

SECOND REGULAR SESSION

# SENATE BILL NO. 1056

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

5431S.011

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7 and 643.315, RSMo, are repealed and forty new sections enacted  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  
motor vehicle, trailer, boat, or outboard motor which was  
acquired in a transaction subject to sales tax under the  
Missouri sales tax law makes application to the director of  
revenue for an official certificate of title and the  
registration of the motor vehicle, trailer, boat, or  
outboard motor as otherwise provided by law, the owner shall  
present to the director of revenue evidence satisfactory to  
the director of revenue showing the purchase price exclusive  
of any charge incident to the extension of credit paid by or  
charged to the applicant in the acquisition of the motor  
vehicle, trailer, boat, or outboard motor, or that no sales  
tax was incurred in its acquisition, and if sales tax was  
incurred in its acquisition, the applicant shall pay or  
cause to be paid to the director of revenue the sales tax  
provided by the Missouri sales tax law in addition to the  
registration fees now or hereafter required according to  
law, and the director of revenue shall not issue a  
certificate of title for any new or used motor vehicle,  
trailer, boat, or outboard motor subject to sales tax as  
provided in the Missouri sales tax law until the tax levied  
for the sale of the same under sections 144.010 to 144.510  
has been paid as provided in this section or is registered  
under the provisions of subsection 5 of this section.

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

3. In the event that the purchase price is unknown or  
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;

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

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

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

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

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

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

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

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

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 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;

15           (2) "Autocycle", a three-wheeled motor vehicle which  
16 the drivers and passengers ride in a partially or completely  
17 enclosed nonstraddle seating area, that is designed to be  
18 controlled with a steering wheel and pedals, and that has  
19 met applicable Department of Transportation National Highway  
20 Traffic Safety Administration requirements or federal  
21 motorcycle safety standards;

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) "Axle 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;

30           (5) "Backhaul", the return trip of a vehicle  
31 transporting cargo or general freight, especially when  
32 carrying goods back over all or part of the same route;

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

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

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

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

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

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

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

(c) "Class 3 electric bicycle", an electric bicycle 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;

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

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

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

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

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

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

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

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

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

(31) "Local transit bus", a bus whose operations are 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;

235           (40) "Motortricycle", a motor vehicle upon which the  
236 operator straddles or sits astride that is designed to be  
237 controlled by handle bars and is operated on three wheels,  
238 including a motorcycle while operated with any conveyance,  
239 temporary or otherwise, requiring the use of a third wheel,  
240 but excluding an electric bicycle. A motortricycle shall  
241 not be included in the definition of all-terrain vehicle;

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

480           (74) "Wrecker" or "tow truck", any emergency  
481 commercial vehicle equipped, designed and used to assist or  
482 render aid and transport or tow disabled or wrecked vehicles  
483 from a highway, road, street or highway rights-of-way to a  
484 point of storage or repair, including towing a replacement  
485 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:

8           (1) A brief description of the motor vehicle or  
9 trailer to be registered, including the name of the  
10 manufacturer, the vehicle identification number, the amount  
11 of motive power of the motor vehicle, stated in figures of  
12 horsepower and whether the motor vehicle is to be registered  
13 as a motor vehicle primarily for business use as defined in  
14 section 301.010;

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

17           (3) The gross weight of the vehicle and the desired  
18 load in pounds if the vehicle is a commercial motor vehicle  
19 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

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

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

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

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

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

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

3. If such motor vehicle or trailer is sold to a 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:

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

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

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

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

certificate of title which may have been issued to the dealer on the vehicle and issue to the purchaser a certificate of title in the name of the purchaser, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle, unless the dealer, within ten business days from the date of the director's notice, files with the director a written objection to the director taking such action. If the dealer does file a timely, written objection with the director, then the director shall not take any further action without an order from a court of competent jurisdiction. However, if the dealer does not file a timely, written objection with the director, then the director shall cancel the prior certificate of title issued to the dealer on the vehicle and issue a certificate of title to the purchaser of the vehicle, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle and subject to the purchaser satisfying all applicable taxes and fees associated with registering the vehicle.

