

SECOND REGULAR SESSION

SENATE BILL NO. 781

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR McKENNA.

Read 1st time January 14, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4466S.011

AN ACT

To repeal sections 301.010, 301.032, 301.069, 301.190, 301.196, 301.200, 301.218, 301.280, 301.560, 301.562, 301.567, and 301.570, RSMo, and to enact in lieu thereof fourteen new sections relating to the regulation of motor vehicles, with penalty provisions for certain sections.

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

Section A. Sections 301.010, 301.032, 301.069, 301.190, 301.196, 301.200, 301.218, 301.280, 301.560, 301.562, 301.567, and 301.570, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 301.010, 301.032, 301.069, 301.190, 301.196, 301.200, 301.218, 301.280, 301.560, 301.562, 301.567, 301.570, 301.571, and 301.580, to read as follows:

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

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

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

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

15 (4) "Boat transporter", any vehicle combination designed and used
16 specifically to transport assembled boats and boat hulls;

17 (5) "Body shop", a business that repairs physical damage on motor
18 vehicles that are not owned by the shop or its officers or employees by mending,
19 straightening, replacing body parts, or painting;

20 (6) "Bus", a motor vehicle primarily for the transportation of a driver and
21 eight or more passengers but not including shuttle buses;

22 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used
23 for carrying freight and merchandise, or more than eight passengers but not
24 including vanpools or shuttle buses;

25 (8) "Cotton trailer", a trailer designed and used exclusively for
26 transporting cotton at speeds less than forty miles per hour from field to field or
27 from field to market and return;

28 (9) "Dealer", any person, firm, corporation, association, agent or subagent
29 engaged in the sale or exchange of new, used or reconstructed motor vehicles or
30 trailers;

31 (10) "Director" or "director of revenue", the director of the department of
32 revenue;

33 (11) "Driveaway operation":

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

38 (b) The movement of any vehicle or vehicles, not owned by the transporter,
39 constituting the commodity being transported, by a person engaged in the
40 business of furnishing drivers and operators for the purpose of transporting
41 vehicles in transit from one place to another by the driveaway or towaway
42 methods; or

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

49 (12) "Dromedary", a box, deck, or plate mounted behind the cab and
50 forward of the fifth wheel on the frame of the power unit of a truck

51 tractor-semitrailer combination. A truck tractor equipped with a dromedary may
52 carry part of a load when operating independently or in a combination with a
53 semitrailer;

54 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

55 (14) "Fleet", any group of ten or more motor vehicles owned by the same
56 owner;

57 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

58 (16) "Fullmount", a vehicle mounted completely on the frame of either the
59 first or last vehicle in a saddlemount combination;

60 (17) "Gross weight", the weight of vehicle and/or vehicle combination
61 without load, plus the weight of any load thereon;

62 (18) "Hail-damaged vehicle", any vehicle, the body of which has become
63 dented as the result of the impact of hail;

64 (19) "Highway", any public thoroughfare for vehicles, including state
65 roads, county roads and public streets, avenues, boulevards, parkways or alleys
66 in any municipality;

67 (20) "Improved highway", a highway which has been paved with gravel,
68 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall
69 have a hard, smooth surface;

70 (21) "Intersecting highway", any highway which joins another, whether
71 or not it crosses the same;

72 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon
73 the highways and has no resale value except as a source of parts or scrap, and
74 shall not be titled or registered;

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

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

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

86 (b) An area that extends not more than a radius of fifty miles from its

87 home base of operations when transporting its owner's machinery, equipment, or
88 auxiliary supplies to or from projects not involving soil and water
89 conservation. Nothing in this subdivision shall be construed to prevent any motor
90 vehicle from being registered as a commercial motor vehicle or local commercial
91 motor vehicle;

92 (25) "Local commercial motor vehicle", a commercial motor vehicle whose
93 operations are confined solely to a municipality and that area extending not more
94 than fifty miles therefrom, or a commercial motor vehicle whose property-carrying
95 operations are confined solely to the transportation of property owned by any
96 person who is the owner or operator of such vehicle to or from a farm owned by
97 such person or under the person's control by virtue of a landlord and tenant lease;
98 provided that any such property transported to any such farm is for use in the
99 operation of such farm;

100 (26) "Local log truck", a commercial motor vehicle which is registered
101 pursuant to this chapter to operate as a motor vehicle on the public highways of
102 this state, used exclusively in this state, used to transport harvested forest
103 products, operated solely at a forested site and in an area extending not more
104 than a one hundred-mile radius from such site, carries a load with dimensions not
105 in excess of twenty-five cubic yards per two axles with dual wheels, and when
106 operated on the national system of interstate and defense highways described in
107 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed
108 the weight limits of section 304.180, RSMo, does not have more than four axles,
109 and does not pull a trailer which has more than two axles. Harvesting equipment
110 which is used specifically for cutting, felling, trimming, delimiting, debarking,
111 chipping, skidding, loading, unloading, and stacking may be transported on a
112 local log truck. A local log truck may not exceed the limits required by law,
113 however, if the truck does exceed such limits as determined by the inspecting
114 officer, then notwithstanding any other provisions of law to the contrary, such
115 truck shall be subject to the weight limits required by such sections as licensed
116 for eighty thousand pounds;

117 (27) "Local log truck tractor", a commercial motor vehicle which is
118 registered under this chapter to operate as a motor vehicle on the public
119 highways of this state, used exclusively in this state, used to transport harvested
120 forest products, operated solely at a forested site and in an area extending not
121 more than a one hundred-mile radius from such site, operates with a weight not
122 exceeding twenty-two thousand four hundred pounds on one axle or with a weight

123 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and
124 when operated on the national system of interstate and defense highways
125 described in Title 23, Section 103(e) of the United States Code, such vehicle does
126 not exceed the weight limits contained in section 304.180, RSMo, and does not
127 have more than three axles and does not pull a trailer which has more than two
128 axles. Violations of axle weight limitations shall be subject to the load limit
129 penalty as described for in sections 304.180 to 304.220, RSMo;

130 (28) "Local transit bus", a bus whose operations are confined wholly
131 within a municipal corporation, or wholly within a municipal corporation and a
132 commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming
133 a part of a public transportation system within such municipal corporation and
134 such municipal corporation and adjacent commercial zone;

135 (29) "Log truck", a vehicle which is not a local log truck or local log truck
136 tractor and is used exclusively to transport harvested forest products to and from
137 forested sites which is registered pursuant to this chapter to operate as a motor
138 vehicle on the public highways of this state for the transportation of harvested
139 forest products;

140 (30) "Major component parts", the rear clip, cowl, frame, body, cab,
141 front-end assembly, and front clip, as those terms are defined by the director of
142 revenue pursuant to rules and regulations or by illustrations;

143 (31) "Manufacturer", any person, firm, corporation or association engaged
144 in the business of manufacturing or assembling motor vehicles, trailers or vessels
145 for sale;

146 (32) ["Mobile scrap processor", a business located in Missouri or any other
147 state that comes onto a salvage site and crushes motor vehicles and parts for
148 transportation to a shredder or scrap metal operator for recycling;

149 (33)] "Motor change vehicle", a vehicle manufactured prior to August,
150 1957, which receives a new, rebuilt or used engine, and which used the number
151 stamped on the original engine as the vehicle identification number;

152 [(34)] (33) "Motor vehicle", any self-propelled vehicle not operated
153 exclusively upon tracks, except farm tractors;

154 [(35)] (34) "Motor vehicle primarily for business use", any vehicle other
155 than a recreational motor vehicle, motorcycle, motortricycle, or any commercial
156 motor vehicle licensed for over twelve thousand pounds:

157 (a) Offered for hire or lease; or

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

159 [(36)] (35) "Motorcycle", a motor vehicle operated on two wheels;

