof paid as other costs under
sections 301.1000 to 301.1063. Any party may process to
compel the attendance of witnesses and the production of
books and papers, and at the party's own cost to take and
use depositions in like manner as in civil cases in the
circuit court. The subpoena shall extend to all parts of
the state and may be served as in civil actions in the
circuit court, but the costs of the service shall be as in
other civil actions. Each witness shall receive the fees
and mileage prescribed by law in civil cases, but the same
shall not be allowed as costs to the party on whose behalf
the witness was summoned unless the person who conducts the
hearing certifies that the testimony of the witness was
necessary. All costs under this section shall be approved
by the board and paid out of the Missouri motor vehicle

20 board fund established in section 301.1009, except that if
21 the board determines that any proceedings are brought,
22 prosecuted, or defended without reasonable ground, it may
23 assess the whole cost of the proceedings upon the party who
24 brought, prosecuted, or defended the proceedings.

25 2. If any person subpoenaed to appear at any hearing
26 or proceeding fails to obey the command of such subpoena
27 without reasonable cause or if any person attending a
28 hearing or proceeding shall, without reasonable cause,
29 refuse to be sworn or to be examined or to answer a question
30 or to produce a book or paper or to subscribe or swear to
31 his or her deposition, such person is guilty of a class B
32 misdemeanor and, on conviction thereof, shall be punished by
33 a fine of not more than five hundred dollars, or by
34 imprisonment in the county jail for not more than one year,
35 or by both such fine and imprisonment, and in the case of a
36 continuing violation, each day's continuance thereof shall
37 be a separate and distinct offense.

301.1039. 1. Upon application by the board, and the
2 necessary burden having been met, a court of general
3 jurisdiction may grant an injunction, restraining order, or
4 other order as may be appropriate to enjoin a person from:

5 (1) Offering to engage or engaging in the performance
6 of any acts or practices for which a license is required
7 under the provisions of sections 301.1000 to 301.1063, upon
8 a showing that such acts or practices were performed or
9 offered to be performed without a license; or

10 (2) Violating any provision of sections 301.1000 to
11 301.1063, any rule promulgated by the board pursuant
12 thereto, or violating any provision of chapter 301, 307, or
13 407, or section 578.120.

14 2. Any action brought under this section shall be in
15 addition to and not in lieu of any remedy provided by this
16 chapter and may be brought concurrently with other actions
17 to enforce this chapter.

301.1042. 1. For purposes of this section, a
2 violation of any of the following advertising standards
3 shall be deemed an attempt by the advertising dealer, or by
4 the manufacturer in the case of manufacturer-sponsored
5 advertising, to obtain a fee or other compensation by fraud,
6 deception, or misrepresentation in violation of section
7 301.1030:

8 (1) A motor vehicle shall not be advertised as new,
9 either by express terms or implication, unless it is a new
10 motor vehicle as defined in section 301.1000;

11 (2) When advertising any motor vehicle that is not a
12 new motor vehicle, such advertisement shall expressly
13 identify that the motor vehicle is a used motor vehicle by
14 express use of the term "used", or by such other term as is
15 commonly understood to mean that the vehicle is used;

16 (3) Any terms, conditions, and disclaimers relating to
17 the advertised motor vehicle's price or financing options
18 shall be stated clearly and conspicuously. An asterisk or
19 other reference symbol may be used to point to a disclaimer
20 or other information, but shall not be used as a means of
21 contradicting or changing the meaning of an advertised
22 statement;

23 (4) The expiration date, if any, of an advertised sale
24 or vehicle price shall be clearly and conspicuously
25 disclosed. In the absence of such disclosure, the
26 advertised sale or vehicle price shall be deemed effective
27 so long as such vehicles remain in the advertising
28 dealership's inventory;

29 (5) The terms "list price", "sticker price", or
30 "suggested retail price" and similar terms, shall be used
31 only in reference to the manufacturer's suggested retail
32 price for new motor vehicles, and, if used, shall be
33 accompanied by a clear and conspicuous disclosure that such
34 terms represent the manufacturer's suggested retail price of
35 the advertised vehicle;

36 (6) Terms such as "at cost", "\$____ above cost",
37 "invoice price", and "\$____ below/over invoice" shall not
38 be used in advertisements because of the difficulty in
39 determining a dealer's actual net cost at the time of the
40 sale;

58 (9) "Free", or "at no cost", shall not be used if any
59 purchase is required to qualify for the free item,
60 merchandise, or service;

65 (a) Not having available for sale, the advertised
66 motor vehicles at the advertised prices. If a specific
67 vehicle is advertised, the dealer shall be in possession of
68 a reasonable supply of such vehicles, and they shall be
69 available at the advertised price. If the advertised
70 vehicle is available only in limited numbers or only by
71 order, such limitations shall be stated in the advertisement;

77 (11) Any reference to monthly payments, down payments,
78 or other reference to financing or leasing information shall
79 be accompanied by a clear and conspicuous disclosure of the
80 following:

81 (a) Whether the payment or other information relates
82 to a financing or a lease transaction;

92 (c) If the payment or other information relates to a
93 lease transaction, the total amount due from the purchaser
94 at signing with such costs broken down and identified by
95 category, lease term expressed in number of months, whether
96 the lease is closed-end or open-end, and total cost to the
97 lessee over the lease term in dollars;

98 (12) Any advertisement that states or implies that the
99 advertising dealer has a special arrangement or relationship
100 with the distributor or manufacturer, as compared to
101 similarly situated dealers, shall not be used;

102 (13) Any advertisement that, in the circumstances
103 under which it is made or applied, is false, deceptive, or
104 misleading shall not be used;

105 (14) No abbreviations for industry words or phrases
106 shall be used in any advertisement unless such abbreviations
107 are accompanied by the fully spelled or spoken words or
108 phrases.

109 2. The requirements of this section shall apply
110 regardless of whether a dealer advertises by means of print,
111 broadcast, or electronic media, or direct mail. If the
112 advertisement is by means of a broadcast or print media, a
113 dealer may provide the disclaimers and disclosures required
114 under subdivision (3) of subsection 1 of this section by
115 reference to an internet web page or toll-free telephone
116 number containing the information required to be disclosed.

117 3. Dealers shall clearly and conspicuously identify
118 themselves in each advertisement by use of a dealership name
119 that complies with section 301.1021.

301.1045. 1. Except as provided in this section, it
2 shall be unlawful for a motor vehicle dealer to sell or
3 offer to sell any motor vehicle away from the dealer's
4 registered place of business. It shall not be a violation

5 of this section for a motor vehicle dealer to deliver a
6 motor vehicle to a customer for a test drive away from the
7 dealer's registered place of business; deliver documents to
8 a customer to sign away from the dealer's registered place
9 of business; deliver documents to, or obtain documents from,
10 a customer away from the dealer's registered place of
11 business; or deliver a motor vehicle to a customer away from
12 the dealer's registered place of business.

13 2. The sale of vehicles at off-site sales shall be
14 limited to sales by a seller of vehicles used and titled
15 solely in its ordinary course of business, and such sales
16 shall be held in conjunction with a credit union and limited
17 to members of the credit union, thus constituting a private
18 sale to be advertised to members only.

19 3. Off-site sales by a seller of vehicles used and
20 titled solely in its ordinary course of business may also be
21 held in conjunction with other financial institutions,
22 provided that any such sale event shall be held on the
23 premises of the financial institution, and sales shall be
24 limited to persons who were customers of the financial
25 institution prior to the date of the sale event. Off-site
26 sales held with such other financial institutions shall be
27 limited to one sale per year per institution.

28 4. A motor vehicle dealer may participate in up to two
29 off-premise motor vehicle shows or sales annually and
30 conduct sales of motor vehicles away from the dealer's
31 registered place of business, which, for purposes of this
32 section, shall be considered off-premise events, provided
33 the following:

34 (1) The off-premise event shall be conducted for not
35 more than five consecutive days;

36 (2) The off-premise event shall not require any motor
37 vehicle dealer participant to pay an unreasonably
38 prohibitive participation fee:

39 (a) Participation fees may include those costs
40 reasonable necessary for the off-premise event such as
41 rental of real property and provision of insurance coverage;

42 (b) If a participation fee is required, the fee shall
43 be the same for all motor vehicle dealers participating in
44 the event, but in no event shall any participation fee
45 exceed five hundred dollars per participant;

58 (5) Notices provided under subdivisions (3) and (4) of
59 this subsection shall be provided not less than forty-five
60 days before the off-premise event is to take place and
61 invited dealers shall be given at least five business days
62 to respond to the notice;

68 (7) No motor vehicle dealer shall participate in any
69 off-premise event that is more than ten miles from its
70 licensed location.

71 5. Provided the requirements of this section are met,
72 the department shall consider such events to be proper in
73 all respects and as if each dealer participant were
74 conducting business at the dealer's usual business
75 location. Nothing contained in this section shall be
76 construed as applying to the sale of motor vehicles or
77 trailers through either a wholesale motor vehicle auction or
78 public motor vehicle auction. A recreational motor vehicle
79 dealer, as classified by subdivision (7) of subsection 3 of
80 section 301.1000, may participate in an off-premise event
81 even if a majority of recreational motor vehicle dealers in
82 a city or town do not participate in the event.

83 6. A recreational vehicle dealer, as that term is
84 defined in section 700.010, who is licensed in another state
85 may participate in recreational vehicle shows or exhibits
86 with recreational vehicles within this state in which less
87 than fifty dealers participate as exhibitors with permission
88 of the dealer's licensed manufacturer if all of the
89 following conditions exist:

90 (1) The show or exhibition has a minimum of ten
91 recreational vehicle dealers licensed as motor vehicle
92 dealers in this state;

93 (2) More than fifty percent of the participating
94 recreational vehicle dealers are licensed motor vehicle
95 dealers in this state; and

96 (3) The state in which the recreational vehicle is
97 licensed is a state contiguous to Missouri and the state
98 permits recreational vehicle dealers licensed in Missouri to
99 participate in recreational vehicle shows in such state

100 under conditions substantially equivalent to the conditions
101 that are imposed on dealers from such state who participate
102 in recreational vehicle shows in Missouri.

103 7. A recreational vehicle dealer licensed in another
104 state may participate in a vehicle show or exhibition in
105 Missouri that has, when it opens to the public, at least
106 fifty dealers displaying recreational vehicles if the show
107 or exhibition is trade-oriented and is predominantly funded
108 by recreational vehicle manufacturers. All of the
109 participating dealers who are not licensed in Missouri shall
110 be licensed as recreational vehicle dealers by the state of
111 their residence.

112 8. A recreational vehicle dealer licensed in another
113 state who intends to participate in a vehicle show or
114 exhibition in this state shall send written notification of
115 such intended participation to the department at least
116 thirty days prior to the vehicle show or exhibition. Upon
117 receipt of such written notification, the department shall
118 make a determination regarding compliance with the
119 provisions of this section. If such recreational vehicle
120 dealer would be unable to participate in the vehicle show or
121 exhibition in this state under this section, the department
122 shall notify the recreational vehicle dealer at least
123 fifteen days prior to the vehicle show or exhibition of the
124 inability to participate in the vehicle show or exhibition
125 in this state.

126 9. The department may assess a fine of up to one
127 thousand dollars for the off-premise sale or display of any
128 motor vehicle in violation of this section.

301.1048. New motor vehicles may be exchanged for
2 resale from one new motor vehicle franchised dealer to
3 another who is franchised to sell the same make of new motor

4 vehicles by assignment of the manufacturer's statement of
5 origin. Such exchange shall not be deemed to be a sale and
6 shall not require the motor vehicle dealer to register and
7 make application for a certificate of ownership as set out
8 in this chapter. However, when an exchange by assignment of
9 the manufacturer's statement of origin is between a new
10 motor vehicle franchised dealer and another motor vehicle
11 dealer who has a franchise for a different make of motor
12 vehicle or a motor vehicle dealer who is not a new motor
13 vehicle franchised dealer, the transaction shall be deemed a
14 sale and shall void the resale of that motor vehicle as a
15 new motor vehicle, and it shall be unlawful for any motor
16 vehicle dealer to hold forth, offer for sale, advertise, or
17 sell such motor vehicle as a new motor vehicle. A motor
18 vehicle dealer shall not assign ownership on any vehicle in
19 a retail sale by the assignment of a manufacturer's
20 statement of origin unless it is franchised by the
21 manufacturer to sell that particular make of vehicle;
22 however, this provision shall not take effect if the motor
23 vehicle dealer and the manufacturer are in the process of
24 negotiating a new franchise agreement, or the motor vehicle
25 dealer has filed a timely protest to the manufacturer or
26 appealed under section 407.825, of the motor vehicle
27 franchise practices act. The provisions of this section
28 shall not apply to mobile homes or trailers.

 [301.558.] 301.1051. 1. A motor vehicle dealer,
2 trailer dealer, boat dealer, or powersport dealer may fill
3 in the blanks on standardized forms in connection with the
4 sale or lease of a new or used motor vehicle, trailer,
5 vessel, or vessel trailer if the motor vehicle dealer,
6 trailer dealer, boat dealer, or powersport dealer does not

7 charge for the services of filling in the blanks or
8 otherwise charge for preparing documents.

9 2. A motor vehicle dealer, trailer dealer, boat
10 dealer, or powersport dealer may charge an administrative
11 fee in connection with the sale or lease of a new or used
12 motor vehicle, trailer, vessel, or vessel trailer for the
13 storage of documents or any other administrative or clerical
14 services not prohibited by this section. A portion of the
15 administrative fee may result in profit to the motor vehicle
16 dealer, trailer dealer, boat dealer, or powersport dealer.

17 3. (1) Ten percent of any fee authorized under this
18 section and charged by motor vehicle dealers or trailer
19 dealers shall be remitted to the motor vehicle
20 administration technology fund established in this
21 subsection, for the development of the system specified in
22 this subsection. Following the development of the system
23 specified in this subsection, the director of the department
24 of revenue shall notify motor vehicle dealers and trailer
25 dealers, and implement the system, and the percentage of any
26 fee authorized under this section required to be remitted to
27 the fund shall be reduced to three and one-half percent,
28 which shall be used for maintenance of the system. This
29 subsection shall expire on January 1, 2037.

30 (2) There is hereby created in the state treasury the
31 "Motor Vehicle Administration Technology Fund", which shall
32 consist of money collected as specified in this subsection.
33 The state treasurer shall be custodian of the fund. In
34 accordance with sections 30.170 and 30.180, the state
35 treasurer may approve disbursements. The fund shall be a
36 dedicated fund and money in the fund shall be used solely by
37 the department of revenue for the purpose of development and
38 maintenance of a modernized, integrated system for the

39 titling of vehicles, issuance and renewal of vehicle
40 registrations, issuance and renewal of driver's licenses and
41 identification cards, and perfection and release of liens
42 and encumbrances on vehicles.

43 (3) Notwithstanding the provisions of section 33.080
44 to the contrary, any moneys remaining in the fund at the end
45 of the biennium shall not revert to the credit of the
46 general revenue fund.

47 (4) The state treasurer shall invest moneys in the
48 fund in the same manner as other funds are invested. Any
49 interest and moneys earned on such investments shall be
50 credited to the fund.

51 4. No motor vehicle dealer, trailer dealer, boat
52 dealer, or powersport dealer that sells or leases new or
53 used motor vehicles, trailers, vessels, or vessel trailers
54 and imposes an administrative fee of five hundred dollars or
55 less in connection with the sale or lease of a new or used
56 motor vehicle, trailer, vessel, or vessel trailer for the
57 storage of documents or any other administrative or clerical
58 services shall be deemed to be engaging in the unauthorized
59 practice of law. The maximum administrative fee permitted
60 under this subsection shall be increased annually by an
61 amount equal to the percentage change in the annual average
62 of the Consumer Price Index for All Urban Consumers or its
63 successor index, as reported by the federal Bureau of Labor
64 Statistics or its successor agency, or by zero, whichever is
65 greater. The director of the department of revenue shall
66 annually furnish the maximum administrative fee determined
67 under this section to the secretary of state, who shall
68 publish such value in the Missouri Register as soon as
69 practicable after January fourteenth of each year.

70 5. If an administrative fee is charged under this
71 section, the same administrative fee shall be charged to all
72 retail customers unless the fee is limited by the dealer's
73 franchise agreement to certain classes of customers. The
74 fee shall be disclosed on the retail buyer's order form as a
75 separate itemized charge.

76 6. A preliminary worksheet on which a sale price is
77 computed and that is shown to the purchaser, a retail
78 buyer's order form from the purchaser, or a retail
79 installment contract shall include, in reasonable proximity
80 to the place on the document where the administrative fee
81 authorized by this section is disclosed, the amount of the
82 administrative fee and the following notice in type that is
83 boldfaced, capitalized, underlined, or otherwise
84 conspicuously set out from the surrounding written material:

85 "AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE
86 AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY
87 A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN
88 A PROFIT TO DEALER. NO PORTION OF THIS
89 ADMINISTRATIVE FEE IS FOR THE DRAFTING,
90 PREPARATION, OR COMPLETION OF DOCUMENTS OR THE
91 PROVIDING OF LEGAL ADVICE. THIS NOTICE IS
92 REQUIRED BY LAW.".

93 7. The general assembly believes that an
94 administrative fee charged in compliance with this section
95 is not the unauthorized practice of law or the unauthorized
96 business of law so long as the activity or service for which
97 the fee is charged is in compliance with the provisions of
98 this section and does not result in the waiver of any rights
99 or remedies. Recognizing, however, that the judiciary is
100 the sole arbitrator of what constitutes the practice of law,
101 in the event that a court determines that an administrative

102 fee charged in compliance with this section, and that does
103 not waive any rights or remedies of the buyer, is the
104 unauthorized practice of law or the unauthorized business of
105 law, then no person who paid that administrative fee may
106 recover [said] **such** fee or treble damages, as permitted
107 under section 484.020, and no person who charged that fee
108 shall be guilty of a misdemeanor, as provided under section
109 484.020.