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

8. When a lienholder is damaged as a result of a licensed dealer's acts, errors, omissions, or violations of this section, then the dealer shall be liable to the lienholder for actual damages, plus court costs and 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;

9 (2) Salvaging, wrecking or dismantling vehicles for  
10 resale of the parts thereof as a salvage dealer or  
11 dismantler, as defined in section 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:

39 (1) Stamp on the face of the title so as not to  
40 obscure any name, date, or mileage statement on the title

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

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

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

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

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

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

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

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

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

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

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

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

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

dealer's monthly sales report, unless the sale of the temporary permit is already recorded by electronic means as determined by the department. The monthly sales report shall include a statement of motor vehicles or trailers sold during the month under subsection 5 of section 301.210. The monthly sales report shall be completed in full and signed by an officer, partner, or owner of the dealership, and actually received by the department of revenue on or before the fifteenth day of the month succeeding the month for which the sales are being reported. If no sales occur in any given month, a report shall be submitted for that month indicating no sales. Any vehicle dealer who fails to file a monthly report or who fails to file a timely report shall be subject to disciplinary action as prescribed in section [301.562] 301.1030 or a penalty assessed by the director not to exceed three hundred dollars per violation. Every motor vehicle and boat dealer shall retain copies of the monthly sales report as part of the records to be maintained at the dealership location and shall hold them available for inspection by appropriate law enforcement officials and officials of the department of revenue. Every vehicle dealer selling twenty or more vehicles a month shall file the monthly sales report with the department in an electronic format. Any dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice of transfer required by section 301.196. For any dealer not filing electronically, the notice of transfer required by section 301.196 shall be submitted with the monthly sales report as prescribed by the director.

2. Every dealer and every person operating a public garage shall keep a correct record of the vehicle 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

operating such public garage shall upon the discovery of such obliteration or alteration immediately notify the highway patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period of forty-eight hours for the purpose of an investigation by the officer so notified.

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

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

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

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

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

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



22           (3) "Boat manufacturer", any person engaged in the  
23 manufacturing, assembling, or modification of new vessels or  
24 vessel trailers as a regular business, including a person,  
25 partnership, or corporation that acts for and is under the  
26 control of a manufacturer or assembly in connection with the  
27 distribution of vessels or vessel trailers;

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;

37           (8) "Manufacturer", any person engaged in the  
38 manufacturing, assembling, or modification of new motor  
39 vehicles or trailers as a regular business, including a  
40 person, partnership, or corporation that acts for and is  
41 under the control of a manufacturer or assembly in  
42 connection with the distribution of motor vehicles or  
43 accessories for motor 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, barter, or  
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;

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

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

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

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

3. Dealers shall be divided into classes as follows:

- (1) Franchised new motor vehicle dealers;
- (2) Used motor vehicle dealers;
- (3) Wholesale motor vehicle dealers;
- (4) Powersport dealers;
- (5) Public motor vehicle auctions;
- (6) Wholesale motor vehicle auctions;
- (7) Recreational motor vehicle dealers;
- (8) Historic motor vehicle dealers;
- (9) Classic motor vehicle dealers; and
- (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;

35           (11) To establish committees of the board, appoint  
36 members to such committees, and to promulgate regulations  
37 establishing the responsibilities of such committees. The  
38 board may, at its discretion, include a resident member on  
39 any committee established, who shall have no pecuniary  
40 interest in any motor vehicle or boat dealership. Any  
41 action recommended by a committee shall be subject to prior  
42 ratification by the full board prior to implementation.  
43 Committees to be established may include, but not be limited  
44 to, the following:

- 45           (a) Advertising;
- 46           (b) Licensing;
- 47           (c) Dealer practices;
- 48           (d) Franchise relations; and
- 49           (e) Complaint review; and

50           (12) To do all things necessary and convenient for  
51 carrying into effect sections 301.1000 to 301.1063 or as  
52 enumerated in regulations promulgated by the board.

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;

13           (2) Exempt from licensure as a motor vehicle dealer  
14 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



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

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

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

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

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

an aggrieved party. The proceeds of the bond or irrevocable letter of credit furnished by an applicant shall be paid at the order of the department and in the amount determined by the department to any buyer or interested lienholder up to the greater of the amount required for the release of the purchase money lien or the sales price paid by the buyer where a dealer has failed to fulfill the dealer's obligations under an agreement to assign and deliver title to the buyer within thirty days under a contract entered into under subsection 5 of section 301.210. The department shall direct release of the bond or irrevocable letter of credit proceeds upon presentation of a written agreement entered into under subsection 5 of section 301.210, copies of the associated sales and finance documents, and the affidavit or affidavits of the buyer or lienholder stating that the certificate of title with assignment thereof has not been passed to the buyer within thirty days of the date of the contract entered into under subsection 5 of section 301.210, that the dealer has not fulfilled the agreement under the contract to repurchase the vehicle, that the buyer or the lienholder has notified the dealer of the claim on the bond or letter of credit, and the amount claimed by the purchaser or lienholder. In addition, prior to directing release and payment of the proceeds of a bond or irrevocable letter of credit, the department shall ensure that there is satisfactory evidence to establish that the vehicle that is subject to the written agreement has been returned by the buyer to the dealer or that the buyer has represented to the department that the buyer will surrender possession of the vehicle to the dealer upon payment of the proceeds of the bond or letter of credit directed by the department. Excepting ordinary wear and tear or mechanical failures not