160 [(37)] (36) "Motorized bicycle", any two-wheeled or three-wheeled device
161 having an automatic transmission and a motor with a cylinder capacity of not
162 more than fifty cubic centimeters, which produces less than three gross brake
163 horsepower, and is capable of propelling the device at a maximum speed of not
164 more than thirty miles per hour on level ground;

165 [(38)] (37) "Motortricycle", a motor vehicle operated on three wheels,
166 including a motorcycle while operated with any conveyance, temporary or
167 otherwise, requiring the use of a third wheel. A motortricycle shall not be
168 included in the definition of all-terrain vehicle;

169 [(39)] (38) "Municipality", any city, town or village, whether incorporated
170 or not;

171 [(40)] (39) "Nonresident", a resident of a state or country other than the
172 state of Missouri;

173 [(41)] (40) "Non-USA-std motor vehicle", a motor vehicle not originally
174 manufactured in compliance with United States emissions or safety standards;

175 [(42)] (41) "Operator", any person who operates or drives a motor vehicle;

176 [(43)] (42) "Owner", any person, firm, corporation or association, who
177 holds the legal title to a vehicle or in the event a vehicle is the subject of an
178 agreement for the conditional sale or lease thereof with the right of purchase
179 upon performance of the conditions stated in the agreement and with an
180 immediate right of possession vested in the conditional vendee or lessee, or in the
181 event a mortgagor of a vehicle is entitled to possession, then such conditional
182 vendee or lessee or mortgagor shall be deemed the owner for the purpose of this
183 law;

184 [(44)] (43) "Public garage", a place of business where motor vehicles are
185 housed, stored, repaired, reconstructed or repainted for persons other than the
186 owners or operators of such place of business;

187 [(45)] (44) "Rebuilder", a business that repairs or rebuilds motor vehicles
188 owned by the rebuilder, but does not include certificated common or contract
189 carriers of persons or property;

190 [(46)] (45) "Reconstructed motor vehicle", a vehicle that is altered from
191 its original construction by the addition or substitution of two or more new or
192 used major component parts, excluding motor vehicles made from all new parts,
193 and new multistage manufactured vehicles;

194 [(47)] (46) "Recreational motor vehicle", any motor vehicle designed,

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

201 [(48)] (47) "Recreational off-highway vehicle", any motorized vehicle
202 manufactured and used exclusively for off-highway use which is sixty inches or
203 less in width, with an unladen dry weight of one thousand eight hundred fifty
204 pounds or less, traveling on four or more nonhighway tires, with a nonstraddle
205 seat, and steering wheel, which may have access to ATV trails;

206 [(49)] (48) "Rollback or car carrier", any vehicle specifically designed to
207 transport wrecked, disabled or otherwise inoperable vehicles, when the
208 transportation is directly connected to a wrecker or towing service;

209 [(50)] (49) "Saddlemount combination", a combination of vehicles in
210 which a truck or truck tractor tows one or more trucks or truck tractors, each
211 connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The
212 "saddle" is a mechanism that connects the front axle of the towed vehicle to the
213 frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
214 connection. When two vehicles are towed in this manner the combination is
215 called a "double saddlemount combination". When three vehicles are towed in
216 this manner, the combination is called a "triple saddlemount combination";

217 [(51)] (50) "Salvage dealer and dismantler", a business that dismantles
218 used motor vehicles for the sale of the parts thereof, and buys and sells used
219 motor vehicle parts and accessories;

220 [(52)] (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer
221 which:

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

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

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

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

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

242 a. Set forth in a current edition of any nationally recognized compilation
243 of retail values, including automated databases, or from publications commonly
244 used by the automotive and insurance industries to establish the values of motor
245 vehicles;

246 b. Determined pursuant to a market survey of comparable vehicles with
247 regard to condition and equipment; and

248 c. Determined by an insurance company using any other procedure
249 recognized by the insurance industry, including market surveys, that is applied
250 by the company in a uniform manner;

251 [(53)] **(52)** "School bus", any motor vehicle used solely to transport
252 students to or from school or to transport students to or from any place for
253 educational purposes;

254 [(54)] **(53)** "Scrap processor", a business that, through the use of
255 fixed or mobile equipment, flattens, crushes, or otherwise accepts
256 motor vehicles and vehicle parts for processing or transportation to a
257 shredder or scrap metal operator for recycling;

258 **(54)** "Shuttle bus", a motor vehicle used or maintained by any person,
259 firm, or corporation as an incidental service to transport patrons or customers of
260 the regular business of such person, firm, or corporation to and from the place of
261 business of the person, firm, or corporation providing the service at no fee or
262 charge. Shuttle buses shall not be registered as buses or as commercial motor
263 vehicles;

264 **(55)** "Special mobile equipment", every self-propelled vehicle not designed
265 or used primarily for the transportation of persons or property and incidentally
266 operated or moved over the highways, including farm equipment, implements of

267 husbandry, road construction or maintenance machinery, ditch-digging apparatus,
268 stone crushers, air compressors, power shovels, cranes, graders, rollers,
269 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,
270 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
271 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag
272 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This
273 enumeration shall be deemed partial and shall not operate to exclude other such
274 vehicles which are within the general terms of this section;

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

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

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

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

289 (60) "Trailer", any vehicle without motive power designed for carrying
290 property or passengers on its own structure and for being drawn by a
291 self-propelled vehicle, except those running exclusively on tracks, including a
292 semitrailer or vehicle of the trailer type so designed and used in conjunction with
293 a self-propelled vehicle that a considerable part of its own weight rests upon and
294 is carried by the towing vehicle. The term "trailer" shall not include cotton
295 trailers as defined in subdivision (8) of this section and shall not include
296 manufactured homes as defined in section 700.010, RSMo;

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

299 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in
300 which the two trailing units are connected with a B-train assembly which is a
301 rigid frame extension attached to the rear frame of a first semitrailer which
302 allows for a fifth-wheel connection point for the second semitrailer and has one

303 less articulation point than the conventional A-dolly connected truck-tractor
304 semitrailer-trailer combination;

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

310 (64) "Used parts dealer", a business that buys and sells used motor vehicle
311 parts or accessories, but not including a business that sells only new,
312 remanufactured or rebuilt parts. "Business" does not include isolated sales at a
313 swap meet of less than three days;

314 (65) "Utility vehicle", any motorized vehicle manufactured and used
315 exclusively for off-highway use which is sixty-three inches or less in width, with
316 an unladen dry weight of one thousand eight hundred fifty pounds or less,
317 traveling on four or six wheels, to be used primarily for landscaping, lawn care,
318 or maintenance purposes;

319 (66) "Vanpool", any van or other motor vehicle used or maintained by any
320 person, group, firm, corporation, association, city, county or state agency, or any
321 member thereof, for the transportation of not less than eight nor more than
322 forty-eight employees, per motor vehicle, to and from their place of employment;
323 however, a vanpool shall not be included in the definition of the term bus or
324 commercial motor vehicle as defined by subdivisions (6) and (7) of this section,
325 nor shall a vanpool driver be deemed a chauffeur as that term is defined by
326 section [302.010, RSMo] **303.020**; nor shall use of a vanpool vehicle for
327 ride-sharing arrangements, recreational, personal, or maintenance uses constitute
328 an unlicensed use of the motor vehicle, unless used for monetary profit other than
329 for use in a ride-sharing arrangement;

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

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

339 (69) "Wrecker or towing service", the act of transporting, towing or
340 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not
341 owned by the operator of the wrecker, tow truck, rollback or car carrier for which
342 the operator directly or indirectly receives compensation or other personal gain.