301.1054. 1. An out-of-state show promoter of
2 recreational vehicles, as that term is defined in section
3 700.010, may hold recreational vehicle shows or exhibits
4 with recreational vehicles within this state if the
5 following conditions exist:

6 (1) The show or exhibition has a minimum of ten
7 recreational vehicle dealers licensed as motor vehicle
8 dealers in this state; and

9 (2) More than fifty percent of the participating
10 recreational vehicle dealers are licensed motor vehicle
11 dealers in this state.

12 2. A violation of subsection 1 of this section shall
13 result in a five thousand dollar fine.

301.1057. 1. For purposes of this section, the
2 following terms mean:

3 (1) "Mobility motor vehicle", a motor vehicle that is
4 designed and equipped to transport a person with a
5 disability and:

6 (a) Contains a lowered floor or lowered frame or a
7 raised roof or raised door;

8 (b) Contains an electronic or mechanical wheelchair,
9 scooter, or platform lift that enables a person to enter or
10 exit the vehicle while occupying a wheelchair or scooter; an
11 electronic or mechanical wheelchair ramp; or a system to

12 secure a wheelchair or scooter to allow for a person to be
13 safely transported while occupying the wheelchair or
14 scooter; and

15 (c) Is installed as an integral part or permanent
16 attachment to the motor vehicle chassis;

17 (2) "Mobility motor vehicle dealer", a dealer who is
18 licensed as a new or used motor vehicle dealer under this
19 chapter who is engaged in the business of buying, selling,
20 or exchanging mobility motor vehicles and servicing or
21 repairing mobility motor vehicles at an established and
22 permanent place of business.

23 2. Notwithstanding any other provision of law to the
24 contrary, a mobility motor vehicle dealer may:

25 (1) Purchase or otherwise acquire a new motor vehicle
26 from a franchised dealer to fit or equip the motor vehicle
27 for retail sale as a mobility motor vehicle from a
28 franchised dealer wherever located;

29 (2) Display a new motor vehicle to a person with a
30 disability to fit or equip the vehicle as a mobility motor
31 vehicle for the person; or

32 (3) Sell a new motor vehicle that has been fitted or
33 equipped as a new mobility motor vehicle with the resale
34 occurring through or by a franchised dealer.

35 3. A mobility motor vehicle dealer who purchased or
36 acquired a new motor vehicle from a franchised dealer to
37 equip the vehicle as a mobility vehicle shall not advertise
38 the vehicle for resale until the vehicle is fitted or
39 equipped as a mobility motor vehicle.

40 4. A mobility motor vehicle dealer shall not, except
41 as permitted by subdivision (2) of subsection 2 of this
42 section, display or offer to display a new motor vehicle
43 that is not a mobility motor vehicle to the public.

301.1060. 1. The board may issue special event motor
2 vehicle auction licenses under the provisions of this
3 section. For purposes of this section, a "special event
4 motor vehicle auction" is a motor vehicle auction that:

5 (1) Ninety percent of the vehicles being auctioned are
6 at least ten years old or older;

7 (2) The licensee shall auction no more than three
8 percent of the total number of vehicles presented for
9 auction that are owned and titled in the name of the
10 licensee or its owners; and

11 (3) The duration is no more than three consecutive
12 calendar days and is held no more than three times in a
13 calendar year by a licensee.

14 2. A special event motor vehicle auction shall be
15 considered a public motor vehicle auction for purposes of
16 sections 301.1000 to 301.1063.

17 3. An application for a special event motor vehicle
18 auction license shall be received by the board at least
19 ninety days prior to the beginning of the special event
20 auction.

21 4. Applicants for a special motor vehicle auction are
22 limited to no more than three special event auctions in any
23 calendar year. A separate application is required for each
24 special event motor vehicle auction.

25 5. At least ninety percent of the vehicles being
26 auctioned at a special event motor vehicle auction shall be
27 ten years old or older. The licensee shall, within ten days
28 of the conclusion of a special event motor vehicle auction,
29 submit a report in the form approved by the board to the
30 board that includes the make, model, year, and vehicle
31 identification number of each vehicle included in the
32 auction. Every vehicle included in the special event

33 auction shall be listed, including those vehicles that were
34 auctioned and sold and those vehicles that were auctioned
35 but did not sell. Violation of this subsection is a class A
36 misdemeanor.

37 6. The applicant for the special event motor vehicle
38 auction shall be responsible for ensuring that a sales tax
39 license or special event sales tax license is obtained for
40 the event if one is required.

41 7. The fee for a special event motor vehicle auction
42 license shall be one thousand dollars. For every vehicle
43 auctioned in violation of subsection 5 of this section, an
44 administrative fee of five hundred dollars shall be paid to
45 the board. Such fees shall be deposited in like manner as
46 other license fees of this section.

47 8. In addition to the causes set forth in section
48 301.1030, the board may promulgate rules that establish
49 additional causes to refuse to issue or to revoke a special
50 event license.

51 9. A special motor vehicle auction shall last no more
52 than three consecutive days.

53 10. The applicant for a special event motor vehicle
54 auction shall be registered to conduct business in this
55 state.

56 11. Every applicant for a special event motor vehicle
57 auction license shall furnish with the application a
58 corporate surety bond or an irrevocable letter of credit as
59 defined in section 400.5-102 issued by any state or federal
60 financial institution in the penal sum of one hundred
61 thousand dollars on a form approved by the board. The bond
62 or irrevocable letter of credit shall be conditioned upon
63 the applicant complying with the provisions of the statutes
64 applicable to a special event auction license holder and the

65 bond shall be an indemnity for any loss sustained by reason
66 of the acts of the person bonded when such acts constitute
67 grounds for the revocation or denial of a special event
68 auction license. The bond shall be executed in the name of
69 the state of Missouri for the benefit of all aggrieved
70 parties or the irrevocable letter of credit shall name the
71 state of Missouri as the beneficiary. The aggregate
72 liability of the surety or financial institution to the
73 aggrieved parties shall not exceed the amount of the bond or
74 irrevocable letter of credit. The proceeds of the bond or
75 irrevocable letter of credit shall be paid upon receipt by
76 the board of a final judgment from a Missouri court of
77 competent jurisdiction against the principal and in favor of
78 an aggrieved party.

79 12. No dealer, driveaway, auction, or wholesale
80 plates, or temporary permit booklets, shall be issued in
81 conjunction with a special event motor vehicle auction
82 license.

83 13. Any person or entity who sells a vehicle at a
84 special event motor vehicle auction shall provide, to the
85 buyer, current contact information including, but not
86 limited to, name, address, and telephone number.

87 14. Any rule or portion of a rule, as that term is
88 defined in section 536.010, that is created under the
89 authority delegated in this section shall become effective
90 only if it complies with and is subject to all of the
91 provisions of chapter 536 and, if applicable, section
92 536.028. This section and chapter 536 are nonseverable and
93 if any of the powers vested with the general assembly
94 pursuant to chapter 536 to review, to delay the effective
95 date, or to disapprove and annul a rule are subsequently
96 held unconstitutional, then the grant of rulemaking

97 authority and any rule proposed or adopted after August 28,
98 2026, shall be invalid and void.

301.1063. A motor vehicle dealer, as defined in
2 section 301.1000, and the dealer's owners, shareholders,
3 officers, employees, and agents who, in conjunction with the
4 actual or potential sale or lease of a motor vehicle,
5 arrange to provide, actually provide, or otherwise make
6 available to a vehicle purchaser, lessee, or other person
7 any third-party motor vehicle history report shall not be
8 liable to the vehicle purchaser, lessee, or other person for
9 any errors, omissions, or other inaccuracies contained in
10 the third-party motor vehicle history report that are not
11 based on information provided directly to the preparer of
12 the third-party motor vehicle history report by that
13 dealer. For purposes of this section, a "third-party motor
14 vehicle report" means any information prepared by a party
15 other than the dealer relating to any one or more of the
16 following: vehicle ownership or titling history; liens on
17 the vehicle; vehicle service, maintenance, or repair
18 history; vehicle condition; or vehicle accident or collision
19 history. This section shall not apply in the case of any
20 dealer having actual knowledge about a vehicle's accident,
21 salvage, or service history that is different from, or not
22 disclosed on, any third-party motor vehicle report.

303.440. The verification system established under
2 section 303.430 shall be installed and fully operational no
3 later than December 31, 2027, or as soon as technologically
4 possible following the development and maintenance of a
5 modernized, integrated system for the titling of vehicles,
6 issuance and renewal of vehicle registrations, issuance and
7 renewal of driver's licenses and identification cards, and
8 perfection and release of liens and encumbrances on

9 vehicles, to be funded by the motor vehicle administration
10 technology fund [as created in section 301.558] **under**
11 **section 301.1051**, following an appropriate testing or pilot
12 period of not less than nine months. Until the successful
13 completion of the testing or pilot period in the judgment of
14 the director of the department of revenue, no enforcement
15 action shall be taken based on the system, including but not
16 limited to action taken under the program established under
17 section 303.425.

304.156. 1. Within five working days of receipt of
2 the crime inquiry and inspection report under section
3 304.155 or the abandoned property report under section
4 304.157, the director of revenue shall search the records of
5 the department of revenue, or initiate an inquiry with
6 another state, if the evidence presented indicated the
7 abandoned property was registered or titled in another
8 state, to determine the name and address of the owner and
9 lienholder, if any. After ascertaining the name and address
10 of the owner and lienholder, if any, the department shall,
11 within fifteen working days, notify the towing company. Any
12 towing company which comes into possession of abandoned
13 property pursuant to section 304.155 or 304.157 and who
14 claims a lien for recovering, towing or storing abandoned
15 property shall give notice to the title owner and to all
16 persons claiming a lien thereon, as disclosed by the records
17 of the department of revenue or of a corresponding agency in
18 any other state. The towing company shall notify the owner
19 and any lienholder within ten business days of the date of
20 mailing indicated on the notice sent by the department of
21 revenue, by certified mail, return receipt requested. The
22 notice shall contain the following:

23 (1) The name, address and telephone number of the
24 storage facility;

25 (2) The date, reason and place from which the
26 abandoned property was removed;

32 (4) A statement that the storage firm claims a
33 possessory lien for all such charges;

52 2. A towing company may only assess reasonable storage
53 charges for abandoned property towed without the consent of
54 the owner. Reasonable storage charges shall not exceed the

55 charges for vehicles which have been towed with the consent
56 of the owner on a negotiated basis. Storage charges may be
57 assessed only for the time in which the towing company
58 complies with the procedural requirements of sections
59 304.155 to 304.158.

60 3. In the event that the records of the department of
61 revenue fail to disclose the name of the owner or any
62 lienholder of record, the department shall notify the towing
63 company which shall attempt to locate documents or other
64 evidence of ownership on or within the abandoned property
65 itself. The towing company must certify that a physical
66 search of the abandoned property disclosed that no ownership
67 documents were found and a good faith effort has been made.
68 For purposes of this section, "good faith effort" means that
69 the following checks have been performed by the company to
70 establish the prior state of registration and title:

71 (1) Check of the abandoned property for any type of
72 license plates, license plate record, temporary permit,
73 inspection sticker, decal or other evidence which may
74 indicate a state of possible registration and title;

75 (2) Check the law enforcement report for a license
76 plate number or registration number if the abandoned
77 property was towed at the request of a law enforcement
78 agency;

79 (3) Check the tow ticket/report of the tow truck
80 operator to see if a license plate was on the abandoned
81 property at the beginning of the tow, if a private tow; and

82 (4) If there is no address of the owner on the impound
83 report, check the law enforcement report to see if an out-of-
84 state address is indicated on the driver license information.

85 4. If no ownership information is discovered, the
86 director of revenue shall be notified in writing and title
87 obtained in accordance with subsection 7 of this section.

88 5. (1) The owner of the abandoned property removed
89 pursuant to the provisions of section 304.155 or 304.157 or
90 any person claiming a lien, other than the towing company,
91 within ten days after the receipt of notification from the
92 towing company pursuant to subsection 1 of this section may
93 file a petition in the associate circuit court in the county
94 where the abandoned property is stored to determine if the
95 abandoned property was wrongfully taken or withheld from the
96 owner. The petition shall name the towing company among the
97 defendants. The petition may also name the agency ordering
98 the tow or the owner, lessee or agent of the real property
99 from which the abandoned property was removed. The director
100 of revenue shall not be a party to such petition but a copy
101 of the petition shall be served on the director of revenue
102 who shall not issue title to such abandoned property
103 pursuant to this section until the petition is finally
104 decided.

105 (2) Upon filing of a petition in the associate circuit
106 court, the owner or lienholder may have the abandoned
107 property released upon posting with the court a cash or
108 surety bond or other adequate security equal to the amount
109 of the charges for towing and storage to ensure the payment
110 of such charges in the event he does not prevail. Upon the
111 posting of the bond and the payment of the applicable fees,
112 the court shall issue an order notifying the towing company
113 of the posting of the bond and directing the towing company
114 to release the abandoned property. At the time of such
115 release, after reasonable inspection, the owner or
116 lienholder shall give a receipt to the towing company

117 reciting any claims for loss or damage to the abandoned
118 property or the contents thereof.

119 (3) Upon determining the respective rights of the
120 parties, the final order of the court shall provide for
121 immediate payment in full of recovery, towing, and storage
122 fees by the abandoned property owner or lienholder or the
123 owner, lessee, or agent thereof of the real property from
124 which the abandoned property was removed.

125 6. A towing and storage lien shall be enforced as
126 provided in subsection 7 of this section.

127 7. Thirty days after the notification form has been
128 mailed to the abandoned property owner and holder of a
129 security agreement and the property is unredeemed and no
130 satisfactory arrangement has been made with the lienholder
131 in possession for continued storage, and the owner or holder
132 of a security agreement has not requested a hearing as
133 provided in subsection 5 of this section, the lienholder in
134 possession may apply to the director of revenue for a
135 certificate. The application for title shall be accompanied
136 by:

137 (1) An affidavit from the lienholder in possession
138 that he has been in possession of the abandoned property for
139 at least thirty days and the owner of the abandoned property
140 or holder of a security agreement has not made arrangements
141 for payment of towing and storage charges;

142 (2) An affidavit that the lienholder in possession has
143 not been notified of any application for hearing as provided
144 in this section;

145 (3) A copy of the abandoned property report or crime
146 inquiry and inspection report;

147 (4) A copy of the thirty-day notice given by certified
148 mail to any owner and person holding a valid security

149 interest and a copy of the certified mail receipt indicating
150 that the owner and lienholder of record was sent a notice as
151 required in this section; and

152 (5) A copy of the envelope or mailing container
153 showing the address and postal markings indicating that the
154 notice was "not forwardable" or "address unknown".

155 8. If notice to the owner and holder of a security
156 agreement has been returned marked "not forwardable" or
157 "addressee unknown", the lienholder in possession shall
158 comply with subsection 3 of this section.

159 9. Any municipality or county may adopt an ordinance
160 regulating the removal and sale of abandoned property
161 provided such ordinance is consistent with sections 304.155
162 to 304.158, and, for a home rule city with more than four
163 hundred thousand inhabitants and located in more than one
164 county, includes the following provisions:

165 (1) That the department of revenue records must be
166 searched to determine the registered owner or lienholder of
167 the abandoned property;

168 (2) That if a registered owner or lienholder is
169 disclosed in the records, that the owner and lienholder or
170 owner or lienholder are mailed a notice by the local
171 governmental agency, by U.S. mail, advising of the towing
172 and impoundment;

173 (3) That if the vehicle is older than six years and
174 more than fifty percent damaged by collision, fire, or
175 decay, and has a fair market value of less than two hundred
176 dollars as determined by using any nationally recognized
177 appraisal book or method, it must be held no less than ten
178 days after the notice is sent pursuant to this section
179 before being sold to a licensed salvage or scrap business;
180 provided however where a title is required under this

181 chapter an affidavit from a certified appraiser attesting
182 that the value of the vehicle is less than two hundred
183 dollars;

184 (4) That all other vehicles must be held no less than
185 thirty days after the notice is sent pursuant to this
186 subsection before they may be sold.

187 10. Any municipality or county which has physical
188 possession of the abandoned property and which sells
189 abandoned property in accordance with a local ordinance may
190 transfer ownership by means of a bill of sale signed by the
191 municipal or county clerk or deputy and sealed with the
192 official municipal or county seal. Such bill of sale shall
193 contain the make and model of the abandoned property, the
194 complete abandoned property identification number and the
195 odometer reading of the abandoned property if available and
196 shall be lawful proof of ownership for any dealer registered
197 under the provisions of section 301.218, or section
198 [301.560] **301.1018**, or for any other person. Any dealer or
199 other person purchasing such property from a municipality or
200 county shall apply within thirty days of purchase for a
201 certificate. Anyone convicted of a violation of this
202 section shall be guilty of an infraction.

203 11. Any persons who have towed abandoned property
204 prior to August 28, 1996, may, until January 1, 2000, apply
205 to the department of revenue for a certificate. The
206 application shall be accompanied by:

207 (1) A notarized affidavit explaining the circumstances
208 by which the abandoned property came into their possession,
209 including the name of the owner or possessor of real
210 property from which the abandoned property was removed;
211 (2) The date of the removal;
212 (3) The current location of the abandoned property;

213 (4) An inspection of the abandoned property as
214 prescribed by the director; and

215 (5) A copy of the thirty-day notice given by certified
216 mail to any owner and person holding a valid security
217 interest of record and a copy of the certified mail receipt.