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

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

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

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

certificate. New motor vehicle manufacturers shall not be issued or possess more than three hundred forty-seven additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit qualified transactions annually. New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the board to issue the appropriate number of additional plates or certificates of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a distinctive dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be 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;

53           (9) The applicant or license holder is finally  
54 adjudged insane or incompetent by a court of competent  
55 jurisdiction;

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;

59           (11) Violations of sections 301.1000 to 301.1063,  
60 chapter 407, or section 578.120 that resulted in a criminal  
61 conviction or finding of guilt or violation of any federal  
62 motor vehicle laws that result in a criminal conviction or  
63 finding of guilt;

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

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

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

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

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

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

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

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

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

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

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

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

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

12           (2) In lieu of acting under subsection 2, 3, 6, or 7  
13 of section 301.1030, the board may enter into an agreement  
14 with the holder of the license to ensure future compliance  
15 with sections 301.210, 301.213, 307.380, sections 301.217 to  
16 301.229, and sections 301.1000 to 301.1063. Such agreement  
17 may include an assessment fee not to exceed five hundred  
18 dollars per violation or five thousand dollars in the  
19 aggregate unless otherwise permitted by law, probation terms  
20 and conditions, and other requirements as may be deemed  
21 appropriate by the board and the holder of the license. Any  
22 fees collected by the board under this subsection shall be  
23 deposited in the state treasury to the credit of the state  
24 highway fund.

301.1036. 1. The board or its designated  
2 representative may issue process, subpoena witnesses,  
3 administer oaths, examine books and papers, and require the  
4 production thereof, and cause the deposition of any witness  
5 to be taken and the costs thereof paid as other costs under  
6 sections 301.1000 to 301.1063. Any party may process to  
7 compel the attendance of witnesses and the production of  
8 books and papers, and at the party's own cost to take and  
9 use depositions in like manner as in civil cases in the  
10 circuit court. The subpoena shall extend to all parts of  
11 the state and may be served as in civil actions in the  
12 circuit court, but the costs of the service shall be as in  
13 other civil actions. Each witness shall receive the fees  
14 and mileage prescribed by law in civil cases, but the same  
15 shall not be allowed as costs to the party on whose behalf  
16 the witness was summoned unless the person who conducts the  
17 hearing certifies that the testimony of the witness was  
18 necessary. All costs under this section shall be approved  
19 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;

41           (7) When the price or financing terms of a motor  
42 vehicle are advertised, the vehicle shall be fully  
43 identified as to year, make, and model. In addition, in  
44 advertisements placed by individual dealers and not line-  
45 make marketing groups, the advertised price or credit terms  
46 shall include all charges that the buyer must pay to the  
47 dealer, except buyer-selected options and state and local  
48 taxes. If a processing fee and freight or destination  
49 charges are not included in the advertised price, the amount  
50 of any such processing fee and freight or destination charge  
51 shall be clearly and conspicuously disclosed within the  
52 advertisement;

53           (8) Advertisements of dealer rebates shall not be  
54 used; however, this shall not be deemed to prohibit the  
55 advertising of manufacturer rebates, so long as all material  
56 terms of such rebates are clearly and conspicuously  
57 disclosed;

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;

61           (10) Bait advertising, in which an advertiser may have  
62 no intention to sell at the prices or terms advertised,  
63 shall not be used. Bait advertising shall include, but not  
64 be limited to, the following examples:

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;

72           (b) Advertising a motor vehicle at a specified price,  
73 including such terms as "as low as \$\_\_\_\_\_", but having  
74 available for sale only vehicles equipped with dealer added  
75 cost options that increase the selling price above the  
76 advertised price;

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;

83           (b) If the payment or other information relates to a  
84 financing transaction, the minimum down payment, annual  
85 percentage interest rate, and number of payments necessary  
86 to obtain the advertised payment amount shall be disclosed,  
87 in addition to any special qualifications required for  
88 obtaining the advertised terms including, but not limited  
89 to, first time buyer discounts, college graduate discounts,  
90 and similar programs, and a statement concerning whether the  
91 advertised terms are subject to credit approval;

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

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

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

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

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

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

301.1045. 1. Except as provided in this section, it shall be unlawful for a motor vehicle dealer to sell or offer to sell any motor vehicle away from the dealer's 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 reasonably 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;

46           (3) A majority of motor vehicle dealers within a class  
47 of dealers described in subsection 3 of section 301.1000  
48 that are located within the city or town in which the off-  
49 premise event is situated participate in the event or are  
50 notified via mail or electronic means and have the  
51 opportunity to participate in the event;