301.032. 1. Notwithstanding the provisions of sections 301.030 and
2 301.035 to the contrary, the director of revenue shall establish a system of
3 registration of all fleet vehicles owned or purchased by a fleet owner registered
4 pursuant to this section. The director of revenue shall prescribe the forms for
5 such fleet registration and the forms and procedures for the registration updates
6 prescribed in this section. Any owner of ten or more motor vehicles which must
7 be registered in accordance with this chapter may register as a fleet owner. All
8 registered fleet owners may, at their option, register all motor vehicles included
9 in the fleet on a calendar year or biennial basis pursuant to this section in lieu
10 of the registration periods provided in sections 301.030, 301.035, and
11 301.147. The director shall issue an identification number to each registered
12 owner of fleet vehicles.

13 2. All fleet vehicles included in the fleet of a registered fleet owner shall
14 be registered during April [each year] **of the corresponding year** or on a
15 prorated basis as provided in subsection 3 of this section. Fees of all vehicles in
16 the fleet to be registered on a calendar year basis or on a biennial basis shall be
17 payable not later than the last day of April of [each year] **of the corresponding**
18 **year**, with two years' fees due for biennially-registered
19 vehicles. Notwithstanding the provisions of section 307.355, RSMo, an
20 application for registration of a fleet vehicle must be accompanied by a certificate
21 of inspection and approval issued no more than one hundred twenty days prior
22 to the date of application. The fees for vehicles added to the fleet which must be
23 licensed at the time of registration shall be payable at the time of registration,
24 except that when such vehicle is licensed between July first and September
25 thirtieth the fee shall be three-fourths the annual fee, when licensed between
26 October first and December thirty-first the fee shall be one-half the annual fee
27 and when licensed on or after January first the fee shall be one-fourth the annual
28 fee. When biennial registration is sought for vehicles added to a fleet, an
29 additional year's annual fee will be added to the partial year's prorated fee.

30 3. At any time during the calendar year in which an owner of a fleet
31 purchases or otherwise acquires a vehicle which is to be added to the fleet or
32 transfers plates to a fleet vehicle, the owner shall present to the director of

33 revenue the identification number as a fleet number and may register the vehicle
34 for the partial year as provided in subsection 2 of this section. The fleet owner
35 shall also be charged a transfer fee of two dollars for each vehicle so transferred
36 pursuant to this subsection.

37 4. Except as specifically provided in this subsection, all fleet vehicles
38 registered pursuant to this section shall be issued a special license plate which
39 shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the
40 manner prescribed by the advisory committee established in section
41 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee
42 beyond the regular registration fee, [owners of] **a fleet owner of at least fifty**
43 **fleet vehicles may apply for fleet license plates bearing a company name or logo,**
44 **the size and design thereof subject to approval by the director.** All fleet
45 license plates shall be made with fully reflective material with a common color
46 scheme and design, shall be clearly visible at night, and shall be aesthetically
47 attractive, as prescribed by section 301.130. Fleet vehicles shall be issued
48 multiyear license plates as provided in this section which shall not require
49 issuance of a renewal tab. Upon payment of appropriate registration fees, the
50 director of revenue shall issue a registration certificate or other suitable evidence
51 of payment of the annual or biennial fee, and such evidence of payment shall be
52 carried at all times in the vehicle for which it is issued. The director of revenue
53 shall promulgate rules and regulations establishing the procedure for application
54 and issuance of fleet vehicle license plates.

55 5. Notwithstanding the provisions of sections 307.350 to 307.390, RSMo,
56 to the contrary, a fleet vehicle registered in Missouri is exempt from the
57 requirements of sections 307.350 to 307.390, RSMo, if at the time of the annual
58 fleet registration, such fleet vehicle is situated outside the state of Missouri.

301.069. 1. A driveaway license plate may not be used on a vehicle used
2 or operated on a highway except for the purpose of transporting vehicles in
3 transit. Driveaway license plates may not be used by tow truck operators
4 transporting wrecked, disabled, abandoned, improperly parked, or burned
5 vehicles. **Driveaway license plates shall only be used by owners,**
6 **corporate officers, or employees of the business to which the plate was**
7 **issued.** For each driveaway license there shall be paid an annual license fee of
8 forty-four dollars and fifty cents for one set of plates or such insignia as the
9 director may issue which shall be attached to the motor vehicle as prescribed in
10 this chapter. Applicants may choose to obtain biennial driveaway licenses. The

11 fee for biennial driveaway licenses shall be eighty-nine dollars. For single trips
12 the fee shall be four dollars, and descriptive insignia shall be prepared and issued
13 at the discretion of the director who shall also prescribe the type of equipment
14 used to attach such vehicles in combinations.

15 **2. No driveaway license plates shall be issued by the director of**
16 **revenue unless the applicant therefor shall make application for such**
17 **plate and shall therein include:**

18 **(1) The business name, business street address, and business**
19 **telephone number of the applicant;**

20 **(2) The business owner's full name, date of birth, driver license**
21 **number or non-driver license number, residence street address, and**
22 **residence telephone number;**

23 **(3) The signature and printed name of the business owner or**
24 **authorized representative of the business presenting such application;**
25 **and**

26 **(4) A statement explaining what the driveaway license plates or**
27 **plates will be used for.**

28 **The applicant shall provide certification of proof of financial**
29 **responsibility, as defined in section 303.020 sufficient to cover each**
30 **motor vehicle the applicant shall operate or otherwise move on the**
31 **streets or highways, through use of the driveaway license plate, during**
32 **the period of registration. The applicant shall provide such**
33 **certification by affixing a copy of said certification to the**
34 **application. The application shall include a photograph, not to exceed**
35 **eight inches by ten inches but no less than five inches by seven inches,**
36 **showing the business building and sign of the applicant's business. The**
37 **applicant shall maintain a working, landline telephone at the**
38 **applicant's place of business throughout the registration period. The**
39 **applicant shall maintain certification of proof of financial**
40 **responsibility as described herein throughout the registration period.**

41 **3. If any of the information required by this section to be**
42 **reported by the applicant changes during the registration period, the**
43 **applicant shall report said changes to the department of revenue**
44 **within ten days of the date of the change.**

45 **4. Any violation of this section shall result in the revocation of**
46 **the applicant's driveaway license.**

47 **5. Any person who knowingly uses a revoked driveaway license**

48 plate shall be deemed guilty of a misdemeanor.

301.190. 1. No certificate of registration of any motor vehicle or trailer,
2 or number plate therefor, shall be issued by the director of revenue unless the
3 applicant therefor shall make application for and be granted a certificate of
4 ownership of such motor vehicle or trailer, or shall present satisfactory evidence
5 that such certificate has been previously issued to the applicant for such motor
6 vehicle or trailer. Application shall be made within thirty days after the
7 applicant acquires the motor vehicle or trailer upon a blank form furnished by the
8 director of revenue and shall contain the applicant's identification number, a full
9 description of the motor vehicle or trailer, the vehicle identification number, and
10 the mileage registered on the odometer at the time of transfer of ownership, as
11 required by section 407.536, RSMo, together with a statement of the applicant's
12 source of title and of any liens or encumbrances on the motor vehicle or trailer,
13 provided that for good cause shown the director of revenue may extend the period
14 of time for making such application. When an owner wants to add or delete a
15 name or names on an application for certificate of ownership of a motor vehicle
16 or trailer that would cause it to be inconsistent with the name or names listed on
17 the notice of lien, the owner shall provide the director with documentation
18 evidencing the lienholder's authorization to add or delete a name or names on an
19 application for certificate of ownership.