12. If the director is satisfied with the genuineness
of the application and supporting documents submitted
pursuant to this section, the director shall issue one of
the following:

222 (1) An original certificate of title if the vehicle
223 owner has obtained a vehicle examination certificate as
224 provided in section 301.190 which indicates that the vehicle
225 was not previously in a salvaged condition or rebuilt;

226 (2) An original certificate of title designated as
227 prior salvage if the vehicle examination certificate as
228 provided in section 301.190 indicates the vehicle was
229 previously in a salvage condition or rebuilt;

230 (3) A salvage certificate of title designated with the
231 words "salvage/abandoned property" or junking certificate
232 based on the condition of the abandoned property as stated
233 in the abandoned property report or crime inquiry and
234 inspection report;

235 (4) [Notwithstanding the provisions of section 301.573
236 to the contrary,] If satisfied with the genuineness of the
237 application and supporting documents, the director shall
238 issue an original title to abandoned property previously
239 issued a salvage title as provided in this section, if the
240 vehicle examination certificate as provided in section
241 301.190 does not indicate the abandoned property was
242 previously in a salvage condition or rebuilt.

243 13. If abandoned property is insured and the insurer
244 of property regards the property as a total loss and the

245 insurer satisfies a claim by the owner for the property,
246 then the insurer or lienholder shall claim and remove the
247 property from the storage facility or make arrangements to
248 transfer the title, and such transfer of title subject to
249 agreement shall be in complete satisfaction of all claims
250 for towing and storage, to the towing company or storage
251 facility. The owner of the abandoned vehicle, lienholder or
252 insurer, to the extent the vehicle owner's insurance policy
253 covers towing and storage charges, shall pay reasonable fees
254 assessed by the towing company and storage facility. The
255 property shall be claimed and removed or title transferred
256 to the towing company or storage facility within thirty days
257 of the date that the insurer paid a claim for the total loss
258 of the property or is notified as to the location of the
259 abandoned property, whichever is the later event. Upon
260 request, the insurer of the property shall supply the towing
261 company and storage facility with the name, address and
262 phone number of the insurance company and of the insured and
263 with a statement regarding which party is responsible for
264 the payment of towing and storage charges under the
265 insurance policy.

306.015. 1. The owner of a vessel kept within this
2 state shall cause it to be registered in the office of the
3 director of revenue who shall issue a certificate of title
4 for the same.

5 2. The owner of any vessel acquired or brought into
6 the state shall file his application for title within sixty
7 days after it is acquired or brought into this state. The
8 director of revenue may grant extensions of time for titling
9 to any person in deserving cases.

10 3. The fee for the certificate of title shall be seven
11 dollars fifty cents and shall be paid to the director of

12 revenue at the time of making application. If application
13 for certificate of title is not made within sixty days after
14 the vessel is acquired or brought into the state, a
15 delinquency penalty fee of ten dollars for each thirty days
16 of delinquency, not to exceed a total of thirty dollars,
17 shall be imposed. If the director of revenue learns that
18 any person has failed to make application for certificate of
19 title within sixty days after acquiring or bringing into the
20 state a vessel or has sold a vessel without obtaining a
21 certificate of title, he shall cancel the registration of
22 all motorboats, vessels, and watercraft registered in the
23 name of the person, either as sole owner or as co-owner, and
24 shall notify the person that the cancellation will remain in
25 force until the person pays the delinquency penalty fee
26 provided in this section together with all fees, charges,
27 and payments which he should have paid in connection with
28 the certificate of title of the vessel.

29 4. In the event of a sale or transfer of ownership of
30 a vessel or outboard motor for which a certificate of
31 ownership or manufacturer's statement of origin has been
32 issued, the holder of such certificate shall endorse on the
33 same an assignment thereof, with warranty of title in form
34 printed thereon, and prescribed by the director of revenue,
35 with a statement of all liens or encumbrances on such vessel
36 or outboard motor, and deliver the same to the buyer at the
37 time of delivery to the buyer of such vessel or outboard
38 motor; provided that, when the transfer of a vessel or
39 outboard motor occurs within a corporation which holds a
40 license to operate as a motor vehicle or boat dealer under
41 sections [301.550 to 301.573] **301.1000 to 301.1063** and this
42 section, the provisions of subdivision (3) of subsection 7
43 of section 144.070 shall not apply.

385.200. As used in sections 385.200 to 385.220, the
2 following terms mean:

3 (1) "Administrator", the person other than a provider
4 who is responsible for the administration of the service
5 contracts or the service contracts plan or for any filings
6 required by sections 385.200 to 385.220;

7 (2) "Business entity", any partnership, corporation,
8 incorporated or unincorporated association, limited
9 liability company, limited liability partnership, joint
10 stock company, reciprocal, syndicate, or any similar entity;

11 (3) "Consumer", a natural person who buys other than
12 for purposes of resale any tangible personal property that
13 is distributed in commerce and that is normally used for
14 personal, family, or household purposes and not for business
15 or research purposes;

16 (4) "Dealers", any motor vehicle dealer or boat dealer
17 licensed or required to be licensed under the provisions of
18 sections **[301.550 to 301.573] 301.1000 to 301.1063;**

19 (5) "Director", the director of the department of
20 commerce and insurance;

21 (6) "Maintenance agreement", a contract of limited
22 duration that provides for scheduled maintenance only;

23 (7) "Manufacturer", any of the following:

24 (a) A person who manufactures or produces the property
25 and sells the property under the person's own name or label;

26 (b) A subsidiary or affiliate of the person who
27 manufactures or produces the property;

28 (c) A person who owns one hundred percent of the
29 entity that manufactures or produces the property;

30 (d) A person that does not manufacture or produce the
31 property, but the property is sold under its trade name
32 label;

33 (e) A person who manufactures or produces the property
34 and the property is sold under the trade name or label of
35 another person;

36 (f) A person who does not manufacture or produce the
37 property but, under a written contract, licenses the use of
38 its trade name or label to another person who sells the
39 property under the licensor's trade name or label;

40 (8) "Mechanical breakdown insurance", a policy,
41 contract, or agreement issued by an authorized insurer who
42 provides for the repair, replacement, or maintenance of a
43 motor vehicle or indemnification for repair, replacement, or
44 service, for the operational or structural failure of a
45 motor vehicle due to a defect in materials or workmanship or
46 to normal wear and tear;

47 (9) "Motor vehicle extended service contract" or
48 "service contract", a contract or agreement for a separately
49 stated consideration and for a specific duration to perform
50 the repair, replacement, or maintenance of a motor vehicle
51 or indemnification for repair, replacement, or maintenance,
52 for the operational or structural failure due to a defect in
53 materials, workmanship, or normal wear and tear, with or
54 without additional provision for incidental payment of
55 indemnity under limited circumstances, including but not
56 limited to towing, rental, and emergency road service. The
57 term shall also include a contract or agreement for a
58 separately stated consideration and for a specific duration
59 that provides for any of the following:

60 (a) The repair or replacement of tires or wheels on a
61 motor vehicle damaged as a result of coming into contact
62 with road hazards;

63 (b) The removal of dents, dings, or creases on a motor
64 vehicle that can be repaired using the process of paintless

65 dent removal without affecting the existing paint finish and
66 without replacing vehicle body panels, sanding, bonding, or
67 painting;

68 (c) The repair of chips or cracks in, or the
69 replacement of, motor vehicle windshields as a result of
70 damage caused by road hazards;

71 (d) The replacement of a motor vehicle key or key fob
72 in the event that the key or key fob becomes inoperable or
73 is lost or stolen; and

74 (e) If not inconsistent with other provisions of this
75 section or section 385.206, 385.300, or 385.306, any other
76 services approved by the director.

77 The term shall not include mechanical breakdown insurance or
78 maintenance agreements;

79 (10) "Nonoriginal manufacturer's parts", replacement
80 parts not made for or by the original manufacturer of the
81 property, commonly referred to as after-market parts;

82 (11) "Person", an individual, partnership,
83 corporation, incorporated or unincorporated association,
84 joint stock company, reciprocal, syndicate, or any similar
85 entity or combination of entities acting in concert;

86 (12) "Premium", the consideration paid to an insurer
87 for a reimbursement insurance policy;

88 (13) "Producer", any business entity or individual
89 person selling, offering, negotiating, or soliciting a motor
90 vehicle extended service contract and required to be
91 licensed as a producer under subsection 1 of section 385.206;

92 (14) "Provider", a person who is contractually
93 obligated to the service contract holder under the terms of
94 a motor vehicle extended service contract;

95 (15) "Provider fee", the consideration paid for a
96 motor vehicle extended service contract by a service
97 contract holder;

111 (17) "Road hazard", a hazard encountered while driving
112 a motor vehicle that includes, but is not limited to,
113 potholes, rocks, wood debris, metal parts, glass, plastic,
114 curbs, or composite scraps;

115 (18) "Service contract holder" or "contract holder", a
116 person who is the purchaser or holder of a motor vehicle
117 extended service contract;

118 (19) "Warranty", a warranty made solely by the
119 manufacturer, importer, or seller of property or services
120 without charge, that is not negotiated or separated from the
121 sale of the product and is incidental to the sale of the
122 product, that guarantees indemnity for defective parts,
123 mechanical or electrical breakdown, labor, or other remedial
124 measures, such as repair or replacement of the property or
125 repetition of services.

385.206. 1. It is unlawful for any person in or from
2 this state to sell, offer, negotiate, or solicit a motor
3 vehicle extended service contract with a consumer, other
4 than the following:

5 (1) A motor vehicle dealer licensed under sections
6 [301.550 to 301.573] **301.1000 to 301.1063**, along with its
7 authorized employees offering the service contract in
8 connection with the sale of either a motor vehicle or
9 vehicle maintenance or repair services;

10 (2) A manufacturer of motor vehicles, as defined in
11 section 301.010, along with its authorized employees;

12 (3) A federally insured depository institution, along
13 with its authorized employees;

14 (4) A lender licensed and defined under sections
15 367.100 to 367.215, along with its authorized employees;

16 (5) A provider registered with the director and having
17 demonstrated financial responsibility as required in section
18 385.202, along with its subsidiaries and affiliated
19 entities, and authorized employees of the provider,
20 subsidiary, or affiliated entity;

21 (6) A business entity producer or individual producer
22 licensed under section 385.207;

23 (7) Authorized employees of an administrator under
24 contract to effect coverage, collect provider fees, and
25 settle claims on behalf of a registered provider, if the
26 administrator is licensed as a business entity producer
27 under section 385.207; or

28 (8) A vehicle owner transferring an existing motor
29 vehicle extended service contract to a subsequent owner of
30 the same vehicle.

31 2. No administrator or provider shall use a dealer as
32 a fronting company, and no dealer shall act as a fronting

33 company. For purposes of this subsection, "fronting
34 company" means a dealer that authorizes a third-party
35 administrator or provider to use its name or business to
36 evade or circumvent the provisions of subsection 1 of this
37 section.

38 3. Motor vehicle extended service contracts issued,
39 sold, or offered in this state shall be written in clear,
40 understandable language, and the entire contract shall be
41 printed or typed in easy-to-read type and conspicuously
42 disclose the requirements in this section, as applicable.

43 4. Motor vehicle extended service contracts insured
44 under a reimbursement insurance policy under subsection 3 of
45 section 385.202 shall contain a statement in substantially
46 the following form: "Obligations of the provider under this
47 service contract are guaranteed under a service contract
48 reimbursement insurance policy. If the provider fails to
49 pay or provide service on a claim within sixty days after
50 proof of loss has been filed, the contract holder is
51 entitled to make a claim directly against the insurance
52 company." A claim against the provider also shall include a
53 claim for return of the unearned provider fee. The motor
54 vehicle extended service contract also shall state
55 conspicuously the name and address of the insurer.

56 5. Motor vehicle extended service contracts not
57 insured under a reimbursement insurance policy pursuant to
58 subsection 3 of section 385.202 shall contain a statement in
59 substantially the following form: "Obligations of the
60 provider under this service contract are backed only by the
61 full faith and credit of the provider (issuer) and are not
62 guaranteed under a service contract reimbursement insurance
63 policy." A claim against the provider also shall include a
64 claim for return of the unearned provider fee. The motor

65 vehicle extended service contract also shall state
66 conspicuously the name and address of the provider.

67 6. Motor vehicle extended service contracts shall
68 identify any administrator, the provider obligated to
69 perform the service under the contract, the motor vehicle
70 extended service contract seller, and the service contract
71 holder to the extent that the name and address of the
72 service contract holder has been furnished by the service
73 contract holder.

74 7. Motor vehicle extended service contracts shall
75 state conspicuously the total purchase price and the terms
76 under which the motor vehicle extended service contract is
77 sold. The purchase price is not required to be preprinted
78 on the motor vehicle extended service contract and may be
79 negotiated at the time of sale with the service contract
80 holder.

81 8. If prior approval of repair work is required, the
82 motor vehicle extended service contracts shall state
83 conspicuously the procedure for obtaining prior approval and
84 for making a claim, including a toll-free telephone number
85 for claim service and a procedure for obtaining emergency
86 repairs performed outside of normal business hours.

87 9. Motor vehicle extended service contracts shall
88 state conspicuously the existence of any deductible amount.

89 10. Motor vehicle extended service contracts shall
90 specify the merchandise and services to be provided and any
91 limitations, exceptions, and exclusions.

92 11. Motor vehicle extended service contracts shall
93 state the conditions upon which the use of nonoriginal
94 manufacturer's parts or parts of a like kind and quality or
95 substitute service may be allowed. Conditions stated shall
96 comply with applicable state and federal laws.

97 12. Motor vehicle extended service contracts shall
98 state any terms, restrictions, or conditions governing the
99 transferability of the motor vehicle extended service
100 contract.

101 13. Motor vehicle extended service contracts shall
102 state that subsequent to the required free look period
103 specified in subsection 14 of this section, a service
104 contract holder may cancel the contract at any time and the
105 provider shall refund to, or credit to the account of, the
106 contract holder one hundred percent of the unearned pro rata
107 provider fee, less any claims paid. A reasonable
108 administrative fee may be surcharged by the provider in an
109 amount not to exceed fifty dollars. All terms,
110 restrictions, or conditions governing termination of the
111 service contract by the service contract holder shall be
112 stated. The provider of the motor vehicle extended service
113 contract shall mail a written notice to the contract holder
114 within forty-five days of the date of termination. The
115 written notice required by this subsection may be included
116 with any other correspondence required by this section.
117 Refunds may be effectuated through a provider or a person
118 that is permitted to sell motor vehicle extended service
119 contracts under subsection 1 of this section.

120 14. Motor vehicle extended service contracts shall
121 contain a free look period that requires every provider to
122 permit the service contract holder to return the contract to
123 the provider within at least twenty business days of the
124 mailing date of the motor vehicle extended service contract
125 or the contract date if the service contract is executed and
126 delivered at the time of sale or within a longer time period
127 permitted under the contract. If no claim has been made
128 under the contract and the contract is returned, the

129 contract is void and the provider shall refund to, or credit
130 to the account of, the contract holder the full purchase
131 price of the contract. A ten percent penalty of the amount
132 outstanding per month shall be added to a refund that is not
133 paid within forty-five days of return of the contract to the
134 provider. If a claim has been made under the contract
135 during the free look period and the contract is returned,
136 the provider shall refund to, or credit to the account of,
137 the contract holder the full purchase price less any claims
138 that have been paid. The applicable free-look time periods
139 on service contracts shall apply only to the original
140 service contract purchaser. Refunds may be effectuated
141 through a provider or a person that is permitted to sell
142 motor vehicle extended service contracts under subsection 1
143 of this section.

144 15. Motor vehicle extended service contracts shall set
145 forth all of the obligations and duties of the service
146 contract holder, such as the duty to protect against any
147 further damage and the requirement for certain service and
148 maintenance.

149 16. Motor vehicle extended service contracts shall
150 state clearly whether or not the service contract provides
151 for or excludes consequential damages or preexisting
152 conditions.

153 17. The contract requirements of subsections 3 to 16
154 of this section shall apply to motor vehicle extended
155 service contracts made with consumers in this state. A
156 violation of subsections 3 to 16 of this section is a level
157 two violation under section 374.049.

158 18. A violation of subsection 1 or 2 of this section
159 is a level three violation under section 374.049.

407.812. 1. Any franchisor obtaining or renewing its
2 license after August 28, 2010, shall be bound by the
3 provisions of the MVFP act and shall comply with it, and no
4 franchise agreement made, entered, modified, or renewed
5 after August 28, 2010, shall avoid the requirements of the
6 MVFP act, or violate its provisions, and no franchise
7 agreement shall be performed after the date the franchisor's
8 license is issued or renewed in such a manner that the
9 franchisor avoids or otherwise does not conform or comply
10 with the requirements of the MVFP act. Notwithstanding the
11 effective date of any franchise agreement, all franchisor
12 licenses and renewals thereof are issued subject to all
13 provisions of the MVFP act and chapter 301 and any
14 regulations in effect upon the date of issuance, as well as
15 all future provisions of the MVFP act and chapter 301 and
16 any regulations which may become effective during the term
17 of the license.

18 2. The provisions of the MVFP act shall apply to each
19 franchise that a franchisor, manufacturer, importer, or
20 distributor has with a franchisee and all agreements between
21 a franchisee and a common entity or any person that is
22 controlled by a franchisor.