52           (4) A majority of motor vehicle dealers within a class  
53 of dealers described in subsection 3 of section 301.1000  
54 that are located within a ten-mile radius of the location of  
55 the off-premise event participate in the event or are  
56 notified via mail or electronic means and have the  
57 opportunity to participate in the event;

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;

63           (6) The organizer of the off-premise event shall  
64 provide a copy of the notices issued under subdivisions (3)  
65 and (4) of this subsection to the director at the time they  
66 are mailed or electronically transmitted to the prospective  
67 participants; and

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



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

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

8. A recreational vehicle dealer licensed in another state who intends to participate in a vehicle show or exhibition in this state shall send written notification of such intended participation to the department at least thirty days prior to the vehicle show or exhibition. Upon receipt of such written notification, the department shall make a determination regarding compliance with the provisions of this section. If such recreational vehicle dealer would be unable to participate in the vehicle show or exhibition in this state under this section, the department shall notify the recreational vehicle dealer at least fifteen days prior to the vehicle show or exhibition of the inability to participate in the vehicle show or exhibition in this state.

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

301.1048. New motor vehicles may be exchanged for resale from one new motor vehicle franchised dealer to 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 vehicle auction licenses under the provisions of this section. For purposes of this section, a "special event motor vehicle auction" is a motor vehicle auction that:

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

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

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

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

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

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

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

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

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

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

14. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently 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;

27           (3) A statement that the amount of the accrued towing,  
28 storage and administrative costs are the responsibility of  
29 the owner, and that storage and/or administrative costs will  
30 continue to accrue as a legal liability of the owner until  
31 the abandoned property is redeemed;

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

34           (5) A statement that the owner or holder of a valid  
35 security interest of record may retake possession of the  
36 abandoned property at any time during business hours by  
37 proving ownership or rights to a secured interest and paying  
38 all towing and storage charges;

39           (6) A statement that, should the owner consider that  
40 the towing or removal was improper or not legally justified,  
41 the owner has a right to request a hearing as provided in  
42 this section to contest the propriety of such towing or  
43 removal;

44           (7) A statement that if the abandoned property remains  
45 unclaimed for thirty days from the date of mailing the  
46 notice, title to the abandoned property will be transferred  
47 to the person or firm in possession of the abandoned  
48 property free of all prior liens; and

49           (8) A statement that any charges in excess of the  
50 value of the abandoned property at the time of such transfer  
51 shall remain a liability of the owner.

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

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

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

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

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

(1) A notarized affidavit explaining the circumstances by which the abandoned property came into their possession, including the name of the owner or possessor of real property from which the abandoned property was removed;

(2) The date of the removal;

(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.

218 12. If the director is satisfied with the genuineness  
219 of the application and supporting documents submitted  
220 pursuant to this section, the director shall issue one of  
221 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) "Provider", a person who is contractually obligated to the service contract holder under the terms of 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;

98           (16) "Reimbursement insurance policy", a policy of  
99 insurance issued to a provider and under which the insurer  
100 agrees, for the benefit of the motor vehicle extended  
101 service contract holders, to discharge all of the  
102 obligations and liabilities of the provider under the terms  
103 of the motor vehicle extended service contracts in the event  
104 of nonperformance by the provider. All obligations and  
105 liabilities include, but are not limited to, failure of the  
106 provider to perform under the motor vehicle extended service  
107 contract and the return of the unearned provider fee in the  
108 event of the provider's unwillingness or inability to  
109 reimburse the unearned provider fee in the event of  
110 termination of a motor vehicle extended service contract;

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  
this state to sell, offer, negotiate, or solicit a motor  
vehicle extended service contract with a consumer, other  
than the following:

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

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

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

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

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

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

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

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

2. No administrator or provider shall use a dealer as  
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.

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

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

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

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

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

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

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

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

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

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

3. No dealer or manufacturer licensed in this state  
under sections [301.550 to 301.573] **301.1000 to 301.1063**  
shall allow any subsidiary or related entity to engage in  
the business of selling motor vehicles, as defined in  
section 301.010, to retail consumers in this state, except  
as otherwise permitted by law. Any dealer or manufacturer  
licensed in this state shall have standing to enforce the  
provisions of this subsection provided that a franchise  
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;

24           (5) "Premium gasoline", gasoline with an antiknock  
25 index number of ninety-one or greater;

26           (6) "Price", the cost of the fuel ethanol plus fuel  
27 taxes and transportation expenses less tax credits, if any;  
28 or the cost of the fuel ethanol-blended gasoline plus fuel  
29 taxes and transportation expenses less tax credits, if any;  
30 or the cost of the unblended gasoline plus fuel taxes and  
31 transportation expenses less tax credits, if any;