20 2. The director of revenue shall use reasonable diligence in ascertaining
21 whether the facts stated in such application are true and shall, to the extent
22 possible without substantially delaying processing of the application, review any
23 odometer information pertaining to such motor vehicle that is accessible to the
24 director of revenue. If satisfied that the applicant is the lawful owner of such
25 motor vehicle or trailer, or otherwise entitled to have the same registered in his
26 name, the director shall thereupon issue an appropriate certificate over his
27 signature and sealed with the seal of his office, procured and used for such
28 purpose. The certificate shall contain on its face a complete description, vehicle
29 identification number, and other evidence of identification of the motor vehicle
30 or trailer, as the director of revenue may deem necessary, together with the
31 odometer information required to be put on the face of the certificate pursuant to
32 section 407.536, RSMo, a statement of any liens or encumbrances which the
33 application may show to be thereon, and, if ownership of the vehicle has been
34 transferred, the name of the state issuing the transferor's title and whether the
35 transferor's odometer mileage statement executed pursuant to section 407.536,

36 RSMo, indicated that the true mileage is materially different from the number of
37 miles shown on the odometer, or is unknown.

38 3. The director of revenue shall appropriately designate on the current
39 and all subsequent issues of the certificate the words "Reconstructed Motor
40 Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or
41 "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1,
42 1990, on all original and all subsequent issues of the certificate for motor vehicles
43 as referenced in subsections 2 and 3 of section 301.020, the director shall print
44 on the face thereof the following designation: "Annual odometer updates may be
45 available from the department of revenue.". On any duplicate certificate, the
46 director of revenue shall reprint on the face thereof the most recent of either:

47 (1) The mileage information included on the face of the immediately prior
48 certificate and the date of purchase or issuance of the immediately prior
49 certificate; or

50 (2) Any other mileage information provided to the director of revenue, and
51 the date the director obtained or recorded that information.

52 4. The certificate of ownership issued by the director of revenue shall be
53 manufactured in a manner to prohibit as nearly as possible the ability to alter,
54 counterfeit, duplicate, or forge such certificate without ready detection. In order
55 to carry out the requirements of this subsection, the director of revenue may
56 contract with a nonprofit scientific or educational institution specializing in the
57 analysis of secure documents to determine the most effective methods of
58 rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

59 5. The fee for each original certificate so issued shall be eight dollars and
60 fifty cents, in addition to the fee for registration of such motor vehicle or trailer.
61 If application for the certificate is not made within thirty days after the vehicle
62 is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for
63 the first thirty days of delinquency and twenty-five dollars for each thirty days
64 of delinquency thereafter, not to exceed a total of two hundred dollars, but such
65 penalty may be waived by the director for a good cause shown. If the director of
66 revenue learns that any person has failed to obtain a certificate within thirty
67 days after acquiring a motor vehicle or trailer or has sold a vehicle without
68 obtaining a certificate, he shall cancel the registration of all vehicles registered
69 in the name of the person, either as sole owner or as a co-owner, and shall notify
70 the person that the cancellation will remain in force until the person pays the
71 delinquency penalty fee provided in this section, together with all fees, charges

72 and payments which the person should have paid in connection with the
73 certificate of ownership and registration of the vehicle. The certificate shall be
74 good for the life of the motor vehicle or trailer so long as the same is owned or
75 held by the original holder of the certificate and shall not have to be renewed
76 annually.

77 6. Any applicant for a certificate of ownership requesting the department
78 of revenue to process an application for a certificate of ownership in an
79 expeditious manner requiring special handling shall pay a fee of five dollars in
80 addition to the regular certificate of ownership fee.

81 7. It is unlawful for any person to operate in this state a motor vehicle or
82 trailer required to be registered under the provisions of the law unless a
83 certificate of ownership has been applied for as provided in this section.

84 8. Before an original Missouri certificate of ownership is issued, an
85 inspection of the vehicle and a verification of vehicle identification numbers shall
86 be made by the Missouri state highway patrol on vehicles for which there is a
87 current title issued by another state if a Missouri salvage certificate of title has
88 been issued for the same vehicle but no prior inspection and verification has been
89 made in this state, except that if such vehicle has been inspected in another state
90 by a law enforcement officer in a manner comparable to the inspection process in
91 this state and the vehicle identification numbers have been so verified, the
92 applicant shall not be liable for the twenty-five dollar inspection fee if such
93 applicant submits proof of inspection and vehicle identification number
94 verification to the director of revenue at the time of the application. The
95 applicant, who has such a title for a vehicle on which no prior inspection and
96 verification have been made, shall pay a fee of twenty-five dollars for such
97 verification and inspection, payable to the director of revenue at the time of the
98 request for the application, which shall be deposited in the state treasury to the
99 credit of the state highways and transportation department fund.

100 9. Each application for an original Missouri certificate of ownership for
101 a vehicle which is classified as a reconstructed motor vehicle, specially
102 constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor
103 vehicle, or other vehicle as required by the director of revenue shall be
104 accompanied by a vehicle examination certificate issued by the Missouri state
105 highway patrol, or other law enforcement agency as authorized by the director of
106 revenue. The vehicle examination shall include a verification of vehicle
107 identification numbers and a determination of the classification of the

108 vehicle. The owner of a vehicle which requires a vehicle examination certificate
109 shall present the vehicle for examination and obtain a completed vehicle
110 examination certificate prior to submitting an application for a certificate of
111 ownership to the director of revenue. The fee for the vehicle examination
112 application shall be twenty-five dollars and shall be collected by the director of
113 revenue at the time of the request for the application and shall be deposited in
114 the state treasury to the credit of the state highways and transportation
115 department fund. If the vehicle is also to be registered in Missouri, the safety
116 inspection required in chapter 307, RSMo, and the emissions inspection required
117 under chapter 643, RSMo, shall be completed and the fees required by section
118 307.365, RSMo, and section 643.315, RSMo, shall be charged to the owner.

119 10. When an application is made for an original Missouri certificate of
120 ownership for a motor vehicle previously registered or titled in a state other than
121 Missouri or as required by section 301.020, it shall be accompanied by a current
122 inspection form certified by a duly authorized official inspection station as
123 described in chapter 307, RSMo. The completed form shall certify that the
124 manufacturer's identification number for the vehicle has been inspected, that it
125 is correctly displayed on the vehicle and shall certify the reading shown on the
126 odometer at the time of inspection. The inspection station shall collect the same
127 fee as authorized in section 307.365, RSMo, for making the inspection, and the
128 fee shall be deposited in the same manner as provided in section 307.365, RSMo.
129 If the vehicle is also to be registered in Missouri, the safety inspection required
130 in chapter 307, RSMo, and the emissions inspection required under chapter 643,
131 RSMo, shall be completed and only the fees required by section 307.365, RSMo,
132 and section 643.315, RSMo, shall be charged to the owner. This section shall not
133 apply to vehicles being transferred on a manufacturer's statement of origin.

134 11. Motor vehicles brought into this state in a wrecked or damaged
135 condition or after being towed as an abandoned vehicle pursuant to another
136 state's abandoned motor vehicle procedures shall, in lieu of the inspection
137 required by subsection 10 of this section, be inspected by the Missouri state
138 highway patrol in accordance with subsection 9 of this section. If the inspection
139 reveals the vehicle to be in a salvage or junk condition, the director shall so
140 indicate on any Missouri certificate of ownership issued for such vehicle. Any
141 salvage designation shall be carried forward on all subsequently issued
142 certificates of title for the motor vehicle.

143 12. When an application is made for an original Missouri certificate of

144 ownership for a motor vehicle previously registered or titled in a state other than
145 Missouri, and the certificate of ownership has been appropriately designated by
146 the issuing state as a reconstructed motor vehicle, motor change vehicle, specially
147 constructed motor vehicle, or prior salvage vehicle, the director of revenue shall
148 appropriately designate on the current Missouri and all subsequent issues of the
149 certificate of ownership the name of the issuing state and such prior
150 designation. The absence of any prior designation shall not relieve a transferor
151 of the duty to exercise due diligence with regard to such certificate of ownership
152 prior to the transfer of a certificate. If a transferor exercises any due diligence
153 with regard to a certificate of ownership, the legal transfer of a certificate of
154 ownership without any designation that is subsequently discovered to have or
155 should have had a designation shall be a transfer free and clear of any liabilities
156 of the transferor associated with the missing designation.