23 3. No dealer or manufacturer licensed in this state
24 under sections **[301.550 to 301.573] 301.1000 to 301.1063**
25 shall allow any subsidiary or related entity to engage in
26 the business of selling motor vehicles, as defined in
27 section 301.010, to retail consumers in this state, except
28 as otherwise permitted by law. Any dealer or manufacturer
29 licensed in this state shall have standing to enforce the
30 provisions of this subsection provided that a franchise
31 relationship exists between the parties.

32 4. No entity controlling, controlled by, or sharing a
33 common parent entity or sibling entity with a licensed
34 dealer or manufacturer shall engage in the business of
35 selling motor vehicles to retail consumers in this state,
36 except as permitted by sections [301.550 to 301.575]
37 **301.1000 to 301.1063** and the MVFP act. Any dealer or
38 manufacturer licensed in this state shall have standing to
39 enforce the provisions of this subsection.

40 5. No dealer or manufacturer not licensed in this
41 state under sections [301.550 to 301.575] **301.1000 to**
42 **301.1063** shall engage in the business of selling motor
43 vehicles to retail consumers in this state, except as
44 permitted by sections [301.550 to 301.575] **301.1000 to**
45 **301.1063** and the MVFP act. Any dealer or manufacturer in
46 this state shall have standing to enforce the provisions of
47 this subsection, provided that a franchise relationship
48 exists between the parties.

49 6. Notwithstanding any provision of sections [301.550
50 to 301.575] **301.1000 to 301.1063** to the contrary, a
51 manufacturer, importer, or distributor may engage in the
52 business of selling motor vehicles to retail consumers in
53 this state from a dealership if the manufacturer, importer,
54 or distributor owned the dealership and initially submitted
55 a dealer license application to the Missouri department of
56 revenue on or before August 28, 2023, provided that the
57 license is subsequently granted, and the ownership or
58 controlling interest of such dealership is not transferred,
59 sold, or conveyed to another person or entity required to be
60 licensed under this chapter.

407.818. No franchisor shall engage in business in
2 this state without a license therefor as provided in
3 sections [301.550 to 301.573] **301.1000 to 301.1063**. No

4 motor vehicle, foreign or domestic, may be sold, leased, or
5 offered for sale or lease in this state unless the
6 franchisor, which issues a franchise to a franchisee in this
7 state, is licensed under sections [301.550 to 301.573]
8 **301.1000 to 301.1063.** No franchisor shall modify the area
9 of responsibility to avoid the requirements of section
10 407.817 or 407.833, or any other section of the MVFP act.
11 Each franchisor shall renew its license annually by the date
12 specified by the department of revenue.

414.255. 1. This section shall be known and may be
2 cited as the "Missouri Renewable Fuel Standard Act".

3 2. For purposes of this section, the following terms
4 shall mean:

5 (1) "Aviation fuel", any motor fuel specifically
6 compounded for use in reciprocating aircraft engines;

7 (2) "Distributor", a person who either produces,
8 refines, blends, compounds or manufactures motor fuel,
9 imports motor fuel into a state or exports motor fuel out of
10 a state, or who is engaged in distribution of motor fuel;

11 (3) "Fuel ethanol-blended gasoline", a mixture of
12 ninety percent gasoline and ten percent fuel ethanol in
13 which the fuel ethanol meets ASTM International
14 Specification D4806, as amended. The ten percent fuel
15 ethanol portion may be derived from any agricultural source;

16 (4) "Position holder", the person who holds the
17 inventory position in motor fuel in a terminal, as reflected
18 on the records of the terminal operator. A person holds the
19 inventory position in motor fuel when that person has a
20 contract with the terminal operator for the use of storage
21 facilities and terminating services for motor fuel at the
22 terminal. The term includes a terminal operator who owns
23 motor fuel in the terminal;

55 "Supplier" also means a person that produces fuel grade
56 alcohol or alcohol-derivative substances in this state,
57 produces fuel grade alcohol or alcohol-derivative substances
58 for import to this state into a terminal, or acquires upon
59 import by truck, rail car or barge into a terminal, fuel
60 grade alcohol or alcohol-derivative substances. "Supplier"
61 includes a permissive supplier unless specifically provided
62 otherwise;

63 (9) "Terminal", a bulk storage and distribution
64 facility which includes:

65 (a) For the purposes of motor fuel, is a qualified
66 terminal;

67 (b) For the purposes of fuel grade alcohol, is
68 supplied by truck, rail car, boat, barge or pipeline and the
69 products are removed at a rack; and

70 (10) "Unblended gasoline", gasoline that has not been
71 blended with fuel ethanol.

72 3. Except as otherwise provided under subsections 4
73 and 5 of this section, on and after January 1, 2008, all
74 gasoline sold or offered for sale in Missouri at retail
75 shall be fuel ethanol-blended gasoline.

76 4. If a distributor is unable to obtain fuel ethanol
77 or fuel ethanol-blended gasoline from a position holder or
78 supplier at the terminal at the same or lower price as
79 unblended gasoline, then the purchase of unblended gasoline
80 by the distributor and the sale of the unblended gasoline at
81 retail shall not be deemed a violation of this section. The
82 position holder, supplier, distributor, and ultimate vendor
83 shall, upon request, provide the required documentation
84 regarding the sales transaction and price of fuel ethanol,
85 fuel ethanol-blended gasoline, and unblended gasoline to the
86 department of agriculture and the department of revenue.

87 All information obtained by the departments from such
88 sources shall be confidential and not disclosed except by
89 court order or as otherwise provided by law.

90 5. The following shall be exempt from the provisions
91 of this section:

92 (1) Aviation fuel and automotive gasoline used in
93 aircraft;

94 (2) Premium gasoline;

95 (3) E75-E85 fuel ethanol;

96 (4) Any specific exemptions declared by the United
97 States Environmental Protection Agency; and

98 (5) Bulk transfers between terminals.

99 The director of the department of agriculture may by rule
100 exempt or rescind additional gasoline uses from the
101 requirements of this section. The governor may by executive
102 order waive the requirements of this section or any part
103 thereof in part or in whole for all or any portion of this
104 state for reasons related to air quality. Any regional
105 waiver shall be issued and implemented in such a way as to
106 minimize putting any region of the state at a competitive
107 advantage or disadvantage with any other region of the state.

108 6. The provisions of section 414.152 shall apply for
109 purposes of enforcement of this section.

110 7. The department of agriculture is hereby authorized
111 to promulgate rules to ensure implementation of, and
112 compliance and consistency with, this section. Any rule or
113 portion of a rule, as that term is defined in section
114 536.010, that is created under the authority delegated in
115 this section shall become effective only if it complies with
116 and is subject to all of the provisions of chapter 536 and,
117 if applicable, section 536.028. This section and chapter

118 536 are nonseverable and if any of the powers vested with
119 the general assembly pursuant to chapter 536 to review, to
120 delay the effective date, or to disapprove and annul a rule
121 are subsequently held unconstitutional, then the grant of
122 rulemaking authority and any rule proposed or adopted after
123 August 28, 2006, shall be invalid and void.

124 8. All terminals in Missouri that sell gasoline shall
125 offer for sale, in cooperation with position holders and
126 suppliers, fuel ethanol-blended gasoline, fuel ethanol, and
127 unblended gasoline. Terminals that only offer for sale
128 federal reformulated gasolines, in cooperation with position
129 holders and suppliers, shall not be required to offer for
130 sale unblended gasoline.

131 9. Notwithstanding any other law to the contrary, all
132 fuel retailers, wholesalers, distributors, and marketers
133 shall be allowed to purchase fuel ethanol from any terminal,
134 position holder, fuel ethanol producer, fuel ethanol
135 wholesaler, or supplier. In the event a court of competent
136 jurisdiction finds that this subsection does not apply to or
137 improperly impairs existing contractual relationships, then
138 this subsection shall only apply to and impact future
139 contractual relationships.

140 10. No refiner, supplier, terminal, wholesaler,
141 distributor, retailer, or other vendor of motor fuel that
142 contains or is blended with any amount of ethanol,
143 biodiesel, or other renewable fuel or biofuel and that
144 complies with labeling and motor fuel quality laws shall be
145 liable for any property damages related to a customer's
146 purchase of such motor fuel from the vendor so long as the
147 selection of the motor fuel was made by the customer and not
148 the vendor. No motor fuel that contains or is blended with
149 any amount of ethanol, biodiesel, or other renewable fuel or

150 biofuel shall be considered a defective product for the
151 purposes of a claim for property damage if such motor fuel
152 complies with motor fuel quality laws.

153 11. No motor vehicle manufacturer or motor vehicle
154 dealer, including all dealers required to be licensed under
155 sections **[301.550 to 301.580] 301.1000 to 301.1063**, and no
156 manufacturer or dealer of internal combustion engines or a
157 product powered by an internal combustion engine except in
158 cases of fraud or misrepresentation, shall be liable for any
159 property damages related to a customer's purchase of a motor
160 fuel containing or blended with any amount of ethanol,
161 biodiesel, or other renewable fuel or biofuel from the fuel
162 refiner, supplier, terminal, wholesaler, distributor,
163 retailer, or other vendor of motor fuel if the selection and
164 purchase of the motor fuel was made by the customer and does
165 not comply with specific fuel recommendations found in the
166 vehicle or products owner manual.

578.120. 1. Notwithstanding any provision in this
2 chapter to the contrary, no dealer, distributor or
3 manufacturer licensed under section **[301.559] 301.1015** may
4 keep open, operate, or assist in keeping open or operating
5 any established place of business for the purpose of buying,
6 selling, bartering or exchanging, or offering for sale,
7 barter or exchange, any motor vehicle, whether new or used,
8 on Sunday. However, this section does not apply to the sale
9 of manufactured housing; the sale of recreational motor
10 vehicles; the sale of motorcycles as that term is defined in
11 section 301.010; the sale of motortricycles, motorized
12 bicycles, electric bicycles as defined in section 300.010,
13 all-terrain vehicles, recreational off-highway vehicles,
14 utility vehicles, personal watercraft, or other motorized
15 vehicles customarily sold by powersports dealers licensed

16 pursuant to sections [301.550 to 301.560] **301.1000 to**
17 **301.1063**; washing, towing, wrecking or repairing operations;
18 the sale of petroleum products, tires, and repair parts and
19 accessories; or new vehicle shows or displays participated
20 in by five or more franchised dealers or in towns or cities
21 with five or fewer dealers, a majority.

22 2. No association consisting of motor vehicle dealers,
23 distributors or manufacturers licensed under section
24 [301.559] **301.1015** shall be in violation of antitrust or
25 restraint of trade statutes under chapter 416 or regulation
26 promulgated thereunder solely because it encourages its
27 members not to open or operate on Sunday a place of business
28 for the purpose of buying, selling, bartering or exchanging
29 any motor vehicle.

30 3. Any person who violates the provisions of this
31 section shall be guilty of a class C misdemeanor.

643.315. 1. Except as provided in sections 643.300 to
2 643.355, all motor vehicles which are domiciled, registered
3 or primarily operated in an area for which the commission
4 has established a motor vehicle emissions inspection program
5 pursuant to sections 643.300 to 643.355 shall be inspected
6 and approved prior to sale or transfer; provided that, if
7 such vehicle is inspected and approved prior to sale or
8 transfer, such vehicle shall not be subject to another
9 emissions inspection for ninety days after the date of sale
10 or transfer of such vehicle. In addition, any such vehicle
11 manufactured as an even-numbered model year vehicle shall be
12 inspected and approved under the emissions inspection
13 program established pursuant to sections 643.300 to 643.355
14 in each even-numbered calendar year and any such vehicle
15 manufactured as an odd-numbered model year vehicle shall be
16 inspected and approved under the emissions inspection

17 program established pursuant to sections 643.300 to 643.355
18 in each odd-numbered calendar year. All motor vehicles
19 subject to the inspection requirements of sections 643.300
20 to 643.355 shall display a valid emissions inspection
21 sticker, and when applicable, a valid emissions inspection
22 certificate shall be presented at the time of registration
23 or registration renewal of such motor vehicle. The
24 department of revenue shall require evidence of the safety
25 and emission inspection and approval required by this
26 section in issuing the motor vehicle annual registration in
27 conformity with the procedure required by sections 307.350
28 to 307.390 and sections 643.300 to 643.355. The director of
29 revenue may verify that a successful safety and emissions
30 inspection was completed via electronic means.

31 2. The inspection requirement of subsection 1 of this
32 section shall apply to all motor vehicles except:

33 (1) Motor vehicles with a manufacturer's gross vehicle
34 weight rating in excess of eight thousand five hundred
35 pounds;

36 (2) Motorcycles and motortricycles if such vehicles
37 are exempted from the motor vehicle emissions inspection
38 under federal regulation and approved by the commission by
39 rule;

40 (3) Model year vehicles manufactured prior to 1996;

41 (4) Vehicles which are powered exclusively by electric
42 or hydrogen power or by fuels other than gasoline which are
43 exempted from the motor vehicle emissions inspection under
44 federal regulation and approved by the commission by rule;

45 (5) Motor vehicles registered in an area subject to
46 the inspection requirements of sections 643.300 to 643.355
47 which are domiciled and operated exclusively in an area of
48 the state not subject to the inspection requirements of

49 sections 643.300 to 643.355, but only if the owner of such
50 vehicle presents to the department an affidavit that the
51 vehicle will be operated exclusively in an area of the state
52 not subject to the inspection requirements of sections
53 643.300 to 643.355 for the next twenty-four months, and the
54 owner applies for and receives a waiver which shall be
55 presented at the time of registration or registration
56 renewal;

57 (6) New and unused motor vehicles, of model years of
58 the current calendar year and of any calendar year within
59 two years of such calendar year, which have an odometer
60 reading of less than six thousand miles at the time of
61 original sale by a motor vehicle manufacturer or licensed
62 motor vehicle dealer to the first user;

63 (7) Historic motor vehicles registered pursuant to
64 section 301.131;

65 (8) School buses;

66 (9) Heavy-duty diesel-powered vehicles with a gross
67 vehicle weight rating in excess of eight thousand five
68 hundred pounds;

69 (10) New motor vehicles that have not been previously
70 titled and registered, for the four-year period following
71 their model year of manufacture, provided the odometer
72 reading for such motor vehicles are under forty thousand
73 miles at their first required biennial safety inspection
74 conducted under sections 307.350 to 307.390; otherwise such
75 motor vehicles shall be subject to the emissions inspection
76 requirements of subsection 1 of this section during the same
77 period that the biennial safety inspection is conducted;

78 (11) Motor vehicles that are driven fewer than twelve
79 thousand miles between biennial safety inspections; and

88 3. The commission may, by rule, allow inspection
89 reciprocity with other states having equivalent or more
90 stringent testing and waiver requirements than those
91 established pursuant to sections 643.300 to 643.355.

92 4. (1) At the time of sale, a licensed motor vehicle
93 dealer, as defined in section [301.550] **301.1000**, may choose
94 to sell a motor vehicle subject to the inspection
95 requirements of sections 643.300 to 643.355 either:

96 (a) With prior inspection and approval as provided in
97 subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

[301.550. 1. The definitions contained in section 301.010 shall apply to sections 301.550

3 to 301.580, and in addition as used in sections
4 301.550 to 301.580, the following terms mean:

5 (1) "Boat dealer", any natural person,
6 partnership, or corporation who, for a
7 commission or with an intent to make a profit or
8 gain of money or other thing of value, sells,
9 barters, exchanges, leases or rents with the
10 option to purchase, offers, attempts to sell, or
11 negotiates the sale of any vessel or vessel
12 trailer, whether or not the vessel or vessel
13 trailer is owned by such person. The sale of
14 six or more vessels or vessel trailers or both
15 in any calendar year shall be required as
16 evidence that such person is eligible for
17 licensure as a boat dealer under sections
18 301.550 to 301.580; except that, such sales
19 requirements shall be waived for entities also
20 licensed as boat manufacturers under section
21 301.559 who custom manufacture boats:

22 (a) For use with biological research and
23 management equipment for fisheries; or

24 (b) For use with scientific sampling and
25 for geological or chemistry purposes.