32           (7) "Qualified terminal", a terminal that has been  
33 assigned a terminal control number (tcn) by the Internal  
34 Revenue Service;

35           (8) "Supplier", a person that is:

36           (a) Registered or required to be registered pursuant  
37 to 26 U.S.C. Section 4101, for transactions in motor fuels  
38 in the bulk transfer/terminal distribution system; and

39           (b) One or more of the following:

40           a. The position holder in a terminal or refinery in  
41 this state;

42           b. Imports motor fuel into this state from a foreign  
43 country;

44           c. Acquires motor fuel from a terminal or refinery in  
45 this state from a position holder pursuant to either a two-  
46 party exchange or a qualified buy-sell arrangement which is  
47 treated as an exchange and appears on the records of the  
48 terminal operator; or

49           d. The position holder in a terminal or refinery  
50 outside this state with respect to motor fuel which that  
51 person imports into this state. A terminal operator shall  
52 not be considered a supplier based solely on the fact that  
53 the terminal operator handles motor fuel consigned to it  
54 within a terminal.

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

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

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

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

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

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

4. If a distributor is unable to obtain fuel ethanol or fuel ethanol-blended gasoline from a position holder or supplier at the terminal at the same or lower price as unblended gasoline, then the purchase of unblended gasoline by the distributor and the sale of the unblended gasoline at retail shall not be deemed a violation of this section. The position holder, supplier, distributor, and ultimate vendor shall, upon request, provide the required documentation regarding the sales transaction and price of fuel ethanol, fuel ethanol-blended gasoline, and unblended gasoline to the 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

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

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

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

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



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

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

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

(8) School buses;

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

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

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

80           (12) Qualified plug-in electric drive vehicles. For  
81 the purposes of this section, "qualified plug-in electric  
82 drive vehicle" shall mean a plug-in electric drive vehicle  
83 that is made by a manufacturer, has not been modified from  
84 original manufacturer specifications, and can operate solely  
85 on electric power and is capable of recharging its battery  
86 from an on-board generation source and an off-board  
87 electricity source.

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

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

100           (2) If the dealer chooses to sell the vehicle with  
101 prior inspection and approval, the dealer shall disclose, in  
102 writing, prior to sale, whether the vehicle obtained  
103 approval by meeting the emissions standards established  
104 pursuant to sections 643.300 to 643.355 or by obtaining a  
105 waiver pursuant to section 643.335. A vehicle sold pursuant  
106 to this subdivision by a licensed motor vehicle dealer shall  
107 be inspected and approved within the one hundred twenty days  
108 immediately preceding the date of sale, and, for the purpose  
109 of registration of such vehicle, such inspection shall be  
110 considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020. No emissions inspection shall be required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.

[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 barter, 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, barter, 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

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

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

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

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

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

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

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

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

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

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

3. Dealers shall be divided into classes as follows:

(1) Boat dealers;

(2) Franchised new motor vehicle dealers;

(3) Used motor vehicle dealers;

(4) Wholesale motor vehicle dealers;

(5) Recreational motor vehicle dealers;

(6) Historic motor vehicle dealers;

(7) Classic motor vehicle dealers;

(8) Powersport dealers; and

(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.]

          [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.]

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

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

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

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

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

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

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

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

2 [301.559. 1. It shall be unlawful for any  
3 person to engage in business as or act as a  
4 motor vehicle dealer, boat dealer, manufacturer,  
5 boat manufacturer, public motor vehicle auction,  
6 wholesale motor vehicle auction or wholesale  
7 motor vehicle dealer without first obtaining a  
8 license from the department as required in  
9 sections 301.550 to 301.580. Any person who  
10 maintains or operates any business wherein a  
11 license is required pursuant to the provisions  
12 of sections 301.550 to 301.580, without such  
license, is guilty of a class A misdemeanor.

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

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

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

(1) The name and business address, not a post office box, of the applicant and the fictitious name, if any, under which the applicant intends to conduct business, the applicant's regular business hours, and a phone number and email address where the applicant may be contacted during regular business hours. If the applicant is a partnership, the application shall list the name and residence address of 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.]

[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;

(4) Payment of all necessary license fees as established by the department. In establishing the amount of the annual license fees, the department shall, as near as possible, produce sufficient total income to offset operational expenses of the department relating to the administration of sections 301.550 to 301.580. All fees payable pursuant to the provisions of sections 301.550 to 301.580, other than those fees collected for the issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created. The motor vehicle commission fund shall be administered by the Missouri department of revenue. The provisions of section 33.080 to the contrary notwithstanding, money in such fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the motor vehicle commission fund at the end of the biennium exceeds two times the amount of the appropriation from such fund for the preceding fiscal year or, if the department requires permit renewal less frequently than yearly, then three times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation from such fund for the preceding fiscal year.