157 13. When an application is made for an original Missouri certificate of
158 ownership for a motor vehicle previously registered or titled in a state other than
159 Missouri, and the certificate of ownership has been appropriately designated by
160 the issuing state as non-USA-std motor vehicle, the director of revenue shall
161 appropriately designate on the current Missouri and all subsequent issues of the
162 certificate of ownership the words "Non-USA-Std Motor Vehicle".

163 14. The director of revenue and the superintendent of the Missouri state
164 highway patrol shall make and enforce rules for the administration of the
165 inspections required by this section.

166 15. Each application for an original Missouri certificate of ownership for
167 a vehicle which is classified as a reconstructed motor vehicle, manufactured forty
168 or more years prior to the current model year, and which has a value of three
169 thousand dollars or less shall be accompanied by:

170 (1) A proper affidavit submitted by the owner explaining how the motor
171 vehicle or trailer was acquired and, if applicable, the reasons a valid certificate
172 of ownership cannot be furnished;

173 (2) Photocopies of receipts, bills of sale establishing ownership, or titles,
174 and the source of all major component parts used to rebuild the vehicle;

175 (3) A fee of one hundred fifty dollars in addition to the fees described in
176 subsection 5 of this section. Such fee shall be deposited in the state treasury to
177 the credit of the state highways and transportation department fund; and

178 (4) An inspection certificate, other than a motor vehicle examination
179 certificate required under subsection 9 of this section, completed and issued by

180 the Missouri state highway patrol, or other law enforcement agency as authorized
181 by the director of revenue. The inspection performed by the highway patrol or
182 other authorized local law enforcement agency shall include a check for stolen
183 vehicles. The department of revenue shall issue the owner a certificate of
184 ownership designated with the words "Reconstructed Motor Vehicle" and deliver
185 such certificate of ownership in accordance with the provisions of this
186 chapter. Notwithstanding subsection 9 of this section, no owner of a
187 reconstructed motor vehicle described in this subsection shall be required to
188 obtain a vehicle examination certificate issued by the Missouri state highway
189 patrol.

190 **16. For any application for an original Missouri certificate of**
191 **ownership that is required by this section or any other section to be**
192 **accompanied by a vehicle examination certificate issued by the**
193 **Missouri state highway patrol, or other law enforcement agency as**
194 **authorized by the director of revenue, no certificate of ownership shall**
195 **be issued by the director of revenue if the applicant has previously**
196 **been issued three certificates of ownership for other vehicles, for which**
197 **a vehicle examination certificate was required, during the calendar**
198 **year in which the application was made. This limitation shall not apply**
199 **to applicants that are licensed franchised motor vehicle dealers,**
200 **persons licensed to do business under sections 301.217 to 301.229 as a**
201 **rebuilder or body shop, and wrecker or towing services as defined in**
202 **section 301.010. This subsection shall not apply to insurance companies**
203 **complying with the provisions of subsection 8 of section 301.227.**

301.196. 1. Beginning January 1, 2006, except as otherwise provided in
2 this section, the transferor of an interest in a motor vehicle or trailer listed on the
3 face of a Missouri title, excluding [salvage titles and] junking certificates, shall
4 notify the department of revenue of the transfer within thirty days of the date of
5 transfer. The notice shall be in a form determined by the department by rule and
6 shall contain:

- 7 (1) A description of the motor vehicle or trailer sufficient to identify it;
- 8 (2) The vehicle identification number of the motor vehicle or trailer;
- 9 (3) The name and address of the transferee;
- 10 (4) The date of birth of the transferee, unless the transferee is not a
11 natural person;
- 12 (5) The date of the transfer or sale;

- 13 (6) The purchase price of the motor vehicle or trailer, if applicable;
14 (7) The number of the transferee's drivers license, unless the transferee
15 does not have a drivers license;
16 (8) The printed name and signature of the transferee;
17 (9) Any other information required by the department by rule.

18 2. For purposes of giving notice under this section, if the transfer occurs
19 by operation of law, the personal representative, receiver, trustee, sheriff, or other
20 representative or successor in interest of the person whose interest is transferred
21 shall be considered the transferor. Repossession by a creditor shall not be
22 considered a transfer of ownership requiring such notice.

23 3. The requirements of this section shall not apply to transfers when there
24 is no complete change of ownership interest or upon award of ownership of a
25 motor vehicle or trailer made by court order, or transfers of ownership of a motor
26 vehicle or trailer to or between vehicle dealers, or transfers of ownership of a
27 motor vehicle or trailer to an insurance company due to a theft or casualty loss,
28 or transfers of beneficial ownership of a motor vehicle owned by a trust.

29 4. Notification under this section is only required for transfers of
30 ownership that would otherwise require [registration and] an application for
31 certificate of title in this state under section 301.190, and is for informational
32 purposes only and does not constitute an assignment or release of any interest in
33 the vehicle.

34 5. Retail sales made by licensed dealers including sales of new vehicles
35 shall be reported pursuant to the provisions of section 301.280.

301.200. 1. In the case of dealers, a certificate of ownership or proof that
2 a dealer has applied for a certificate of ownership or that a prior lien has been
3 satisfied by the dealer shall be required in the case of each motor vehicle in his
4 possession, and the director of revenue shall determine the form in which
5 application for such certificates of ownership and assignments shall be made, in
6 case forms differing from those used for individuals are, in his judgment,
7 reasonably required; provided, however, that no such certificates shall be required
8 in the case of new motor vehicles or trailers sold by manufacturers to dealers.

9 2. Dealers shall execute and deliver manufacturer's statements of origin
10 in accordance with forms prescribed by the director of revenue for all new cars
11 sold by them. On the presentation of a manufacturer's statement of origin,
12 executed in the form prescribed by the director of revenue, by a manufacturer or
13 a dealer for a new car sold in this state, a certificate of ownership shall be issued.

14 3. Each certificate of ownership issued by the department of revenue shall
15 contain space for four assignments. On all certificates of ownership containing
16 fewer than four assignment spaces, the director shall prescribe a secure document
17 for use in making a fourth assignment by a dealer. All secure documents for
18 assignments which are spoiled shall be marked "void" and shall be returned by
19 the dealer to the department of revenue at the end of each month.

20 **4. No entity that finances or establishes a line of credit that**
21 **enables a motor vehicle dealer to purchase a motor vehicle shall hold,**
22 **or preclude a motor vehicle dealer from holding, any certificate of**
23 **ownership to a motor vehicle as part of that financing or line of**
24 **credit. Any entity that finances or establishes a line of credit that**
25 **enables a motor vehicle dealer to purchase vehicles, and who holds or**
26 **prohibits a motor vehicle dealer from holding, any certificate or**
27 **ownership as part of that financing or line of credit shall upon**
28 **conviction be guilty of a class A misdemeanor, provided that a second**
29 **or subsequent offense shall be a class D felony.**

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

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

7 (2) Salvaging, wrecking or dismantling vehicles for resale of the parts
8 thereof as a salvage dealer or dismantler, as defined in section 301.010;

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

11 (4) Processing scrapped vehicles or vehicle parts as a [mobile] scrap
12 processor, as defined in section 301.010.

13 2. Sales at a salvage pool or a salvage disposal sale shall be open only to
14 and made to persons actually engaged in and holding a current license under
15 sections 301.217 to 301.221 and 301.550 to 301.573 or any person from another
16 state or jurisdiction who is legally allowed in his or her state of domicile to
17 purchase for resale, rebuild, dismantle, crush, or scrap either motor vehicles or
18 salvage vehicles, and to persons who reside in a foreign country that are
19 purchasing salvage vehicles for export outside of the United States. Operators
20 of salvage pools or salvage disposal sales shall keep a record, for three years, of

21 sales of salvage vehicles with the purchasers' name and address, and the year,
22 make, and vehicle identification number for each vehicle. These records shall be
23 open for inspection as provided in section 301.225. Such records shall be
24 submitted to the department on a quarterly basis.