26 The boat dealer shall demonstrate eligibility
27 for renewal of his license by selling six or
28 more vessels or vessel trailers or both in the
29 prior calendar year while licensed as a boat
30 dealer pursuant to sections 301.550 to 301.580;

31 (2) "Boat manufacturer", any person
32 engaged in the manufacturing, assembling or
33 modification of new vessels or vessel trailers
34 as a regular business, including a person,
35 partnership or corporation which acts for and is
36 under the control of a manufacturer or assembly
37 in connection with the distribution of vessels
38 or vessel trailers;

39 (3) "Department", the Missouri department
40 of revenue;

41 (4) "Director", the director of the
42 Missouri department of revenue;

43 (5) "Emergency vehicles", motor vehicles
44 used as ambulances, law enforcement vehicles,
45 and fire fighting and assistance vehicles;

(6) "Manufacturer", any person engaged in the manufacturing, assembling or modification of new motor vehicles or trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of motor vehicles or accessories for motor vehicles;

(7) "Motor vehicle broker", a person who holds himself out through solicitation, advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale of a motor vehicle, and who is not:

(a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;

(b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf of a manufacturer;

(c) The owner of the vehicle involved in the transaction; or

(d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are licensed dealers in this or any other jurisdiction;

(8) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barters, exchanges, leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person; provided, however, an individual auctioneer or auction conducted by an auctioneer licensed pursuant to chapter 343 shall not be included within the definition of a motor vehicle dealer. The sale of eight or more motor vehicles or trailers in any calendar year shall be required as evidence that such person is engaged in the motor vehicle business and is eligible for licensure as a motor vehicle dealer under sections 301.550 to 301.580. Any licensed motor vehicle dealer failing to meet the minimum

90 vehicle sales requirements as referenced in this
91 subsection shall not be qualified to renew his
92 or her license for one year. To be eligible for
93 license renewal, applicants shall meet the
94 minimum requirement of eight sales per year;

95 (9) "New motor vehicle", any motor vehicle
96 being transferred for the first time from a
97 manufacturer, distributor or new vehicle dealer
98 which has not been registered or titled in this
99 state or any other state and which is offered
100 for sale, barter or exchange by a dealer who is
101 franchised to sell, barter or exchange that
102 particular make of motor vehicle. The term "new
103 motor vehicle" shall not include manufactured
104 homes, as defined in section 700.010;

105 (10) "New motor vehicle franchise dealer",
106 any motor vehicle dealer who has been franchised
107 to deal in a certain make of motor vehicle by
108 the manufacturer or distributor of that make and
109 motor vehicle and who may, in line with
110 conducting his business as a franchise dealer,
111 sell, barter or exchange used motor vehicles;

112 (11) "Person" includes an individual, a
113 partnership, corporation, an unincorporated
114 society or association, joint venture or any
115 other entity;

116 (12) "Powersport dealer", any motor
117 vehicle dealer who sells, either pursuant to a
118 franchise agreement or otherwise, primarily
119 motor vehicles including but not limited to
120 motorcycles, all-terrain vehicles, and personal
121 watercraft, as those terms are defined in this
122 chapter and chapter 306;

123 (13) "Public motor vehicle auction", any
124 person, firm or corporation who takes possession
125 of a motor vehicle whether by consignment,
126 bailment or any other arrangement, except by
127 title, for the purpose of selling motor vehicles
128 at a public auction by a licensed auctioneer;

129 (14) "Recreational motor vehicle dealer",
130 a dealer of new or used motor vehicles designed,
131 constructed or substantially modified for use as
132 temporary housing quarters, including sleeping
133 and eating facilities which are either

134 permanently attached to the motor vehicle or
135 attached to a unit which is securely attached to
136 the motor vehicle;

137 (15) "Storage lot", an area within the
138 same city or county where a dealer may store
139 excess vehicle inventory;

140 (16) "Trailer dealer", any person selling,
141 either exclusively or otherwise, trailers as
142 defined in section 301.010. A trailer dealer
143 may acquire a motor vehicle for resale only as a
144 trade-in for a trailer. Notwithstanding the
145 provisions of section 301.010 and section
146 301.069, trailer dealers may purchase one
147 driveaway license plate to display such motor
148 vehicle for demonstration purposes. The sale of
149 six or more trailers in any calendar year shall
150 be required as evidence that such person is
151 engaged in the trailer business and is eligible
152 for licensure as a trailer dealer under sections
153 301.550 to 301.580. Any licensed trailer dealer
154 failing to meet the minimum trailer and vehicle
155 sales requirements as referenced in this
156 subsection shall not be qualified to renew his
157 or her license for one year. Applicants who
158 reapply after the one-year period shall meet the
159 requirement of six sales per year;

160 (17) "Used motor vehicle", any motor
161 vehicle which is not a new motor vehicle, as
162 defined in sections 301.550 to 301.580, and
163 which has been sold, bartered, exchanged or
164 given away or which may have had a title issued
165 in this state or any other state, or a motor
166 vehicle so used as to be what is commonly known
167 as a secondhand motor vehicle. In the event of
168 an assignment of the statement of origin from an
169 original franchise dealer to any individual or
170 other motor vehicle dealer other than a new
171 motor vehicle franchise dealer of the same make,
172 the vehicle so assigned shall be deemed to be a
173 used motor vehicle and a certificate of
174 ownership shall be obtained in the assignee's
175 name. The term "used motor vehicle" shall not
176 include manufactured homes, as defined in
177 section 700.010;

178 (18) "Used motor vehicle dealer", any
179 motor vehicle dealer who is not a new motor
180 vehicle franchise dealer;

181 (19) "Vessel", every boat and watercraft
182 defined as a vessel in section 306.010;

183 (20) "Vessel trailer", any trailer, as
184 defined by section 301.010 which is designed and
185 manufactured for the purposes of transporting
186 vessels;

187 (21) "Wholesale motor vehicle auction",
188 any person, firm or corporation in the business
189 of providing auction services solely in
190 wholesale transactions at its established place
191 of business in which the purchasers are motor
192 vehicle dealers licensed by this or any other
193 jurisdiction, and which neither buys, sells nor
194 owns the motor vehicles it auctions in the
195 ordinary course of its business. Except as
196 required by law with regard to the auction sale
197 of a government-owned motor vehicle, a wholesale
198 motor vehicle auction shall not provide auction
199 services in connection with the retail sale of a
200 motor vehicle;

201 (22) "Wholesale motor vehicle dealer", a
202 motor vehicle dealer who sells motor vehicles
203 only to other new motor vehicle franchise
204 dealers or used motor vehicle dealers or via
205 auctions limited to other dealers of any class.

206 2. For purposes of sections 301.550 to
207 301.580, neither the term motor vehicle nor the
208 term trailer shall include manufactured homes,
209 as defined in section 700.010.

210 3. Dealers shall be divided into classes
211 as follows:

212 (1) Boat dealers;
213 (2) Franchised new motor vehicle dealers;
214 (3) Used motor vehicle dealers;
215 (4) Wholesale motor vehicle dealers;
216 (5) Recreational motor vehicle dealers;
217 (6) Historic motor vehicle dealers;
218 (7) Classic motor vehicle dealers;
219 (8) Powersport dealers; and
220 (9) Trailer dealers.]

[301.551. 1. The department of revenue may require that fingerprint submissions be made as part of an application seeking licensure for a new motor vehicle franchise dealer, used motor vehicle dealer, powersport dealer, wholesale motor vehicle dealer, motor vehicle dealer, public motor vehicle auction, recreational motor vehicle dealer, trailer dealer, boat dealer, manufacturer, or boat manufacturer, as such terms are defined in section 301.550.]

2. If the department of revenue requires that fingerprint submissions be made as part of such application, the department of revenue shall require applicants to submit the fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal history background check.

3. The fingerprints and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120 to the contrary, all records related to any criminal history information discovered shall be accessible and available to the department.]

[301.553. 1. The department of revenue shall be responsible for the licensing of all manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers pursuant to the provisions of sections 301.550 to 301.580 and the rules and regulations which it may adopt.

9 2. All the powers, duties and functions of
10 the Missouri motor vehicle commission, sections
11 301.550 to 301.573, in effect immediately prior
12 to July 1, 1997, are transferred by type I
13 transfer, as provided in the Omnibus State
14 Reorganization Act of 1974, to the department of
15 revenue. The rules and regulations adopted by
16 the commission which were adopted pursuant to
17 this section prior to July 1, 1997, shall
18 continue in effect after July 1, 1997.

19 3. All orders or decisions of the
20 department shall be in writing, signed by the
21 director and the official seal affixed thereto.

22 4. The department shall have the authority
23 to promulgate those rules and regulations
24 necessary to perform the provisions of sections
25 301.550 to 301.580 and is vested with those
26 powers and duties necessary and proper to enable
27 it to fully and effectively carry out the
28 provisions of sections 301.550 to 301.580. No
29 rule or portion of a rule promulgated under the
30 authority of sections 301.550 to 301.580 shall
31 become effective unless it has been promulgated
32 pursuant to the provisions of section 536.024.]

1 [301.555. Every official and employee of
2 the department and each person who provides
3 information to or otherwise participates in the
4 operation of the department shall be immune from
5 civil liability for such acts so long as the
6 acts were performed in good faith, without
7 malice, and were reasonably related to the scope
8 of inquiry of the department.]

2 [301.557. 1. The duties of the director
3 shall include, but not be limited to:

4 (1) The supervision and direction of the
5 activities of the department's employees;

6 (2) Keeping custody of the department's
7 official seal and affixing of this seal to all
8 licenses and orders issued by the department
9 pursuant to sections 301.550 to 301.580;

10 (3) The receipt and prompt disposition of
11 all correspondence or inquiries directed to the
 department;

(4) Maintaining a record of total number of annual new motor vehicle sales by individual franchise dealers and a separate record of total annual used motor vehicle sales by individual motor vehicle dealers from the director of revenue. These records will be available for public inspection;

(5) Being the custodian of the files and records of the department;

(6) The performance of any other duty required in the enforcement of sections 301.550 to 301.580.

2. The director shall receive complaints concerning its licensee's business or professional practices. The complaints shall be logged into record, the record shall include at a minimum, the licensee's name, the name of the complaining party, if given, the date of the complaint and a brief statement of the complaint and its ultimate disposition. Notwithstanding any provisions of law to the contrary, such complaint shall be kept in confidence by the director until such time as formal proceedings are filed with the director, or the director disposes of the complaint in accordance with section 301.562; provided that upon inquiry from a licensee against whom a complaint has been received, the director shall acknowledge to the licensee that a complaint has been made. The licensee shall have access to all complaints and information contained therein.]

[301.559. 1. It shall be unlawful for any person to engage in business as or act as a motor vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle auction or wholesale motor vehicle dealer without first obtaining a license from the department as required in sections 301.550 to 301.580. Any person who maintains or operates any business wherein a license is required pursuant to the provisions of sections 301.550 to 301.580, without such license, is guilty of a class A misdemeanor.

13 Any person committing a second violation of
14 sections 301.550 to 301.580 shall be guilty of a
15 class E felony.

16 2. All dealer licenses shall expire on
17 December thirty-first of the designated license
18 period. The department shall notify each person
19 licensed under sections 301.550 to 301.580 of
20 the date of license expiration and the amount of
21 the fee required for renewal. The notice shall
22 be mailed at least ninety days before the date
23 of license expiration to the licensee's last
24 known business address. The director shall have
25 the authority to issue licenses valid for a
26 period of up to two years and to stagger the
27 license periods for administrative efficiency
28 and equalization of workload, at the sole
29 discretion of the director.

30 3. Every manufacturer, boat manufacturer,
31 motor vehicle dealer, wholesale motor vehicle
32 dealer, wholesale motor vehicle auction, boat
33 dealer or public motor vehicle auction shall
34 make application to the department for issuance
35 of a license. The application shall be on forms
36 prescribed by the department and shall be issued
37 under the terms and provisions of sections
38 301.550 to 301.580 and require all applicants,
39 as a condition precedent to the issuance of a
40 license, to provide such information as the
41 department may deem necessary to determine that
42 the applicant is bona fide and of good moral
43 character, except that every application for a
44 license shall contain, in addition to such
45 information as the department may require, a
46 statement to the following facts:

47 (1) The name and business address, not a
48 post office box, of the applicant and the
49 fictitious name, if any, under which the
50 applicant intends to conduct business, the
51 applicant's regular business hours, and a phone
52 number and email address where the applicant may
53 be contacted during regular business hours. If
54 the applicant is a partnership, the application
55 shall list the name and residence address of
56 each partner, an indication of whether the

57 partner is a limited or general partner and the
58 name under which the partnership business is to
59 be conducted. In the event that the applicant
60 is a corporation, the application shall list the
61 names of the principal officers of the
62 corporation and the state in which it is
63 incorporated. Each application shall be
64 verified by the oath or affirmation of the
65 applicant, if an individual, or in the event an
66 applicant is a partnership or corporation, then
67 by a partner or officer;

68 (2) Whether the application is being made
69 for registration as a manufacturer, boat
70 manufacturer, new motor vehicle franchise
71 dealer, used motor vehicle dealer, wholesale
72 motor vehicle dealer, boat dealer, wholesale
73 motor vehicle auction or a public motor vehicle
74 auction;

75 (3) When the application is for a new
76 motor vehicle franchise dealer, the application
77 shall be accompanied by a copy of the franchise
78 agreement in the registered name of the
79 dealership setting out the appointment of the
80 applicant as a franchise holder and it shall be
81 signed by the manufacturer, or his authorized
82 agent, or the distributor, or his authorized
83 agent, and shall include a description of the
84 make of all motor vehicles covered by the
85 franchise. The department shall not require a
86 copy of the franchise agreement to be submitted
87 with each renewal application unless the
88 applicant is now the holder of a franchise from
89 a different manufacturer or distributor from
90 that previously filed, or unless a new term of
91 agreement has been entered into;

92 (4) When the application is for a public
93 motor vehicle auction, that the public motor
94 vehicle auction has met the requirements of
95 section 301.561.

96 4. No insurance company, finance company,
97 credit union, savings and loan association, bank
98 or trust company shall be required to obtain a
99 license from the department in order to sell any
100 motor vehicle, trailer or vessel repossessed or

101 purchased by the company on the basis of total
102 destruction or theft thereof when the sale of
103 the motor vehicle, trailer or vessel is in
104 conformance with applicable title and
105 registration laws of this state.

106 5. No person shall be issued a license to
107 conduct a public motor vehicle auction or
108 wholesale motor vehicle auction if such person
109 has a violation of sections 301.550 to 301.580
110 or other violations of chapter 301, sections
111 407.511 to 407.556, or section 578.120 which
112 resulted in a felony conviction or finding of
113 guilt or a violation of any federal motor
114 vehicle laws which resulted in a felony
115 conviction or finding of guilt.]

1 [301.560. 1. In addition to the
2 application forms prescribed by the department,
3 each applicant shall submit the following to the
4 department:

5 (1) Every application other than a renewal
6 application for a motor vehicle franchise dealer
7 shall include a certification that the applicant
8 has a bona fide established place of business.
9 Such application shall include an annual
10 certification that the applicant has a bona fide
11 established place of business for the first
12 three years and only for every other year
13 thereafter. The certification shall be
14 performed by a uniformed member of the Missouri
15 state highway patrol or authorized or designated
16 employee stationed in the troop area in which
17 the applicant's place of business is located;
18 except that in counties of the first
19 classification, certification may be performed
20 by an officer of a metropolitan police
21 department when the applicant's established
22 place of business of distributing or selling
23 motor vehicles or trailers is in the
24 metropolitan area where the certifying
25 metropolitan police officer is employed. When
26 the application is being made for licensure as a
27 boat manufacturer or boat dealer, certification
28 shall be performed by a uniformed member of the

29 Missouri state highway patrol or authorized or
30 designated employee stationed in the troop area
31 in which the applicant's place of business is
32 located or, if the applicant's place of business
33 is located within the jurisdiction of a
34 metropolitan police department in a first class
35 county, by an officer of such metropolitan
36 police department. A bona fide established
37 place of business for any new motor vehicle
38 franchise dealer, used motor vehicle dealer,
39 boat dealer, powersport dealer, wholesale motor
40 vehicle dealer, trailer dealer, or wholesale or
41 public auction shall be a permanent enclosed
42 building or structure, either owned in fee or
43 leased and actually occupied as a place of
44 business by the applicant for the selling,
45 bartering, trading, servicing, or exchanging of
46 motor vehicles, boats, personal watercraft, or
47 trailers and wherein the public may contact the
48 owner or operator at any reasonable time, and
49 wherein shall be kept and maintained the books,
50 records, files and other matters required and
51 necessary to conduct the business. The
52 applicant shall maintain a working telephone
53 number during the entire registration year which
54 will allow the public, the department, and law
55 enforcement to contact the applicant during
56 regular business hours. The applicant shall
57 also maintain an email address during the entire
58 registration year which may be used for official
59 correspondence with the department. In order to
60 qualify as a bona fide established place of
61 business for all applicants licensed pursuant to
62 this section there shall be an exterior sign
63 displayed carrying the name of the business set
64 forth in letters at least six inches in height
65 and clearly visible to the public and there
66 shall be an area or lot which shall not be a
67 public street on which multiple vehicles, boats,
68 personal watercraft, or trailers may be
69 displayed. The sign shall contain the name of
70 the dealership by which it is known to the
71 public through advertising or otherwise, which
72 need not be identical to the name appearing on

73 the dealership's license so long as such name is
74 registered as a fictitious name with the
75 secretary of state, has been approved by its
76 line-make manufacturer in writing in the case of
77 a new motor vehicle franchise dealer and a copy
78 of such fictitious name registration has been
79 provided to the department. Dealers who sell
80 only emergency vehicles as defined in section
81 301.550 are exempt from maintaining a bona fide
82 place of business, including the related law
83 enforcement certification requirements, and from
84 meeting the minimum yearly sales;

85 (2) The initial application for licensure
86 shall include a photograph, not to exceed eight
87 inches by ten inches but no less than five
88 inches by seven inches, showing the business
89 building, lot, and sign. A new motor vehicle
90 franchise dealer applicant who has purchased a
91 currently licensed new motor vehicle franchised
92 dealership shall be allowed to submit a
93 photograph of the existing dealership building,
94 lot and sign but shall be required to submit a
95 new photograph upon the installation of the new
96 dealership sign as required by sections 301.550
97 to 301.580. Applicants shall not be required to
98 submit a photograph annually unless the business
99 has moved from its previously licensed location,
100 or unless the name of the business or address
101 has changed, or unless the class of business has
102 changed;

103 (3) Every applicant as a new motor vehicle
104 franchise dealer, a used motor vehicle dealer, a
105 powersport dealer, a wholesale motor vehicle
106 dealer, trailer dealer, or boat dealer shall
107 furnish with the application a corporate surety
108 bond or an irrevocable letter of credit as
109 defined in section 400.5-102, issued by any
110 state or federal financial institution in the
111 penal sum of fifty thousand dollars on a form
112 approved by the department. The bond or
113 irrevocable letter of credit shall be
114 conditioned upon the dealer complying with the
115 provisions of the statutes applicable to new
116 motor vehicle franchise dealers, used motor