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

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

3. Except as otherwise provided in subsection 6 of this section, upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number and two additional number plates or certificates of number within eight working hours after presentment of the application and payment by the applicant of a fee of fifty dollars for the first plate or certificate and ten dollars and fifty cents for each additional plate or certificate. Upon renewal, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or new or used motor vehicle dealer. The license plates described in this section shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

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

New motor vehicle franchise dealers	D-0 through D-999
New powersport dealers	D-1000 through D-1999

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

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

5. Upon the sale of a currently licensed motor vehicle dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer. If the new approved dealer applicant elects not to retain the selling dealer's license number, the department shall issue the new dealer applicant a new dealer's license number and an equal number of plates or certificates as the department had issued to the selling dealer.

6. In the case of motor vehicle dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue one additional number plate to the applicant upon payment by the dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for the additional number plate. The department may issue a third plate to the motor vehicle dealer upon completion of the dealer's fifteenth qualified transaction and payment of a fee of ten dollars and fifty cents. In the case of new motor vehicle manufacturers, powersport dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue two additional number plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each additional number plate. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee. Additional number plates and as many additional 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

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

7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle, for use by any customer while the customer's vehicle is being serviced or repaired by the motor vehicle dealer, for use and display purposes during, but not limited to, parades, private events, charitable events, or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

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



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

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

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

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

[301.561. Any person or corporation holding a public motor vehicle auction shall display in a conspicuous manner two signs each of which shall bear the following warning in 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.]

[301.562. 1. The department may refuse to  
2 issue or renew any license required pursuant to  
3 sections 301.550 to 301.580 for any one or any  
4 combination of causes stated in subsection 2 of  
5 this section. The department shall notify the  
6 applicant or licensee in writing at his or her  
7 last known address of the reasons for the  
8 refusal to issue or renew the license and shall  
9 advise the applicant or licensee of his or her  
10 right to file a complaint with the  
11 administrative hearing commission as provided by  
12 chapter 621.

13 2. The department may cause a complaint to  
14 be filed with the administrative hearing  
15 commission as provided by chapter 621 against  
16 any holder of any license issued under sections  
17 301.550 to 301.580 for any one or any  
18 combination of the following causes:

19 (1) The applicant or license holder was  
20 previously the holder of a license issued under  
21 sections 301.550 to 301.580, which license was  
22 revoked for cause and never reissued by the  
23 department, or which license was suspended for  
24 cause and the terms of suspension have not been  
25 fulfilled;

26 (2) The applicant or license holder was  
27 previously a partner, stockholder, director or  
28 officer controlling or managing a partnership or  
29 corporation whose license issued under sections  
30 301.550 to 301.580 was revoked for cause and  
31 never reissued or was suspended for cause and  
32 the terms of suspension have not been fulfilled;

33 (3) The applicant or license holder has,  
34 within ten years prior to the date of the  
35 application, been finally adjudicated and found  
36 guilty, or entered a plea of guilty or nolo  
37 contendere, in a prosecution under the laws of  
38 any state or of the United States, for any  
39 offense reasonably related to the  
40 qualifications, functions, or duties of any

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

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

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

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

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

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

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

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

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

(12) Violations of sections 407.511 to 407.556, section 578.120, which resulted in a 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[301.563. 1. The department 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 301.550 to 301.580. Any party may process to compel the attendance of witnesses and the production of books and papers, and at his 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 in 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 department and paid out of the Missouri motor vehicle commission fund established in section 301.560, except that if the department determines that any proceedings are brought, prosecuted or defended without reasonable ground, it may assess the whole cost of the proceedings upon the party who brought, prosecuted or defended the proceedings.

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

[301.564. 1. Any person or his agent licensed or registered as a manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction pursuant to the provisions of sections 301.550 to 301.580 shall permit an employee of the department of revenue or any law enforcement official to inspect, 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.]

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

7 (1) Offering to engage or engaging in the  
8 performance of any acts or practices for which a  
9 license is required under the provisions of this  
10 chapter, upon a showing that such acts or  
11 practices were performed or offered to be  
12 performed without a license; or

13 (2) Violating any provision of this  
14 chapter, any rule promulgated by the department  
pursuant to this chapter, subsection 1 of

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

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

[301.566. 1. Except as provided in this section, it shall be unlawful for a motor vehicle dealer to sell or offer to sell any motor vehicle away from the dealer's registered place of business. It shall not be a violation of this section for a motor vehicle dealer to deliver a motor vehicle to a customer for a test drive away from the dealer's registered place of business; deliver documents to a customer to sign away from the dealer's registered place of business; deliver documents to, or obtain documents from, a customer away from the dealer's registered place of business; or deliver a motor vehicle to a customer away from the dealer's registered place of business.