25 3. The operator of a salvage pool or salvage disposal sale, or subsequent
26 purchaser, who sells a nonrepairable motor vehicle or a salvage motor vehicle to
27 a person who is not a resident of the United States at a salvage pool or a salvage
28 disposal sale shall:

29 (1) Stamp on the face of the title so as not to obscure any name, date, or
30 mileage statement on the title the words "FOR EXPORT ONLY" in capital letters
31 that are black; and

32 (2) Stamp in each unused reassignment space on the back of the title the
33 words "FOR EXPORT ONLY" and print the number of the dealer's salvage vehicle
34 license, name of the salvage pool, or the name of the governmental entity, as
35 applicable. The words "FOR EXPORT ONLY" required under subdivisions (1) and
36 (2) of this subsection shall be at least two inches wide and clearly legible. Copies
37 of the stamped titles shall be forwarded to the department.

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

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

16 trailers. The sale of all thirty-day temporary permits, without exception, shall
17 be recorded in the appropriate space on the dealer's monthly sales report by
18 recording the complete permit number issued on the motor vehicle or trailer sale
19 listed. The monthly sales report shall be completed in full and signed by an
20 officer, partner, or owner of the dealership, and actually received by the
21 department of revenue on or before the fifteenth day of the month succeeding the
22 month for which the sales are being reported. If no sales occur in any given
23 month, a report shall be submitted for that month indicating no sales. Any
24 vehicle dealer who fails to file a monthly report or who fails to file a timely report
25 shall be subject to disciplinary action as prescribed in section 301.562 or a
26 penalty assessed by the director not to exceed three hundred dollars per
27 violation. Every motor vehicle and boat dealer shall retain copies of the monthly
28 sales report as part of the records to be maintained at the dealership location and
29 shall hold them available for inspection by appropriate law enforcement officials
30 and officials of the department of revenue. Every vehicle dealer selling twenty
31 or more vehicles a month shall file the monthly sales report with the department
32 in an electronic format. Any dealer filing a monthly sales report in an electronic
33 format shall be exempt from filing the notice of transfer required by section
34 301.196. For any dealer not filing electronically, the notice of transfer required
35 by section 301.196 shall be submitted with the monthly sales report as prescribed
36 by the director.

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

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

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

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

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

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

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

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

19 area in which the applicant's place of business is located or, if the applicant's
20 place of business is located within the jurisdiction of a metropolitan police
21 department in a first class county, by an officer of such metropolitan police
22 department. A bona fide established place of business for any new motor vehicle
23 franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer,
24 wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall
25 be a permanent enclosed building or structure, either owned in fee or leased and
26 actually occupied as a place of business by the applicant for the selling, bartering,
27 trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or
28 trailers and wherein the public may contact the owner or operator at any
29 reasonable time, and wherein shall be kept and maintained the books, records,
30 files and other matters required and necessary to conduct the business. The
31 applicant's place of business shall contain a working telephone which shall be
32 maintained during the entire registration year. In order to qualify as a bona fide
33 established place of business for all applicants licensed pursuant to this section
34 there shall be an exterior sign displayed carrying the name of the business set
35 forth in letters at least six inches in height and clearly visible to the public and
36 there shall be an area or lot which shall not be a public street on which multiple
37 vehicles, boats, personal watercraft, or trailers may be displayed. The sign shall
38 contain the name of the dealership by which it is known to the public through
39 advertising or otherwise, which need not be identical to the name appearing on
40 the dealership's license so long as such name is registered as a fictitious name
41 with the secretary of state, has been approved by its line-make manufacturer in
42 writing in the case of a new motor vehicle franchise dealer and a copy of such
43 fictitious name registration has been provided to the department. Dealers who
44 sell only emergency vehicles as defined in section 301.550 are exempt from
45 maintaining a bona fide place of business, including the related law enforcement
46 certification requirements, and from meeting the minimum yearly sales;

47 (2) The initial application for licensure shall include a photograph, not to
48 exceed eight inches by ten inches but no less than five inches by seven inches,
49 showing the business building, lot, and sign. A new motor vehicle franchise
50 dealer applicant who has purchased a currently licensed new motor vehicle
51 franchised dealership shall be allowed to submit a photograph of the existing
52 dealership building, lot and sign but shall be required to submit a new
53 photograph upon the installation of the new dealership sign as required by
54 sections 301.550 to 301.573. Applicants shall not be required to submit a

55 photograph annually unless the business has moved from its previously licensed
56 location, or unless the name of the business or address has changed, or unless the
57 class of business has changed;

58 (3) Every applicant as a new motor vehicle franchise dealer, a used motor
59 vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer
60 dealer, or boat dealer shall furnish with the application a corporate surety bond
61 or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by
62 any state or federal financial institution in the penal sum of twenty-five thousand
63 dollars on a form approved by the department. The bond or irrevocable letter of
64 credit shall be conditioned upon the dealer complying with the provisions of the
65 statutes applicable to new motor vehicle franchise dealers, used motor vehicle
66 dealers, powersport dealers, wholesale motor vehicle dealers, trailer dealers, and
67 boat dealers, and the bond shall be an indemnity for any loss sustained by reason
68 of the acts of the person bonded when such acts constitute grounds for the
69 suspension or revocation of the dealer's license. The bond shall be executed in
70 the name of the state of Missouri for the benefit of all aggrieved parties or the
71 irrevocable letter of credit shall name the state of Missouri as the beneficiary;
72 except, that the aggregate liability of the surety or financial institution to the
73 aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable
74 letter of credit. The proceeds of the bond or irrevocable letter of credit shall be
75 paid upon receipt by the department of a final judgment from a Missouri court of
76 competent jurisdiction against the principal and in favor of an aggrieved
77 party. Additionally, every applicant as a new motor vehicle franchise dealer, a
78 used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer,
79 trailer dealer, or boat dealer shall furnish with the application a copy of a current
80 dealer garage policy bearing the policy number and name of the insurer and the
81 insured;

82 (4) Payment of all necessary license fees as established by the
83 department. In establishing the amount of the annual license fees, the
84 department shall, as near as possible, produce sufficient total income to offset
85 operational expenses of the department relating to the administration of sections
86 301.550 to 301.573. All fees payable pursuant to the provisions of sections
87 301.550 to 301.573, other than those fees collected for the issuance of dealer
88 plates or certificates of number collected pursuant to subsection 6 of this section,
89 shall be collected by the department for deposit in the state treasury to the credit
90 of the "Motor Vehicle Commission Fund", which is hereby created. The motor

91 vehicle commission fund shall be administered by the Missouri department of
 92 revenue. The provisions of section 33.080, RSMo, to the contrary
 93 notwithstanding, money in such fund shall not be transferred and placed to the
 94 credit of the general revenue fund until the amount in the motor vehicle
 95 commission fund at the end of the biennium exceeds two times the amount of the
 96 appropriation from such fund for the preceding fiscal year or, if the department
 97 requires permit renewal less frequently than yearly, then three times the
 98 appropriation from such fund for the preceding fiscal year. The amount, if any,
 99 in the fund which shall lapse is that amount in the fund which exceeds the
 100 multiple of the appropriation from such fund for the preceding fiscal year.

101 2. In the event a new vehicle manufacturer, boat manufacturer, motor
 102 vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer,
 103 wholesale motor vehicle auction, trailer dealer, or a public motor vehicle auction
 104 submits an application for a license for a new business and the applicant has
 105 complied with all the provisions of this section, the department shall make a
 106 decision to grant or deny the license to the applicant within eight working hours
 107 after receipt of the dealer's application, notwithstanding any rule of the
 108 department.