117 vehicle dealers, powersport dealers, wholesale
118 motor vehicle dealers, trailer dealers, and boat
119 dealers, and the bond shall be an indemnity for
120 any loss sustained by reason of the acts of the
121 person bonded when such acts constitute grounds
122 for the suspension or revocation of the dealer's
123 license. The bond shall be executed in the name
124 of the state of Missouri for the benefit of all
125 aggrieved parties or the irrevocable letter of
126 credit shall name the state of Missouri as the
127 beneficiary; except, that the aggregate
128 liability of the surety or financial institution
129 to the aggrieved parties shall, in no event,
130 exceed the amount of the bond or irrevocable
131 letter of credit. Additionally, every applicant
132 as a new motor vehicle franchise dealer, a used
133 motor vehicle dealer, a powersport dealer, a
134 wholesale motor vehicle dealer, or boat dealer
135 shall furnish with the application a copy of a
136 current dealer garage policy bearing the policy
137 number and name of the insurer and the insured.
138 The proceeds of the bond or irrevocable letter
139 of credit furnished by an applicant shall be
140 paid upon receipt by the department of a final
141 judgment from a Missouri court of competent
142 jurisdiction against the principal and in favor
143 of an aggrieved party. The proceeds of the bond
144 or irrevocable letter of credit furnished by an
145 applicant shall be paid at the order of the
146 department and in the amount determined by the
147 department to any buyer or interested lienholder
148 up to the greater of the amount required for the
149 release of the purchase money lien or the sales
150 price paid by the buyer where a dealer has
151 failed to fulfill the dealer's obligations under
152 an agreement to assign and deliver title to the
153 buyer within thirty days under a contract
154 entered into pursuant to subsection 5 of section
155 301.210. The department shall direct release of
156 the bond or irrevocable letter of credit
157 proceeds upon presentation of a written
158 agreement entered into pursuant to subsection 5
159 of section 301.210, copies of the associated
160 sales and finance documents, and the affidavit

161 or affidavits of the buyer or lienholder stating
162 that the certificate of title with assignment
163 thereof has not been passed to the buyer within
164 thirty days of the date of the contract entered
165 into under subsection 5 of section 301.210, that
166 the dealer has not fulfilled the agreement under
167 the contract to repurchase the vehicle, that the
168 buyer or the lienholder has notified the dealer
169 of the claim on the bond or letter of credit,
170 and the amount claimed by the purchaser or
171 lienholder. In addition, prior to directing
172 release and payment of the proceeds of a bond or
173 irrevocable letter of credit, the department
174 shall ensure that there is satisfactory evidence
175 to establish that the vehicle which is subject
176 to the written agreement has been returned by
177 the buyer to the dealer or that the buyer has
178 represented to the department that the buyer
179 will surrender possession of the vehicle to the
180 dealer upon payment of the proceeds of the bond
181 or letter of credit directed by the department.
182 Excepting ordinary wear and tear or mechanical
183 failures not caused by the buyer, the amount of
184 proceeds to be paid to the buyer under the bond
185 or irrevocable letter of credit shall be reduced
186 by an amount equivalent to any damage, abuse, or
187 destruction incurred by the vehicle while the
188 vehicle was in the buyer's possession as agreed
189 between the buyer and the dealer. The dealer
190 may apply to a court of competent jurisdiction
191 to contest the claim on the bond or letter of
192 credit, including the amount of the claim and
193 the amount of any adjustment for any damage,
194 abuse, or destruction, by filing a petition with
195 the court within thirty days of the notification
196 by the buyer or lienholder. If the dealer does
197 not fulfill the agreement or file a petition to
198 request judicial relief from the terms of the
199 agreement or contest the amount of the claim,
200 the bond or letter of credit shall be released
201 by the department and directed paid in the
202 amount or amounts presented by the lienholder or
203 buyer;

204 (4) Payment of all necessary license fees
205 as established by the department. In
206 establishing the amount of the annual license
207 fees, the department shall, as near as possible,
208 produce sufficient total income to offset
209 operational expenses of the department relating
210 to the administration of sections 301.550 to
211 301.580. All fees payable pursuant to the
212 provisions of sections 301.550 to 301.580, other
213 than those fees collected for the issuance of
214 dealer plates or certificates of number
215 collected pursuant to subsection 6 of this
216 section, shall be collected by the department
217 for deposit in the state treasury to the credit
218 of the "Motor Vehicle Commission Fund", which is
219 hereby created. The motor vehicle commission
220 fund shall be administered by the Missouri
221 department of revenue. The provisions of
222 section 33.080 to the contrary notwithstanding,
223 money in such fund shall not be transferred and
224 placed to the credit of the general revenue fund
225 until the amount in the motor vehicle commission
226 fund at the end of the biennium exceeds two
227 times the amount of the appropriation from such
228 fund for the preceding fiscal year or, if the
229 department requires permit renewal less
230 frequently than yearly, then three times the
231 appropriation from such fund for the preceding
232 fiscal year. The amount, if any, in the fund
233 which shall lapse is that amount in the fund
234 which exceeds the multiple of the appropriation
235 from such fund for the preceding fiscal year.

236 2. In the event a new vehicle
237 manufacturer, boat manufacturer, motor vehicle
238 dealer, wholesale motor vehicle dealer, boat
239 dealer, powersport dealer, wholesale motor
240 vehicle auction, trailer dealer, or a public
241 motor vehicle auction submits an application for
242 a license for a new business and the applicant
243 has complied with all the provisions of this
244 section, the department shall make a decision to
245 grant or deny the license to the applicant
246 within eight working hours after receipt of the

247 dealer's application, notwithstanding any rule
248 of the department.

249 3. Except as otherwise provided in
250 subsection 6 of this section, upon the initial
251 issuance of a license by the department, the
252 department shall assign a distinctive dealer
253 license number or certificate of number to the
254 applicant and the department shall issue one
255 number plate or certificate bearing the
256 distinctive dealer license number or certificate
257 of number and two additional number plates or
258 certificates of number within eight working
259 hours after presentment of the application and
260 payment by the applicant of a fee of fifty
261 dollars for the first plate or certificate and
262 ten dollars and fifty cents for each additional
263 plate or certificate. Upon renewal, the
264 department shall issue the distinctive dealer
265 license number or certificate of number as
266 quickly as possible. The issuance of such
267 distinctive dealer license number or certificate
268 of number shall be in lieu of registering each
269 motor vehicle, trailer, vessel or vessel trailer
270 dealt with by a boat dealer, boat manufacturer,
271 manufacturer, public motor vehicle auction,
272 wholesale motor vehicle dealer, wholesale motor
273 vehicle auction or new or used motor vehicle
274 dealer. The license plates described in this
275 section shall be made with fully reflective
276 material with a common color scheme and design,
277 shall be clearly visible at night, and shall be
278 aesthetically attractive, as prescribed by
279 section 301.130.

280 4. Notwithstanding any other provision of
281 the law to the contrary, the department shall
282 assign the following distinctive dealer license
283 numbers to:

284	New motor vehicle franchise dealers	D-0 through D-999
285		
286		
287	New powersport dealers	D-1000 through D-1999
288		

289	Used motor vehicle	D-2000 through D-
290	and used	9999
291	powersport dealers	
292	Wholesale motor	W-0 through W-1999
293	vehicle dealers	
294	Wholesale motor	WA-0 through WA-
295	vehicle auctions	999
296	New and used	T-0 through T-9999
297	trailer dealers	
298	Motor vehicle,	DM-0 through DM-
299	trailer, and boat	999
300	manufacturers	
301	Public motor	A-0 through A-1999
302	vehicle auctions	
303	Boat dealers	M-0 through M-9999
304		
305	New and used	RV-0 through RV-
306	recreational motor	999
307	vehicle dealers	

308 For purposes of this subsection, qualified
309 transactions shall include the purchase of
310 salvage titled vehicles by a licensed salvage
311 dealer. A used motor vehicle dealer who also
312 holds a salvage dealer's license shall be
313 allowed one additional plate or certificate
314 number per fifty-unit qualified transactions
315 annually. In order for salvage dealers to
316 obtain number plates or certificates under this
317 section, dealers shall submit to the department
318 of revenue on August first of each year a
319 statement certifying, under penalty of perjury,
320 the dealer's number of purchases during the
321 reporting period of July first of the
322 immediately preceding year to June thirtieth of
323 the present year. The provisions of this
324 subsection shall become effective on the date
325 the director of the department of revenue begins
326 to reissue new license plates under section
327 301.130, or on December 1, 2008, whichever
328 occurs first. If the director of revenue begins
329 reissuing new license plates under the authority

330 granted under section 301.130 prior to December
331 1, 2008, the director of the department of
332 revenue shall notify the revisor of statutes of
333 such fact.

334 5. Upon the sale of a currently licensed
335 motor vehicle dealership the department shall,
336 upon request, authorize the new approved dealer
337 applicant to retain the selling dealer's license
338 number and shall cause the new dealer's records
339 to indicate such transfer. If the new approved
340 dealer applicant elects not to retain the
341 selling dealer's license number, the department
342 shall issue the new dealer applicant a new
343 dealer's license number and an equal number of
344 plates or certificates as the department had
345 issued to the selling dealer.

346 6. In the case of motor vehicle dealers,
347 the department shall issue one number plate
348 bearing the distinctive dealer license number
349 and may issue one additional number plate to the
350 applicant upon payment by the dealer of a fifty
351 dollar fee for the number plate bearing the
352 distinctive dealer license number and ten
353 dollars and fifty cents for the additional
354 number plate. The department may issue a third
355 plate to the motor vehicle dealer upon
356 completion of the dealer's fifteenth qualified
357 transaction and payment of a fee of ten dollars
358 and fifty cents. In the case of new motor
359 vehicle manufacturers, powersport dealers,
360 recreational motor vehicle dealers, and trailer
361 dealers, the department shall issue one number
362 plate bearing the distinctive dealer license
363 number and may issue two additional number
364 plates to the applicant upon payment by the
365 manufacturer or dealer of a fifty dollar fee for
366 the number plate bearing the distinctive dealer
367 license number and ten dollars and fifty cents
368 for each additional number plate. Boat dealers
369 and boat manufacturers shall be entitled to one
370 certificate of number bearing such number upon
371 the payment of a fifty dollar fee. Additional
372 number plates and as many additional
373 certificates of number may be obtained upon

374 payment of a fee of ten dollars and fifty cents
375 for each additional plate or certificate. New
376 motor vehicle manufacturers shall not be issued
377 or possess more than three hundred forty-seven
378 additional number plates or certificates of
379 number annually. New and used motor vehicle
380 dealers, powersport dealers, wholesale motor
381 vehicle dealers, boat dealers, and trailer
382 dealers are limited to one additional plate or
383 certificate of number per ten-unit qualified
384 transactions annually. New and used
385 recreational motor vehicle dealers are limited
386 to two additional plates or certificate of
387 number per ten-unit qualified transactions
388 annually for their first fifty transactions and
389 one additional plate or certificate of number
390 per ten-unit qualified transactions thereafter.
391 An applicant seeking the issuance of an initial
392 license shall indicate on his or her initial
393 application the applicant's proposed annual
394 number of sales in order for the director to
395 issue the appropriate number of additional
396 plates or certificates of number. A motor
397 vehicle dealer, trailer dealer, boat dealer,
398 powersport dealer, recreational motor vehicle
399 dealer, motor vehicle manufacturer, boat
400 manufacturer, or wholesale motor vehicle dealer
401 obtaining a distinctive dealer license plate or
402 certificate of number or additional license
403 plate or additional certificate of number,
404 throughout the calendar year, shall be required
405 to pay a fee for such license plates or
406 certificates of number computed on the basis of
407 one-twelfth of the full fee prescribed for the
408 original and duplicate number plates or
409 certificates of number for such dealers'
410 licenses, multiplied by the number of months
411 remaining in the licensing period for which the
412 dealer or manufacturers shall be required to be
413 licensed. In the event of a renewing dealer,
414 the fee due at the time of renewal shall not be
415 prorated. Wholesale and public auctions shall
416 be issued a certificate of dealer registration
417 in lieu of a dealer number plate. In order for

418 dealers to obtain number plates or certificates
419 under this section, dealers shall submit to the
420 department of revenue on August first of each
421 year a statement certifying, under penalty of
422 perjury, the dealer's number of sales during the
423 reporting period of July first of the
424 immediately preceding year to June thirtieth of
425 the present year.

426 7. The plates issued pursuant to
427 subsection 3 or 6 of this section may be
428 displayed on any motor vehicle owned by a new
429 motor vehicle manufacturer. The plates issued
430 pursuant to subsection 3 or 6 of this section
431 may be displayed on any motor vehicle or trailer
432 owned and held for resale by a motor vehicle
433 dealer for use by a customer who is test driving
434 the motor vehicle, for use by any customer while
435 the customer's vehicle is being serviced or
436 repaired by the motor vehicle dealer, for use
437 and display purposes during, but not limited to,
438 parades, private events, charitable events, or
439 for use by an employee or officer, but shall not
440 be displayed on any motor vehicle or trailer
441 hired or loaned to others or upon any regularly
442 used service or wrecker vehicle. Motor vehicle
443 dealers may display their dealer plates on a
444 tractor, truck or trailer to demonstrate a
445 vehicle under a loaded condition. Trailer
446 dealers may display their dealer license plates
447 in like manner, except such plates may only be
448 displayed on trailers owned and held for resale
449 by the trailer dealer.

450 8. The certificates of number issued
451 pursuant to subsection 3 or 6 of this section
452 may be displayed on any vessel or vessel trailer
453 owned and held for resale by a boat manufacturer
454 or a boat dealer, and used by a customer who is
455 test driving the vessel or vessel trailer, or is
456 used by an employee or officer on a vessel or
457 vessel trailer only, but shall not be displayed
458 on any motor vehicle owned by a boat
459 manufacturer, boat dealer, or trailer dealer, or
460 vessel or vessel trailer hired or loaned to
461 others or upon any regularly used service vessel

462 or vessel trailer. Boat dealers and boat
463 manufacturers may display their certificate of
464 number on a vessel or vessel trailer when
465 transporting a vessel or vessels to an exhibit
466 or show.

467 9. If any law enforcement officer has
468 probable cause to believe that any license plate
469 or certificate of number issued under subsection
470 3 or 6 of this section is being misused in
471 violation of subsection 7 or 8 of this section,
472 the license plate or certificate of number may
473 be seized and surrendered to the department.

474 10. (1) Every application for the
475 issuance of a used motor vehicle dealer's
476 license shall be accompanied by proof that the
477 applicant, within the last twelve months, has
478 completed an educational seminar course approved
479 by the department as prescribed by subdivision
480 (2) of this subsection. Wholesale and public
481 auto auctions and applicants currently holding a
482 new or used license for a separate dealership
483 shall be exempt from the requirements of this
484 subsection. The provisions of this subsection
485 shall not apply to current new motor vehicle
486 franchise dealers or motor vehicle leasing
487 agencies or applicants for a new motor vehicle
488 franchise or a motor vehicle leasing agency.
489 The provisions of this subsection shall not
490 apply to used motor vehicle dealers who were
491 licensed prior to August 28, 2006.

492 (2) The educational seminar shall include,
493 but is not limited to, the dealer requirements
494 of sections 301.550 to 301.580, the rules
495 promulgated to implement, enforce, and
496 administer sections 301.550 to 301.580, and any
497 other rules and regulations promulgated by the
498 department.]

2 [301.561. Any person or corporation
3 holding a public motor vehicle auction shall
4 display in a conspicuous manner two signs each
5 of which shall bear the following warning in
6 letters at least six inches high: "Attention
Buyers: Vehicles sold at this auction may not

7 have had a safety inspection." The dimensions of
8 each sign shall be at least two feet by two
9 feet.]

10 [301.562. 1. The department may refuse to
11 issue or renew any license required pursuant to
12 sections 301.550 to 301.580 for any one or any
13 combination of causes stated in subsection 2 of
14 this section. The department shall notify the
15 applicant or licensee in writing at his or her
16 last known address of the reasons for the
17 refusal to issue or renew the license and shall
18 advise the applicant or licensee of his or her
19 right to file a complaint with the
20 administrative hearing commission as provided by
21 chapter 621.