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

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

4. A motor vehicle dealer may participate in up to two off-premise motor vehicle shows or

sales annually and conduct sales of motor vehicles away from the dealer's registered place of business, which for purposes of this section shall be considered off-premise events provided the following:

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

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

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

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

(3) A majority of motor vehicle dealers within a class of dealers described in subsection 3 of section 301.550 that are located within the city or town in which the off-premise event is situated participate in the event or are notified via mail or electronic means and have the opportunity to participate in the event;

(4) A majority of motor vehicle dealers within a class of dealers described in subsection 3 of section 301.550 that are located within a ten-mile radius of the location of the off-premise event participate in the event or are notified via mail or electronic means and have the opportunity to participate in the event;

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

(6) The organizer of the off-premise event shall provide a copy of the notices issued pursuant to subdivisions (3) and (4) of this

subsection to the director at the time they are mailed or electronically transmitted to the prospective participants; and

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

5. Provided the requirements of this section are met, the department shall consider such events to be proper in all respects and as if each dealer participant was conducting business at the dealer's usual business location. Nothing contained in this section shall be construed as applying to the sale of motor vehicles or trailers through either a wholesale motor vehicle auction or public motor vehicle auction. A recreational motor vehicle dealer, as classified by subdivision (5) of subsection 3 of section 301.550, may participate in an off-premise event even if a majority of recreational motor vehicle dealers in a city or town do not participate in the event.

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

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

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

(3) The state in which the recreational vehicle is licensed is a state contiguous to Missouri and the state permits recreational vehicle dealers licensed in Missouri to participate in recreational vehicle shows in such state pursuant to conditions substantially equivalent to the conditions which are imposed

on dealers from such state who participate in recreational vehicle shows in Missouri.

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

8. A recreational vehicle dealer licensed in another state who intends to participate in a vehicle show or exhibition in this state shall send written notification of such intended participation to the department of revenue at least thirty days prior to the vehicle show or exhibition. Upon receipt of such written notification, the department of revenue shall make a determination regarding compliance with the provisions of this section. If such recreational vehicle dealer would be unable to participate in the vehicle show or exhibition in this state pursuant to this section, the department of revenue shall notify the recreational vehicle dealer at least fifteen days prior to the vehicle show or exhibition of the inability to participate in the vehicle show or exhibition in this state.

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

[301.567. 1. For purposes of this section, a violation of any of the following advertising standards shall be deemed an attempt by the advertising dealer to obtain a fee or other compensation by fraud, deception or misrepresentation in violation of section 301.562:

8           (1) A motor vehicle shall not be  
9     advertised as new, either by express terms or  
10    implication, unless it is a new motor vehicle as  
11    defined in section 301.550;

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

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

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

34          (5) The terms "list price", "sticker  
35    price", or "suggested retail price" shall be  
36    used only in reference to the manufacturer's  
37    suggested retail price for new motor vehicles,  
38    and, if used, shall be accompanied by a clear  
39    and conspicuous disclosure that such terms  
40    represent the manufacturer's suggested retail  
41    price of the advertised vehicle;

42          (6) Terms such as "at cost", "\$  
43    above cost", "invoice price", and "\$  
44    below/over invoice" shall not be used in  
45    advertisements because of the difficulty in  
46    determining a dealer's actual net cost at the  
47    time of the sale;

48          (7) When the price or financing terms of a  
49    motor vehicle are advertised, the vehicle shall  
50    be fully identified as to year, make, and  
51    model. In addition, in advertisements placed by

individual dealers and not line-make marketing groups, the advertised price or credit terms shall include all charges which the buyer must pay to the dealer, except buyer-selected options and state and local taxes. If a processing fee or freight or destination charges are not included in the advertised price, the amount of any such processing fee and freight or destination charge must be clearly and conspicuously disclosed within the advertisement;

(8) Advertisements of dealer rebates shall not be used, however, this shall not be deemed to prohibit the advertising of manufacturer rebates, so long as all material terms of such rebates are clearly and conspicuously disclosed;

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

(10) Bait advertising, in which an advertiser may have no intention to sell at the prices or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the following examples:

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

(b) Advertising a motor vehicle at a specified price, including such terms as "as low as \$ \_\_\_\_\_", but having available for sale only vehicles equipped with dealer-added cost options which increase the selling price above the advertised price;