109 3. Upon the initial issuance of a license by the department, the
 110 department shall assign a distinctive dealer license number or certificate of
 111 number to the applicant and the department shall issue one number plate or
 112 certificate bearing the distinctive dealer license number or certificate of number
 113 and two additional number plates or certificates of number within eight working
 114 hours after presentment of the application. Upon renewal, the department shall
 115 issue the distinctive dealer license number or certificate of number as quickly as
 116 possible. The issuance of such distinctive dealer license number or certificate of
 117 number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel
 118 trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public
 119 motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle
 120 auction or new or used motor vehicle dealer.

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

- 123 New motor vehicle franchise
- 124 dealers D-0 through D-999
- 125 New powersport dealers and
- 126 motorcycle franchise

- 127 dealers D-1000 through D-1999
- 128 Used motor vehicle, used
- 129 powersport, and used
- 130 motorcycle dealers D-2000 through D-9999
- 131 Wholesale motor vehicle
- 132 dealers W-0 through W-1999
- 133 Wholesale motor vehicle
- 134 auctions WA-0 through WA-999
- 135 New and used trailer dealers T-0 through T-9999
- 136 Motor vehicle, trailer, and
- 137 boat manufacturers DM-0 through DM-999
- 138 Public motor vehicle auctions A-0 through A-1999
- 139 Boat dealers M-0 through M-9999
- 140 New and used recreational
- 141 motor vehicle dealers RV-0 through RV-999

142 For purposes of this subsection, qualified transactions shall include the purchase
 143 of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle
 144 dealer who also holds a salvage dealer's license shall be allowed one additional
 145 plate or certificate number per fifty-unit qualified transactions annually. In order
 146 for salvage dealers to obtain number plates or certificates under this section,
 147 dealers shall submit to the department of revenue on August first of each year a
 148 statement certifying, under penalty of perjury, the dealer's number of purchases
 149 during the reporting period of July first of the immediately preceding year to
 150 June thirtieth of the present year. The provisions of this subsection shall become
 151 effective on the date the director of the department of revenue begins to reissue
 152 new license plates under section 301.130, or on December 1, 2008, whichever
 153 occurs first. If the director of revenue begins reissuing new license plates under
 154 the authority granted under section 301.130 prior to December 1, 2008, the
 155 director of the department of revenue shall notify the revisor of statutes of such
 156 fact.

157 5. Upon the sale of a currently licensed new motor vehicle franchise
 158 dealership the department shall, upon request, authorize the new approved dealer
 159 applicant to retain the selling dealer's license number and shall cause the new
 160 dealer's records to indicate such transfer.

161 6. In the case of new motor vehicle manufacturers, motor vehicle dealers,
 162 powersport dealers, recreational motor vehicle dealers, and trailer dealers, the

163 department shall issue one number plate bearing the distinctive dealer license
164 number and may issue two additional number plates to the applicant upon
165 payment by the manufacturer or dealer of a fifty dollar fee for the number plate
166 bearing the distinctive dealer license number and ten dollars and fifty cents for
167 each additional number plate. Such license plates shall be made with fully
168 reflective material with a common color scheme and design, shall be clearly
169 visible at night, and shall be aesthetically attractive, as prescribed by section
170 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate
171 of number bearing such number upon the payment of a fifty dollar fee. Additional
172 number plates and as many additional certificates of number may be obtained
173 upon payment of a fee of ten dollars and fifty cents for each additional plate or
174 certificate. New motor vehicle manufacturers shall not be issued or possess more
175 than three hundred forty-seven additional number plates or certificates of number
176 annually. New and used motor vehicle dealers, powersport dealers, wholesale
177 motor vehicle dealers, boat dealers, and trailer dealers are limited to one
178 additional plate or certificate of number per ten-unit qualified transactions
179 annually. New and used recreational motor vehicle dealers are limited to two
180 additional plates or certificate of number per ten-unit qualified transactions
181 annually for their first fifty transactions and one additional plate or certificate
182 of number per ten-unit qualified transactions thereafter. An applicant seeking
183 the issuance of an initial license shall indicate on his or her initial application
184 the applicant's proposed annual number of sales in order for the director to issue
185 the appropriate number of additional plates or certificates of number. A motor
186 vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor
187 vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale
188 motor vehicle dealer obtaining a distinctive dealer license plate or certificate of
189 number or additional license plate or additional certificate of number, throughout
190 the calendar year, shall be required to pay a fee for such license plates or
191 certificates of number computed on the basis of one-twelfth of the full fee
192 prescribed for the original and duplicate number plates or certificates of number
193 for such dealers' licenses, multiplied by the number of months remaining in the
194 licensing period for which the dealer or manufacturers shall be required to be
195 licensed. In the event of a renewing dealer, the fee due at the time of renewal
196 shall not be prorated. Wholesale and public auctions shall be issued a certificate
197 of dealer registration in lieu of a dealer number plate. In order for dealers to
198 obtain number plates or certificates under this section, dealers shall submit to

199 the department of revenue on August first of each year a statement certifying,
200 under penalty of perjury, the dealer's number of sales during the reporting period
201 of July first of the immediately preceding year to June thirtieth of the present
202 year.

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

216 8. The certificates of number issued pursuant to subsection 3 or 6 of this
217 section may be displayed on any vessel or vessel trailer owned and held for resale
218 by a boat manufacturer or a boat dealer, and used by a customer who is test
219 driving the vessel or vessel trailer, or is used by an employee or officer on a vessel
220 or vessel trailer only, but shall not be displayed on any motor vehicle owned by
221 a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer
222 hired or loaned to others or upon any regularly used service vessel or vessel
223 trailer. Boat dealers and boat manufacturers may display their certificate of
224 number on a vessel or vessel trailer when transporting a vessel or vessels to an
225 exhibit or show.

226 9. (1) Every application for the issuance of a used motor vehicle dealer's
227 license shall be accompanied by proof that the applicant, within the last twelve
228 months, has completed an educational seminar course approved by the
229 department as prescribed by subdivision (2) of this subsection. Wholesale and
230 public auto auctions and applicants currently holding a new or used license for
231 a separate dealership shall be exempt from the requirements of this
232 subsection. The provisions of this subsection shall not apply to current new
233 motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for
234 a new motor vehicle franchise or a motor vehicle leasing agency. The provisions

235 of this subsection shall not apply to used motor vehicle dealers who were licensed
236 prior to August 28, 2006.

237 (2) The educational seminar shall include, but is not limited to, the dealer
238 requirements of sections 301.550 to 301.573, the rules promulgated to implement,
239 enforce, and administer sections 301.550 to 301.570, and any other rules and
240 regulations promulgated by the department.

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

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

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

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

21 (3) The applicant or license holder has, within ten years prior to the date
22 of the application, been finally adjudicated and found guilty, or entered a plea of
23 guilty or nolo contendere, in a prosecution under the laws of any state or of the
24 United States, for any offense reasonably related to the qualifications, functions,
25 or duties of any business licensed under sections 301.550 to 301.573; for any
26 offense, an essential element of which is fraud, dishonesty, or an act of violence;
27 or for any offense involving moral turpitude, whether or not sentence is imposed;

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

30 (5) Obtaining or attempting to obtain any money, commission, fee, barter,

31 exchange, or other compensation by fraud, deception, or misrepresentation;

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

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

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

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

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

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

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

51 3. Any such complaint shall be filed within one year of the date upon
52 which the department receives notice of an alleged violation of an applicable
53 statute or regulation. After the filing of such complaint, the proceedings shall be
54 conducted in accordance with the provisions of chapter 621, RSMo. Upon a
55 finding by the administrative hearing commission that the grounds, provided in
56 subsection 2 of this section, for disciplinary action are met, the department may,
57 singly or in combination, refuse to issue the person a license, issue a private
58 reprimand, place the person on probation on such terms and conditions as the
59 department deems appropriate for a period of one day to five years, suspend the
60 person's license from one day to six days, or revoke the person's license for such
61 period as the department deems appropriate. The applicant or licensee shall
62 have the right to appeal the decision of the administrative hearing commission
63 and department in the manner provided in chapter 536, RSMo.