22 2. The department may cause a complaint to
23 be filed with the administrative hearing
24 commission as provided by chapter 621 against
25 any holder of any license issued under sections
301.550 to 301.580 for any one or any
combination of the following causes:

26 (1) The applicant or license holder was
27 previously the holder of a license issued under
28 sections 301.550 to 301.580, which license was
29 revoked for cause and never reissued by the
30 department, or which license was suspended for
31 cause and the terms of suspension have not been
32 fulfilled;

33 (2) The applicant or license holder was
34 previously a partner, stockholder, director or
35 officer controlling or managing a partnership or
36 corporation whose license issued under sections
37 301.550 to 301.580 was revoked for cause and
38 never reissued or was suspended for cause and
39 the terms of suspension have not been fulfilled;

40 (3) The applicant or license holder has,
41 within ten years prior to the date of the
42 application, been finally adjudicated and found
43 guilty, or entered a plea of guilty or nolo
44 contendere, in a prosecution under the laws of
45 any state or of the United States, for any
46 offense reasonably related to the
47 qualifications, functions, or duties of any

41 business licensed under sections 301.550 to
42 301.580; for any offense, an essential element
43 of which is fraud, dishonesty, or an act of
44 violence; or for any offense involving moral
45 turpitude, whether or not sentence is imposed;

46 (4) Use of fraud, deception,
47 misrepresentation, or bribery in securing any
48 license issued pursuant to sections 301.550 to
49 301.580;

50 (5) Obtaining or attempting to obtain any
51 money, commission, fee, barter, exchange, or
52 other compensation by fraud, deception, or
53 misrepresentation;

54 (6) Violation of, or assisting or enabling
55 any person to violate any provisions of this
56 chapter and chapters 143, 144, 306, 307, 407,
57 578, and 643 or of any lawful rule or regulation
58 adopted pursuant to this chapter and chapters
59 143, 144, 306, 307, 407, 578, and 643;

60 (7) The applicant or license holder has
61 filed an application for a license which, as of
62 its effective date, was incomplete in any
63 material respect or contained any statement
64 which was, in light of the circumstances under
65 which it was made, false or misleading with
66 respect to any material fact;

67 (8) The applicant or license holder has
68 failed to pay the proper application or license
69 fee or other fees required pursuant to this
70 chapter or chapter 306 or fails to establish or
71 maintain a bona fide place of business;

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

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

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

81 (12) Violations of sections 407.511 to
82 407.556, section 578.120, which resulted in a
83 conviction or finding of guilt or violation of

84 any federal motor vehicle laws which result in a
85 conviction or finding of guilt.

86 3. Any such complaint shall be filed
87 within one year of the date upon which the
88 department receives notice of an alleged
89 violation of an applicable statute or
90 regulation. After the filing of such complaint,
91 the proceedings shall, except for the matters
92 set forth in subsection 5 of this section, be
93 conducted in accordance with the provisions of
94 chapter 621. Upon a finding by the
95 administrative hearing commission that the
96 grounds, provided in subsection 2 of this
97 section, for disciplinary action are met, the
98 department may, singly or in combination, refuse
99 to issue the person a license, issue a license
100 for a period of less than two years, issue a
101 private reprimand, place the person on probation
102 on such terms and conditions as the department
103 deems appropriate for a period of one day to
104 five years, suspend the person's license from
105 one day to six days, or revoke the person's
106 license for such period as the department deems
107 appropriate. The applicant or licensee shall
108 have the right to appeal the decision of the
109 administrative hearing commission and department
110 in the manner provided in chapter 536.

111 4. Upon the suspension or revocation of
112 any person's license issued under sections
113 301.550 to 301.580, the department shall recall
114 any distinctive number plates that were issued
115 to that licensee. If any licensee who has been
116 suspended or revoked shall neglect or refuse to
117 surrender his or her license or distinctive
118 number license plates issued under sections
119 301.550 to 301.580, the director shall direct
120 any agent or employee of the department or any
121 law enforcement officer, to secure possession
122 thereof and return such items to the director.
123 For purposes of this subsection, a "law
124 enforcement officer" means any member of the
125 highway patrol, any sheriff or deputy sheriff,
126 or any peace officer certified under chapter 590
127 acting in his or her official capacity. Failure

128 of the licensee to surrender his or her license
129 or distinctive number license plates upon demand
130 by the director, any agent or employee of the
131 department, or any law enforcement officer shall
132 be a class A misdemeanor.

133 5. Notwithstanding the foregoing
134 provisions of this section, the following events
135 or acts by the holder of any license issued
136 under sections 301.550 to 301.580 are deemed to
137 present a clear and present danger to the public
138 welfare and shall be considered cause for
139 suspension or revocation of such license under
140 the procedure set forth in subsection 6 of this
141 section, at the discretion of the director:

142 (1) The expiration or revocation of any
143 corporate surety bond or irrevocable letter of
144 credit, as required by section 301.560, without
145 submission of a replacement bond or letter of
146 credit which provides coverage for the entire
147 period of licensure;

148 (2) The failure to maintain a bona fide
149 established place of business as required by
150 section 301.560;

151 (3) Criminal convictions as set forth in
152 subdivision (3) of subsection 2 of this section;
153 or

154 (4) Three or more occurrences of
155 violations which have been established following
156 proceedings before the administrative hearing
157 commission under subsection 3 of this section,
158 or which have been established following
159 proceedings before the director under subsection
160 6 of this section, of this chapter and chapters
161 143, 144, 306, 307, 578, and 643 or of any
162 lawful rule or regulation adopted under this
163 chapter and chapters 143, 144, 306, 307, 578,
164 and 643, not previously set forth herein.

165 6. (1) Any license issued under sections
166 301.550 to 301.580 may be suspended or revoked,
167 following an evidentiary hearing before the
168 director or his or her designated hearing
169 officer, if affidavits or sworn testimony by an
170 authorized agent of the department alleges the

171 occurrence of any of the events or acts
172 described in subsection 5 of this section.

173 (2) For any license which the department
174 believes may be subject to suspension or
175 revocation under this subsection, the director
176 shall immediately issue a notice of hearing to
177 the licensee of record. The director's notice
178 of hearing:

179 (a) Shall be served upon the licensee
180 personally or by first class mail to the
181 dealer's last known address, as registered with
182 the director;

183 (b) Shall be based on affidavits or sworn
184 testimony presented to the director, and shall
185 notify the licensee that such information
186 presented therein constitutes cause to suspend
187 or revoke the licensee's license;

188 (c) Shall provide the licensee with a
189 minimum of ten days' notice prior to hearing;

190 (d) Shall specify the events or acts which
191 may provide cause for suspension or revocation
192 of the license, and shall include with the
193 notice a copy of all affidavits, sworn testimony
194 or other information presented to the director
195 which support discipline of the license; and

196 (e) Shall inform the licensee that he or
197 she has the right to attend the hearing and
198 present any evidence in his or her defense,
199 including evidence to show that the event or act
200 which may result in suspension or revocation has
201 been corrected to the director's satisfaction,
202 and that he or she may be represented by counsel
203 at the hearing.

204 (3) At any hearing before the director
205 conducted under this subsection, the director or
206 his or her designated hearing officer shall
207 consider all evidence relevant to the issue of
208 whether the license should be suspended or
209 revoked due to the occurrence of any of the acts
210 set forth in subsection 5 herein. Within twenty
211 business days after such hearing, the director
212 or his or her designated hearing officer shall
213 issue a written order, with findings of fact and
214 conclusions of law, which either grants or

215 denies the issuance of an order of suspension or
216 revocation. The suspension or revocation shall
217 be effective ten days after the date of the
218 order. The written order of the director or his
219 or her hearing officer shall be the final
220 decision of the director and shall be subject to
221 judicial review under the provisions of chapter
222 536.

223 (4) Notwithstanding the provisions of this
224 chapter or chapter 610 or 621 to the contrary,
225 the proceedings under this subsection shall be
226 closed and no order shall be made public until
227 it is final, for purposes of appeal.

228 7. In lieu of acting under subsection 2 or
229 6 of this section, the department of revenue may
230 enter into an agreement with the holder of the
231 license to ensure future compliance with
232 sections 301.210, 301.213, 307.380, sections
233 301.217 to 301.229, and sections 301.550 to
234 301.580. Such agreement may include an
235 assessment fee not to exceed five hundred
236 dollars per violation or five thousand dollars
237 in the aggregate unless otherwise permitted by
238 law, probation terms and conditions, and other
239 requirements as may be deemed appropriate by the
240 department of revenue and the holder of the
241 license. Any fees collected by the department
242 of revenue under this subsection shall be
243 deposited into the motor vehicle commission fund
244 created in section 301.560.]

1 [301.563. 1. The department or its
2 designated representative may issue process,
3 subpoena witnesses, administer oaths, examine
4 books and papers, and require the production
5 thereof, and cause the deposition of any witness
6 to be taken and the costs thereof paid as other
7 costs under sections 301.550 to 301.580. Any
8 party may process to compel the attendance of
9 witnesses and the production of books and
10 papers, and at his own cost to take and use
11 depositions in like manner as in civil cases in
12 the circuit court. The subpoena shall extend to
13 all parts of the state, and may be served as in

14 civil actions in the circuit court, but the
15 costs of the service shall be as in other civil
16 actions. Each witness shall receive the fees
17 and mileage prescribed by law in civil cases,
18 but the same shall not be allowed as costs to
19 the party in whose behalf the witness was
20 summoned unless the person who conducts the
21 hearing certifies that the testimony of the
22 witness was necessary. All costs under this
23 section shall be approved by the department and
24 paid out of the Missouri motor vehicle
25 commission fund established in section 301.560,
26 except that if the department determines that
27 any proceedings are brought, prosecuted or
28 defended without reasonable ground, it may
29 assess the whole cost of the proceedings upon
30 the party who brought, prosecuted or defended
31 the proceedings.

32 2. If any person subpoenaed to appear at
33 any hearing or proceeding fails to obey the
34 command of such subpoena without reasonable
35 cause or if any person attending a hearing or
36 proceeding shall, without reasonable cause,
37 refuse to be sworn or to be examined or to
38 answer a question or to produce a book or paper
39 or to subscribe or swear to his deposition, such
40 person is guilty of a class B misdemeanor and on
41 conviction thereof shall be punished by a fine
42 of not more than five hundred dollars, or by
43 imprisonment in the county jail for not more
44 than one year, or by both such fine and
45 imprisonment, and in the case of a continuing
46 violation, each day's continuance thereof shall
47 be a separate and distinct offense.]

1 [301.564. 1. Any person or his agent
2 licensed or registered as a manufacturer, motor
3 vehicle dealer, wholesale motor vehicle dealer,
4 boat dealer, wholesale motor vehicle auction or
5 a public motor vehicle auction pursuant to the
6 provisions of sections 301.550 to 301.580 shall
7 permit an employee of the department of revenue
8 or any law enforcement official to inspect,
9 during normal business hours, any of the

10 following documents which are in his possession
11 or under his custody or control:

- 12 (1) Any title to any motor vehicle or
13 vessel;
- 14 (2) Any application for title to any motor
15 vehicle or vessel;
- 16 (3) Any affidavit provided pursuant to
17 sections 301.550 to 301.580 or chapter 407;
- 18 (4) Any assignment of title to any motor
19 vehicle or vessel;
- 20 (5) Any disclosure statement or other
21 document relating to mileage or odometer
22 readings required by the laws of the United
23 States or any other state;
- 24 (6) Any inventory and related
25 documentation.

26 2. For purposes of this section, the term
27 "law enforcement official" shall mean any of the
28 following:

- 29 (1) Attorney general, or any person
30 designated by him to make such an inspection;
- 31 (2) Any prosecuting attorney or any person
32 designated by a prosecuting attorney to make
33 such an inspection;
- 34 (3) Any member or authorized or designated
35 employee of the Missouri state highway patrol;
- 36 (4) Any sheriff or deputy sheriff;
- 37 (5) Any peace officer certified pursuant
38 to chapter 590 acting in his official capacity.]

1 [301.565. 1. Upon application by the
2 department, and the necessary burden having been
3 met, a court of general jurisdiction may grant
4 an injunction, restraining order or other order
5 as may be appropriate to enjoin a person from:

- 6 (1) Offering to engage or engaging in the
7 performance of any acts or practices for which a
8 license is required under the provisions of this
9 chapter, upon a showing that such acts or
10 practices were performed or offered to be
11 performed without a license; or
- 12 (2) Violating any provision of this
13 chapter, any rule promulgated by the department
14 pursuant to this chapter, subsection 1 of

15 section 307.350, sections 407.511 to 407.556, or
16 section 578.120.

17 2. Any action brought under this section
18 shall be in addition to and not in lieu of any
19 remedy provided by this chapter and may be
20 brought concurrently with other actions to
21 enforce this chapter.]

2 [301.566. 1. Except as provided in this
3 section, it shall be unlawful for a motor
4 vehicle dealer to sell or offer to sell any
5 motor vehicle away from the dealer's registered
6 place of business. It shall not be a violation
7 of this section for a motor vehicle dealer to
8 deliver a motor vehicle to a customer for a test
9 drive away from the dealer's registered place of
10 business; deliver documents to a customer to
11 sign away from the dealer's registered place of
12 business; deliver documents to, or obtain
13 documents from, a customer away from the
14 dealer's registered place of business; or
15 deliver a motor vehicle to a customer away from
the dealer's registered place of business.

16 2. The sale of vehicles at off-site sales
17 shall be limited to sales by a seller of
18 vehicles used and titled solely in its ordinary
19 course of business, and such sales shall be held
20 in conjunction with a credit union and limited
21 to members of the credit union, thus
22 constituting a private sale to be advertised to
23 members only.

24 3. Off-site sales by a seller of vehicles
25 used and titled solely in its ordinary course of
26 business may also be held in conjunction with
27 other financial institutions provided that any
28 such sale event shall be held on the premises of
29 the financial institution, and sales shall be
30 limited to persons who were customers of the
31 financial institution prior to the date of the
32 sale event. Off-site sales held with such other
33 financial institutions shall be limited to one
34 sale per year per institution.

35 4. A motor vehicle dealer may participate
36 in up to two off-premise motor vehicle shows or

37 sales annually and conduct sales of motor
38 vehicles away from the dealer's registered place
39 of business, which for purposes of this section
40 shall be considered off-premise events provided
41 the following:

42 (1) The off-premise event shall be
43 conducted for not more than five consecutive
44 days;

45 (2) The off-premise event shall not
46 require any motor vehicle dealer participant to
47 pay an unreasonably prohibitive participation
48 fee:

49 (a) Participation fees may include those
50 costs reasonably necessary for the off-premise
51 event such as rental of real property and
52 provision of insurance coverage;

53 (b) If a participation fee is required,
54 the fee shall be the same for all motor vehicle
55 dealers participating in the event, but in no
56 event shall any participation fee exceed five
57 hundred dollars per participant;

58 (3) A majority of motor vehicle dealers
59 within a class of dealers described in
60 subsection 3 of section 301.550 that are located
61 within the city or town in which the off-premise
62 event is situated participate in the event or
63 are notified via mail or electronic means and
64 have the opportunity to participate in the event;

65 (4) A majority of motor vehicle dealers
66 within a class of dealers described in
67 subsection 3 of section 301.550 that are located
68 within a ten-mile radius of the location of the
69 off-premise event participate in the event or
70 are notified via mail or electronic means and
71 have the opportunity to participate in the event;

72 (5) Notices provided pursuant to
73 subdivisions (3) and (4) of this subsection
74 shall be provided not less than forty-five days
75 before the off-premise event is to take place
76 and invited dealers shall be given at least five
77 business days to respond to the notice;

78 (6) The organizer of the off-premise event
79 shall provide a copy of the notices issued
80 pursuant to subdivisions (3) and (4) of this

81 subsection to the director at the time they are
82 mailed or electronically transmitted to the
83 prospective participants; and

84 (7) No motor vehicle dealer shall
85 participate in any off-premise event that is
86 more than ten miles from its licensed location.

87 5. Provided the requirements of this
88 section are met, the department shall consider
89 such events to be proper in all respects and as
90 if each dealer participant was conducting
91 business at the dealer's usual business
92 location. Nothing contained in this section
93 shall be construed as applying to the sale of
94 motor vehicles or trailers through either a
95 wholesale motor vehicle auction or public motor
96 vehicle auction. A recreational motor vehicle
97 dealer, as classified by subdivision (5) of
98 subsection 3 of section 301.550, may participate
99 in an off-premise event even if a majority of
100 recreational motor vehicle dealers in a city or
101 town do not participate in the event.

102 6. A recreational vehicle dealer, as that
103 term is defined in section 700.010, who is
104 licensed in another state may participate in
105 recreational vehicle shows or exhibits with
106 recreational vehicles within this state in which
107 less than fifty dealers participate as
108 exhibitors with permission of the dealer's
109 licensed manufacturer if all of the following
110 conditions exist:

111 (1) The show or exhibition has a minimum
112 of ten recreational vehicle dealers licensed as
113 motor vehicle dealers in this state;

114 (2) More than fifty percent of the
115 participating recreational vehicle dealers are
116 licensed motor vehicle dealers in this state; and

117 (3) The state in which the recreational
118 vehicle is licensed is a state contiguous to
119 Missouri and the state permits recreational
120 vehicle dealers licensed in Missouri to
121 participate in recreational vehicle shows in
122 such state pursuant to conditions substantially
123 equivalent to the conditions which are imposed

124 on dealers from such state who participate in
125 recreational vehicle shows in Missouri.

126 7. A recreational vehicle dealer licensed
127 in another state may participate in a vehicle
128 show or exhibition in Missouri which has, when
129 it opens to the public, at least fifty dealers
130 displaying recreational vehicles if the show or
131 exhibition is trade-oriented and is
132 predominantly funded by recreational vehicle
133 manufacturers. All of the participating dealers
134 who are not licensed in Missouri shall be
135 licensed as recreational vehicle dealers by the
136 state of their residence.

137 8. A recreational vehicle dealer licensed
138 in another state who intends to participate in a
139 vehicle show or exhibition in this state shall
140 send written notification of such intended
141 participation to the department of revenue at
142 least thirty days prior to the vehicle show or
143 exhibition. Upon receipt of such written
144 notification, the department of revenue shall
145 make a determination regarding compliance with
146 the provisions of this section. If such
147 recreational vehicle dealer would be unable to
148 participate in the vehicle show or exhibition in
149 this state pursuant to this section, the
150 department of revenue shall notify the
151 recreational vehicle dealer at least fifteen
152 days prior to the vehicle show or exhibition of
153 the inability to participate in the vehicle show
154 or exhibition in this state.

155 9. The department may assess a fine of up
156 to one thousand dollars for the off-premise sale
157 or display of any motor vehicle in violation of
158 this section.]