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

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

(b) If the payment or other information relates to a financing transaction, the minimum down payment, annual percentage interest rate, and number of payments necessary to obtain the advertised payment amount must be disclosed, in addition to any special qualifications required for obtaining the advertised terms including, but not limited to, first-time buyer discounts, college graduate discounts, and a statement concerning whether the advertised terms are subject to credit approval;

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

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

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

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

2. The requirements of this section shall apply regardless of whether a dealer advertises by means of print, broadcast, or electronic media, or direct mail. If the advertisement is by means of a broadcast or print media, a dealer may provide the disclaimers and disclosures required under subdivision (3) of subsection 1 of this section by reference to an internet web



page or toll-free telephone number containing the information required to be disclosed.

3. Dealers shall clearly and conspicuously identify themselves in each advertisement by use of a dealership name which complies with subsection 6 of section 301.560.]

[301.568. New motor vehicles may be exchanged for resale from one new motor vehicle franchise dealer to another who is franchised to sell the same make of new motor vehicles by assignment of the manufacturer's statement of origin. Such exchange shall not be deemed to be a sale and shall not require the motor vehicle dealer to register and make application for a certificate of ownership as set out in this chapter. However, when an exchange by assignment of the manufacturer's statement of origin is between a new motor vehicle franchise dealer and another motor vehicle dealer who has a franchise for a different make of motor vehicle or a motor vehicle dealer who is not a new motor vehicle franchise dealer, the transaction shall be deemed a sale and shall void the resale of that motor vehicle as a new motor vehicle, and it shall be unlawful for any motor vehicle dealer to hold forth, offer for sale, advertise or sell such motor vehicle as a new motor vehicle. A motor vehicle dealer shall not assign ownership on any vehicle in a retail sale by the assignment of a manufacturer's statement of origin unless he is franchised by the manufacturer to sell that particular make of vehicle; however, this provision shall not take effect if the motor vehicle dealer and the manufacturer are in the process of negotiating a new franchise agreement, or the motor vehicle dealer has filed a timely protest to the manufacturer or appealed under section 407.825 of the motor vehicle franchise practices act. The provisions of this section shall not apply to mobile homes or trailers.]

[301.569. 1. An out-of-state show 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.]

[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.]

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

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

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

8 (b) Contains an electronic or mechanical  
9 wheelchair, scooter, or platform lift that  
10 enables a person to enter or exit the vehicle  
11 while occupying a wheelchair or scooter; an  
12 electronic or mechanical wheelchair ramp; or a  
13 system to secure a wheelchair or scooter to  
14 allow for a person to be safely transported  
15 while occupying the wheelchair or scooter; and

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

19 (2) "Mobility motor vehicle dealer", a  
20 dealer who is licensed as a new or used motor  
21 vehicle dealer under this chapter who is engaged

in the business of buying, selling, or exchanging mobility motor vehicles and servicing or repairing mobility motor vehicles at an established and permanent place of business.

2. Notwithstanding any other law, a mobility motor vehicle dealer may:

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

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

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

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

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

[301.573. The department may review all title designations. Any designation described in section 301.190 or 301.227, placed on a certificate of ownership or certificate of title issued pursuant to section 301.190 or 301.227, shall remain on the certificate of ownership or title, and any and all subsequent certificates of ownership or title issued for that vehicle shall carry such designation on the face of such certificates of ownership or title.]

[301.576. A motor vehicle dealer, as defined in section 301.550, and the dealer's owners, shareholders, officers, employees, and

agents who, in conjunction with the actual or potential sale or lease of a motor vehicle, arrange to provide, actually provide, or otherwise make available to a vehicle purchaser, lessee, or other person any third-party motor vehicle history report shall not be liable to the vehicle purchaser, lessee, or other person for any errors, omissions, or other inaccuracies contained in the third-party motor vehicle history report that are not based on information provided directly to the preparer of the third-party motor vehicle history report by that dealer. For purposes of this section, a "third-party motor vehicle report" means any information prepared by a party other than the dealer relating to any one or more of the following: vehicle ownership or titling history; liens on the vehicle; vehicle service, maintenance, or repair history; vehicle condition; or vehicle accident or collision history. This section shall not apply in the case of any dealer having actual knowledge about a vehicle's accident, salvage, or service history which is different from, or not disclosed on, any third-party motor vehicle report.]

[301.580. 1. The department of revenue may issue special event motor vehicle auction licenses under the provisions of this section. For purposes of this section, a "special event motor vehicle auction" is a motor vehicle auction which:

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

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

(3) The duration is no more than three consecutive calendar days and is held no more 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.]

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