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

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

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

7 (2) When advertising any motor vehicle which is not a new motor vehicle,
8 such advertisement must expressly identify that the motor vehicle is a used motor
9 vehicle by express use of the term "used", or by such other term as is commonly
10 understood to mean that the vehicle is used;

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

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

20 (5) The terms "list price", "sticker price", or "suggested retail price" shall
21 be used only in reference to the manufacturer's suggested retail price for new
22 motor vehicles, and, if used, shall be accompanied by a clear and conspicuous
23 disclosure that such terms represent the manufacturer's suggested retail price of
24 the advertised vehicle;

25 (6) Terms such as "at cost", "\$..... above cost", "invoice price", and
26 "\$ below/over invoice" shall not be used in advertisements because of
27 the difficulty in determining a dealer's actual net cost at the time of the sale;

28 (7) When the price or financing terms of a motor vehicle are advertised,
29 the vehicle shall be fully identified as to year, make, and model. In addition, in
30 advertisements placed by individual dealers and not line-make marketing groups,
31 the advertised price or credit terms shall include all charges which the buyer
32 must pay to the dealer, except buyer-selected options and state and local taxes.
33 If a processing fee or freight or destination charges are not included in the
34 advertised price, the amount of any such processing fee and freight or destination
35 charge must be clearly and conspicuously disclosed within the advertisement;

36 (8) Advertisements of dealer rebates shall not be used, however, this shall

37 not be deemed to prohibit the advertising of manufacturer rebates, so long as all
38 material terms of such rebates are clearly and conspicuously disclosed;

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

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

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

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

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

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

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

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

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

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

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

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

84 3. Dealers shall clearly and conspicuously identify themselves in each
85 advertisement by use of a dealership name which complies with subsection [6] 1
86 of section 301.560.

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

8 (1) Licensed as a motor vehicle dealer by the department under the
9 provisions of sections 301.550 to 301.573;

10 (2) Exempt from licensure as a motor vehicle dealer pursuant to
11 subsection 4 of section 301.559;

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

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

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

22 3. For the purposes of sections 301.550 to 301.573, the sale, barter,

23 exchange, lease or rental with option to purchase of six or more motor vehicles in
24 a calendar year by any person, partnership, corporation, company or association,
25 whether or not the motor vehicles are owned by them, shall be prima facie
26 evidence of intent to make a profit or gain of money and such person, partnership,
27 corporation, company or association shall be deemed to be acting as a motor
28 vehicle dealer without a license.

29 4. Any person, partnership, corporation, company or association who
30 violates subsection 1 of this section is guilty of a class A misdemeanor. **A second**
31 **or subsequent conviction shall be deemed a class D felony.**

32 5. The provisions of this section shall not apply to liquidation of an estate.

301.571. Notwithstanding any other provisions of law, if the
2 **director of revenue or his or her designated representative determines**
3 **through reasonable means that the place of business of a motor vehicle**
4 **dealer, boat dealer, manufacturer, boat manufacturer, public motor**
5 **vehicle auction, wholesale motor vehicle auction or wholesale motor**
6 **vehicle dealer licensed under the provisions of sections 301.550 to**
7 **301.573 is uninhabited, abandoned, or otherwise not inhabited by the**
8 **licensee, the director shall send a notice by certified mail indicating**
9 **the director's determination and that the failure of the licensee to**
10 **respond within thirty days from the date of the letter will result in the**
11 **revocation of the license of such business. If the licensee fails to**
12 **respond to the notice, the license of such business shall be immediately**
13 **revoked and ownership of all dealer license plates and all unused**
14 **temporary permits previously issued to the licensee by the department**
15 **of revenue shall immediately revert back to the department of revenue.**

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

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

7 (2) **The duration if no more than three consecutive calendar days**
8 **and is held no more than two times in a calendar year by a licensee.**

9 2. **A special event motor vehicle auction shall be considered a**
10 **public motor vehicle auction for purposes of sections 301.559 and**
11 **301.564.**

12 3. **Special event motor vehicle auction licensees shall be exempt**

13 from the requirements of section 301.560, with the exception of
14 subdivision (4) of subsection 1 of section 301.560.

15 4. An application for a special event motor vehicle auction
16 license must be received by the department at least ninety days prior
17 to the beginning of the special event auction.

18 5. Applicants for a special motor vehicle auction are limited to
19 no more than two special event auctions in any calendar year. A
20 separate application is required for each special event motor vehicle
21 auction.

22 6. At least ninety percent of the vehicles being auctioned at a
23 special event motor vehicle auction shall be ten years old or older. The
24 licensee shall, within ten days of the conclusion of a special event
25 motor vehicle auction, submit a report in the form approved by the
26 director to the department that includes the make, model, year, and
27 vehicle identification number of each vehicle included in the
28 auction. Every vehicle included in the special event auction shall be
29 listed, including those vehicles that were auctioned and sold and those
30 vehicles that were auctioned but did not sell. Violation of this
31 subsection is a class A misdemeanor.

32 7. The applicant for the special event motor vehicle auction shall
33 be responsible for ensuring that a sales tax license or special event
34 sales tax license is obtained for the event if one is required.

35 8. The fee for a special event motor vehicle auction license shall
36 be one thousand dollars. For every vehicle auctioned in violation of
37 subsection 6 of this section, an administrative fee of five hundred
38 dollars shall be paid to the department. Such fees shall be deposited
39 in like manner as other license fees of this section.

40 9. In addition to the causes set forth in section 301.562, the
41 department may promulgate rules that establish additional causes to
42 refuse to issue or to revoke a special event license.

43 10. A special motor vehicle auction shall last no more than three
44 consecutive days.

45 11. The applicant for a special event motor vehicle auction shall
46 be registered to conduct business in this state.

47 12. Every applicant for a special event motor vehicle auction
48 license shall furnish with the application a corporate surety bond or an
49 irrevocable letter of credit as defined in section 400.5-103 issued by any

50 state or federal financial institution in the penal sum of one hundred
51 thousand dollars on a form approved by the department. The bond or
52 irrevocable letter of credit shall be conditioned upon the applicant
53 complying with the provisions of the statutes applicable to a special
54 event auction license holder and the bond shall be an indemnity for any
55 loss sustained by reason of the acts of the person bonded when such
56 acts constitute grounds for the revocation or denial of a special event
57 auction license. The bond shall be executed in the name of the state of
58 Missouri for the benefit of all aggrieved parties or the irrevocable
59 letter of credit shall name the state of Missouri as the beneficiary. The
60 aggregate liability of the surety or financial institution to the aggrieved
61 parties shall not exceed the amount of the bond or irrevocable letter of
62 credit. The proceeds of the bond or irrevocable letter of credit shall be
63 paid upon receipt by the department of a final judgment from a
64 Missouri court of competent jurisdiction against the principal and in
65 favor of an aggrieved party.

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

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

73 15. Any rule or portion of a rule, as that term is defined in
74 section 536.010 that is created under the authority delegated in this
75 section shall become effective only if it complies with and is subject to
76 all of the provisions of chapter 536, and, if applicable, section
77 536.028. This section and chapter 536 are nonseverable and if any of
78 the powers vested with the general assembly pursuant to chapter 536,
79 to review, to delay the effective date, or to disapprove and annul a rule
80 are subsequently held unconstitutional, then the grant of rulemaking
81 authority and any rule proposed or adopted after August 28, 2010, shall
82 be invalid and void.

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