2 [301.567. 1. For purposes of this
3 section, a violation of any of the following
4 advertising standards shall be deemed an attempt
5 by the advertising dealer to obtain a fee or
6 other compensation by fraud, deception or
7 misrepresentation in violation of section
301.562:

(1) A motor vehicle shall not be advertised as new, either by express terms or implication, unless it is a new motor vehicle as defined in section 301.550;

(2) When advertising any motor vehicle which is not a new motor vehicle, such advertisement must expressly identify that the motor vehicle is a used motor vehicle by express use of the term "used", or by such other term as is commonly understood to mean that the vehicle is used;

(3) Any terms, conditions, and disclaimers relating to the advertised motor vehicle's price or financing options shall be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information, but not be used as a means of contradicting or changing the meaning of an advertised statement;

(4) The expiration date, if any, of an advertised sale or vehicle price shall be clearly and conspicuously disclosed. In the absence of such disclosure, the advertised sale or vehicle price shall be deemed effective so long as such vehicles remain in the advertising dealership's inventory;

(5) The terms "list price", "sticker price", or "suggested retail price" shall be used only in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used, shall be accompanied by a clear and conspicuous disclosure that such terms represent the manufacturer's suggested retail price of the advertised vehicle;

(6) Terms such as "at cost", "\$_____
above cost", "invoice price", and "\$_____
below/over invoice" shall not be used in
advertisements because of the difficulty in
determining a dealer's actual net cost at the
time of the sale;

(7) When the price or financing terms of a motor vehicle are advertised, the vehicle shall be fully identified as to year, make, and model. In addition, in advertisements placed by

52 individual dealers and not line-make marketing
53 groups, the advertised price or credit terms
54 shall include all charges which the buyer must
55 pay to the dealer, except buyer-selected options
56 and state and local taxes. If a processing fee
57 or freight or destination charges are not
58 included in the advertised price, the amount of
59 any such processing fee and freight or
60 destination charge must be clearly and
61 conspicuously disclosed within the advertisement;

62 (8) Advertisements of dealer rebates shall
63 not be used, however, this shall not be deemed
64 to prohibit the advertising of manufacturer
65 rebates, so long as all material terms of such
66 rebates are clearly and conspicuously disclosed;

67 (9) "Free" or "at no cost" shall not be
68 used if any purchase is required to qualify for
69 the free item, merchandise, or service;

70 (10) Bait advertising, in which an
71 advertiser may have no intention to sell at the
72 prices or terms advertised, shall not be used.
73 Bait advertising shall include, but not be
74 limited to, the following examples:

75 (a) Not having available for sale the
76 advertised motor vehicles at the advertised
77 prices. If a specific vehicle is advertised,
78 the dealer shall be in possession of a
79 reasonable supply of such vehicles, and they
80 shall be available at the advertised price. If
81 the advertised vehicle is available only in
82 limited numbers or only by order, such
83 limitations shall be stated in the advertisement;

84 (b) Advertising a motor vehicle at a
85 specified price, including such terms as "as low
86 as \$____", but having available for sale only
87 vehicles equipped with dealer-added cost options
88 which increase the selling price above the
89 advertised price;

90 (11) Any reference to monthly payments,
91 down payments, or other reference to financing
92 or leasing information shall be accompanied by a
93 clear and conspicuous disclosure of the
94 following:

95 (a) Whether the payment or other
96 information relates to a financing or a lease
97 transaction;

98 (b) If the payment or other information
99 relates to a financing transaction, the minimum
100 down payment, annual percentage interest rate,
101 and number of payments necessary to obtain the
102 advertised payment amount must be disclosed, in
103 addition to any special qualifications required
104 for obtaining the advertised terms including,
105 but not limited to, first-time buyer discounts,
106 college graduate discounts, and a statement
107 concerning whether the advertised terms are
108 subject to credit approval;

109 (c) If the payment or other information
110 relates to a lease transaction, the total amount
111 due from the purchaser at signing with such
112 costs broken down and identified by category,
113 lease term expressed in number of months,
114 whether the lease is closed-end or open-end, and
115 total cost to the lessee over the lease term in
116 dollars;

117 (12) Any advertisement which states or
118 implies that the advertising dealer has a
119 special arrangement or relationship with the
120 distributor or manufacturer, as compared to
121 similarly situated dealers, shall not be used;

122 (13) Any advertisement which, in the
123 circumstances under which it is made or applied,
124 is false, deceptive, or misleading shall not be
125 used;

126 (14) No abbreviations for industry words
127 or phrases shall be used in any advertisement
128 unless such abbreviations are accompanied by the
129 fully spelled or spoken words or phrases.

130 2. The requirements of this section shall
131 apply regardless of whether a dealer advertises
132 by means of print, broadcast, or electronic
133 media, or direct mail. If the advertisement is
134 by means of a broadcast or print media, a dealer
135 may provide the disclaimers and disclosures
136 required under subdivision (3) of subsection 1
137 of this section by reference to an internet web

138 page or toll-free telephone number containing
139 the information required to be disclosed.

140 3. Dealers shall clearly and conspicuously
141 identify themselves in each advertisement by use
142 of a dealership name which complies with
143 subsection 6 of section 301.560.]

130.1.301.568. New motor vehicles may be
1 exchanged for resale from one new motor vehicle
2 franchise dealer to another who is franchised to
3 sell the same make of new motor vehicles by
4 assignment of the manufacturer's statement of
5 origin. Such exchange shall not be deemed to be
6 a sale and shall not require the motor vehicle
7 dealer to register and make application for a
8 certificate of ownership as set out in this
9 chapter. However, when an exchange by
10 assignment of the manufacturer's statement of
11 origin is between a new motor vehicle franchise
12 dealer and another motor vehicle dealer who has
13 a franchise for a different make of motor
14 vehicle or a motor vehicle dealer who is not a
15 new motor vehicle franchise dealer, the
16 transaction shall be deemed a sale and shall
17 void the resale of that motor vehicle as a new
18 motor vehicle, and it shall be unlawful for any
19 motor vehicle dealer to hold forth, offer for
20 sale, advertise or sell such motor vehicle as a
21 new motor vehicle. A motor vehicle dealer shall
22 not assign ownership on any vehicle in a retail
23 sale by the assignment of a manufacturer's
24 statement of origin unless he is franchised by
25 the manufacturer to sell that particular make of
26 vehicle; however, this provision shall not take
27 effect if the motor vehicle dealer and the
28 manufacturer are in the process of negotiating a
29 new franchise agreement, or the motor vehicle
30 dealer has filed a timely protest to the
31 manufacturer or appealed under section 407.825
32 of the motor vehicle franchise practices act.
33 The provisions of this section shall not apply
34 to mobile homes or trailers.]

130.1.301.569. 1. An out-of-state show
2 promoter of recreational vehicles, as that term

3 is defined in section 700.010, may hold
4 recreational vehicle shows or exhibits with
5 recreational vehicles within this state if the
6 following conditions exist:

7 (1) The show or exhibition has a minimum
8 of ten recreational vehicle dealers licensed as
9 motor vehicle dealers in this state; and
10 (2) More than fifty percent of the
11 participating recreational vehicle dealers are
12 licensed motor vehicle dealers in this state.

13 2. A violation of subsection 1 of this
14 section shall result in a five thousand dollar
15 fine.]

1 [301.570. 1. It shall be unlawful for any
2 person, partnership, corporation, company or
3 association, unless the seller is a financial
4 institution, or is selling repossessed motor
5 vehicles or is disposing of vehicles used and
6 titled solely in its ordinary course of business
7 or is a collector of antique motor vehicles, to
8 sell or display with an intent to sell six or
9 more motor vehicles in a calendar year, except
10 when such motor vehicles are registered in the
11 name of the seller, unless such person,
12 partnership, corporation, company or association
13 is:

14 (1) Licensed as a motor vehicle dealer by
15 the department under the provisions of sections
16 301.550 to 301.580;

17 (2) Exempt from licensure as a motor
18 vehicle dealer pursuant to subsection 4 of
19 section 301.559;

20 (3) Selling commercial motor vehicles with
21 a gross weight of at least nineteen thousand
22 five hundred pounds, but only with respect to
23 such commercial motor vehicles;

24 (4) An auctioneer, acting at the request
25 of the owner at an auction, when such auction is
26 not a public motor vehicle auction.

27 2. Any person, partnership, corporation,
28 company or association that has reason to
29 believe that the provisions of this section are
30 being violated shall file a complaint with the

31 prosecuting attorney in the county in which the
32 violation occurred. The prosecuting attorney
33 shall investigate the complaint and take
34 appropriate action.

35 3. For the purposes of sections 301.550 to
36 301.580, the sale, barter, exchange, lease or
37 rental with option to purchase of six or more
38 motor vehicles in a calendar year by any person,
39 partnership, corporation, company or
40 association, whether or not the motor vehicles
41 are owned by them, shall be prima facie evidence
42 of intent to make a profit or gain of money and
43 such person, partnership, corporation, company
44 or association shall be deemed to be acting as a
45 motor vehicle dealer without a license.

46 4. Any person, partnership, corporation,
47 company or association who violates subsection 1
48 of this section is guilty of a class A
49 misdemeanor. A second or subsequent conviction
50 shall be deemed a class E felony.

51 5. The provisions of this section shall
52 not apply to liquidation of an estate.]

2 [301.571. 1. For purposes of this
3 section, the following terms mean:

4 (1) "Mobility motor vehicle", a motor
5 vehicle that is designed and equipped to
6 transport a person with a disability and:
7 (a) Contains a lowered floor or lowered
8 frame, or a raised roof and/or raised door;
9 (b) Contains an electronic or mechanical
10 wheelchair, scooter, or platform lift that
11 enables a person to enter or exit the vehicle
12 while occupying a wheelchair or scooter; an
13 electronic or mechanical wheelchair ramp; or a
14 system to secure a wheelchair or scooter to
15 allow for a person to be safely transported
16 while occupying the wheelchair or scooter; and
17 (c) Is installed as an integral part or
18 permanent attachment to the motor vehicle
19 chassis;

20 (2) "Mobility motor vehicle dealer", a
21 dealer who is licensed as a new or used motor
vehicle dealer under this chapter who is engaged

22 in the business of buying, selling, or
23 exchanging mobility motor vehicles and servicing
24 or repairing mobility motor vehicles at an
25 established and permanent place of business.

26 2. Notwithstanding any other law, a
27 mobility motor vehicle dealer may:

28 (1) Purchase or otherwise acquire a new
29 motor vehicle from a franchised dealer to fit or
30 equip the motor vehicle for retail sale as a
31 mobility motor vehicle from a franchised dealer
32 wherever located;

33 (2) Display a new motor vehicle to a
34 person with a disability to fit or equip the
35 vehicle as a mobility motor vehicle for the
36 person; or

37 (3) Sell a new motor vehicle that has been
38 fitted or equipped as a new mobility motor
39 vehicle with the resale occurring through or by
40 a franchised dealer.

41 3. A mobility motor vehicle dealer who
42 purchased or acquired a new motor vehicle from a
43 franchised dealer to equip the vehicle as a
44 mobility vehicle shall not advertise the vehicle
45 for resale until the vehicle is fitted or
46 equipped as a mobility motor vehicle.

47 4. A mobility motor vehicle dealer shall
48 not, except as permitted by subdivision (2) of
49 subsection 2 of this section, display or offer
50 to display a new motor vehicle that is not a
51 mobility motor vehicle to the public.]

2 [301.573. The department may review all
3 title designations. Any designation described
4 in section 301.190 or 301.227, placed on a
5 certificate of ownership or certificate of title
6 issued pursuant to section 301.190 or 301.227,
7 shall remain on the certificate of ownership or
8 title, and any and all subsequent certificates
9 of ownership or title issued for that vehicle
10 shall carry such designation on the face of such
certificates of ownership or title.]

2 [301.576. A motor vehicle dealer, as
3 defined in section 301.550, and the dealer's
owners, shareholders, officers, employees, and

4 agents who, in conjunction with the actual or
5 potential sale or lease of a motor vehicle,
6 arrange to provide, actually provide, or
7 otherwise make available to a vehicle purchaser,
8 lessee, or other person any third-party motor
9 vehicle history report shall not be liable to
10 the vehicle purchaser, lessee, or other person
11 for any errors, omissions, or other inaccuracies
12 contained in the third-party motor vehicle
13 history report that are not based on information
14 provided directly to the preparer of the third-
15 party motor vehicle history report by that
16 dealer. For purposes of this section, a "third-
17 party motor vehicle report" means any
18 information prepared by a party other than the
19 dealer relating to any one or more of the
20 following: vehicle ownership or titling history;
21 liens on the vehicle; vehicle service,
22 maintenance, or repair history; vehicle
23 condition; or vehicle accident or collision
24 history. This section shall not apply in the
25 case of any dealer having actual knowledge about
26 a vehicle's accident, salvage, or service
27 history which is different from, or not
28 disclosed on, any third-party motor vehicle
29 report.]

2 [301.580. 1. The department of revenue
3 may issue special event motor vehicle auction
4 licenses under the provisions of this section.
5 For purposes of this section, a "special event
6 motor vehicle auction" is a motor vehicle
7 auction which:

8 (1) Ninety percent of the vehicles being
9 auctioned are at least ten years old or older;
10 (2) The licensee shall auction no more
11 than three percent of the total number of
12 vehicles presented for auction which are owned
13 and titled in the name of the licensee or its
14 owners; and
15 (3) The duration is no more than three
16 consecutive calendar days and is held no more
17 than three times in a calendar year by a
licensee.

18 2. A special event motor vehicle auction
19 shall be considered a public motor vehicle
20 auction for purposes of sections 301.559 and
21 301.564.

22 3. Special event motor vehicle auction
23 licensees shall be exempt from the requirements
24 of section 301.560, with the exception of
25 subdivision (4) of subsection 1 of section
26 301.560.

27 4. An application for a special event
28 motor vehicle auction license must be received
29 by the department at least ninety days prior to
30 the beginning of the special event auction.

31 5. Applicants for a special motor vehicle
32 auction are limited to no more than three
33 special event auctions in any calendar year. A
34 separate application is required for each
35 special event motor vehicle auction.

36 6. At least ninety percent of the vehicles
37 being auctioned at a special event motor vehicle
38 auction shall be ten years old or older. The
39 licensee shall, within ten days of the
40 conclusion of a special event motor vehicle
41 auction, submit a report in the form approved by
42 the director to the department that includes the
43 make, model, year, and vehicle identification
44 number of each vehicle included in the auction.
45 Every vehicle included in the special event
46 auction shall be listed, including those
47 vehicles that were auctioned and sold and those
48 vehicles that were auctioned but did not sell.
49 Violation of this subsection is a class A
50 misdemeanor.

51 7. The applicant for the special event
52 motor vehicle auction shall be responsible for
53 ensuring that a sales tax license or special
54 event sales tax license is obtained for the
55 event if one is required.

56 8. The fee for a special event motor
57 vehicle auction license shall be one thousand
58 dollars. For every vehicle auctioned in
59 violation of subsection 6 of this section, an
60 administrative fee of five hundred dollars shall
61 be paid to the department. Such fees shall be

62 deposited in like manner as other license fees
63 of this section.

64 9. In addition to the causes set forth in
65 section 301.562, the department may promulgate
66 rules that establish additional causes to refuse
67 to issue or to revoke a special event license.

68 10. A special motor vehicle auction shall
69 last no more than three consecutive days.

70 11. The applicant for a special event
71 motor vehicle auction shall be registered to
72 conduct business in this state.

73 12. Every applicant for a special event

74 motor vehicle auction license shall furnish with
75 the application a corporate surety bond or an

76 irrevocable letter of credit as defined in
77 section 400.5-102 issued by any state or federal

78 financial institution in the penal sum of one
79 hundred thousand dollars on a form approved by

80 the department. The bond or irrevocable letter
81 of credit shall be conditioned upon the

82 applicant complying with the provisions of the
83 statutes applicable to a special event auction

84 license holder and the bond shall be an
85 indemnity for any loss sustained by reason of

86 the acts of the person bonded when such acts
87 constitute grounds for the revocation or denial

88 of a special event auction license. The bond
89 shall be executed in the name of the state of

90 Missouri for the benefit of all aggrieved
91 parties or the irrevocable letter of credit

92 shall name the state of Missouri as the
93 beneficiary. The aggregate liability of the

94 surety or financial institution to the aggrieved
95 parties shall not exceed the amount of the bond

96 or irrevocable letter of credit. The proceeds
97 of the bond or irrevocable letter of credit

98 shall be paid upon receipt by the department of
99 a final judgment from a Missouri court of

100 competent jurisdiction against the principal and
101 in favor of an aggrieved party.

102 13. No dealer, driveaway, auction, or
103 wholesale plates, or temporary permit booklets,
104 shall be issued in conjunction with a special
105 event motor vehicle auction license.

106 14. Any person or entity who sells a
107 vehicle at a special event motor vehicle auction
108 shall provide, to the buyer, current contact
109 information including, but not limited to, name,
110 address, and telephone number.

111 15. Any rule or portion of a rule, as that
112 term is defined in section 536.010, that is
113 created under the authority delegated in this
114 section shall become effective only if it
115 complies with and is subject to all of the
116 provisions of chapter 536 and, if applicable,
117 section 536.028. This section and chapter 536
118 are nonseverable and if any of the powers vested
119 with the general assembly pursuant to chapter
120 536 to review, to delay the effective date, or
121 to disapprove and annul a rule are subsequently
122 held unconstitutional, then the grant of
123 rulemaking authority and any rule proposed or
124 adopted after August 28, 2012, shall be invalid
125 and void.]

✓