

# SENATE BILL NO. 971

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

4608S.01I

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 301.550, 301.553, 301.555, 301.557, 301.558, 301.559, 301.560, 301.562, 301.563, 301.564, 301.565, 301.566, 301.570, 301.573, and 301.580, RSMo, and to enact in lieu thereof fifteen new sections relating to vehicle dealers, with existing penalty provisions.

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

Section A. Sections 301.550, 301.553, 301.555, 301.557,  
2 301.558, 301.559, 301.560, 301.562, 301.563, 301.564, 301.565,  
3 301.566, 301.570, 301.573, and 301.580, RSMo, are repealed and  
4 fifteen new sections enacted in lieu thereof, to be known as  
5 sections 301.550, 301.552, 301.555, 301.557, 301.558, 301.559,  
6 301.560, 301.562, 301.563, 301.564, 301.565, 301.566, 301.570,  
7 301.573, and 301.580, to read as follows:

301.550. 1. The definitions contained in section  
2 301.010 shall apply to sections 301.550 to 301.580, and in  
3 addition as used in sections 301.550 to 301.580, the  
4 following terms mean:

5 (1) "Boat dealer", any natural person, partnership, or  
6 corporation who, for a commission or with an intent to make  
7 a profit or gain of money or other thing of value, sells,  
8 barter, exchanges, leases or rents with the option to  
9 purchase, offers, attempts to sell, or negotiates the sale  
10 of any vessel or vessel trailer, whether or not the vessel  
11 or vessel trailer is owned by such person. The sale of six  
12 or more vessels or vessel trailers or both in any calendar

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

13 year shall be required as evidence that such person is  
14 eligible for licensure as a boat dealer under sections  
15 301.550 to 301.580; except that, such sales requirements  
16 shall be waived for entities also licensed as boat  
17 manufacturers under section 301.559 who custom manufacture  
18 boats:

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

21 (b) For use with scientific sampling and for  
22 geological or chemistry purposes.

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

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

33 (3) ["Department", the Missouri department of revenue;

34 (4) "Director", the director of the Missouri  
35 department of revenue;

36 (5)] "Commission", the Missouri motor vehicle  
37 commission established in section 301.552;

38 (4) "Emergency vehicles", motor vehicles used as  
39 ambulances, law enforcement vehicles, and fire fighting and  
40 assistance vehicles;

41 (5) "Executive director", the executive director of  
42 the Missouri motor vehicle commission;

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

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

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

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

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

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

63           (8) "Motor vehicle dealer" or "dealer", any person  
64 who, for commission or with an intent to make a profit or  
65 gain of money or other thing of value, sells, barter,  
66 exchanges, leases or rents with the option to purchase, or  
67 who offers or attempts to sell or negotiates the sale of  
68 motor vehicles or trailers whether or not the motor vehicles  
69 or trailers are owned by such person; provided, however, an  
70 individual auctioneer or auction conducted by an auctioneer  
71 licensed pursuant to chapter 343 shall not be included  
72 within the definition of a motor vehicle dealer. The sale  
73 of eight or more motor vehicles or trailers in any calendar  
74 year shall be required as evidence that such person is

75 engaged in the motor vehicle business and is eligible for  
76 licensure as a motor vehicle dealer under sections 301.550  
77 to 301.580. Any licensed motor vehicle dealer failing to  
78 meet the minimum vehicle sales requirements as referenced in  
79 this subsection shall not be qualified to renew his or her  
80 license for one year. To be eligible for license renewal,  
81 applicants shall meet the minimum requirement of eight sales  
82 per year;

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

92 (10) "New motor vehicle franchise dealer", any motor  
93 vehicle dealer who has been franchised to deal in a certain  
94 make of motor vehicle by the manufacturer or distributor of  
95 that make and motor vehicle and who may, in line with  
96 conducting his business as a franchise dealer, sell, barter  
97 or exchange used motor vehicles;

98 (11) "Person" includes an individual, a partnership,  
99 corporation, an unincorporated society or association, joint  
100 venture or any other entity;

101 (12) "Powersport dealer", any motor vehicle dealer who  
102 sells, either pursuant to a franchise agreement or  
103 otherwise, primarily motor vehicles including but not  
104 limited to motorcycles, all-terrain vehicles, and personal  
105 watercraft, as those terms are defined in this chapter and  
106 chapter 306;

107           (13) "Public motor vehicle auction", any person, firm  
108 or corporation who takes possession of a motor vehicle  
109 whether by consignment, bailment or any other arrangement,  
110 except by title, for the purpose of selling motor vehicles  
111 at a public auction by a licensed auctioneer;

112           (14) "Recreational motor vehicle dealer", a dealer of  
113 new or used motor vehicles designed, constructed or  
114 substantially modified for use as temporary housing  
115 quarters, including sleeping and eating facilities which are  
116 either permanently attached to the motor vehicle or attached  
117 to a unit which is securely attached to the motor vehicle;

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

120           (16) "Trailer dealer", any person selling, either  
121 exclusively or otherwise, trailers as defined in section  
122 301.010. A trailer dealer may acquire a motor vehicle for  
123 resale only as a trade-in for a trailer. Notwithstanding  
124 the provisions of section 301.010 and section 301.069,  
125 trailer dealers may purchase one driveaway license plate to  
126 display such motor vehicle for demonstration purposes. The  
127 sale of six or more trailers in any calendar year shall be  
128 required as evidence that such person is engaged in the  
129 trailer business and is eligible for licensure as a trailer  
130 dealer under sections 301.550 to 301.580. Any licensed  
131 trailer dealer failing to meet the minimum trailer and  
132 vehicle sales requirements as referenced in this subsection  
133 shall not be qualified to renew his or her license for one  
134 year. Applicants who reapply after the one-year period  
135 shall meet the requirement of six sales per year;

136           (17) "Used motor vehicle", any motor vehicle which is  
137 not a new motor vehicle, as defined in sections 301.550 to  
138 301.580, and which has been sold, bartered, exchanged or

139 given away or which may have had a title issued in this  
140 state or any other state, or a motor vehicle so used as to  
141 be what is commonly known as a secondhand motor vehicle. In  
142 the event of an assignment of the statement of origin from  
143 an original franchise dealer to any individual or other  
144 motor vehicle dealer other than a new motor vehicle  
145 franchise dealer of the same make, the vehicle so assigned  
146 shall be deemed to be a used motor vehicle and a certificate  
147 of ownership shall be obtained in the assignee's name. The  
148 term "used motor vehicle" shall not include manufactured  
149 homes, as defined in section 700.010;

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

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

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

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

168 (22) "Wholesale motor vehicle dealer", a motor vehicle  
169 dealer who sells motor vehicles only to other new motor

170 vehicle franchise dealers or used motor vehicle dealers or  
171 via auctions limited to other dealers of any class.

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

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

- 176 (1) Boat dealers;
- 177 (2) Franchised new motor vehicle dealers;
- 178 (3) Used motor vehicle dealers;
- 179 (4) Wholesale motor vehicle dealers;
- 180 (5) Recreational motor vehicle dealers;
- 181 (6) Historic motor vehicle dealers;
- 182 (7) Classic motor vehicle dealers;
- 183 (8) Powersport dealers; and
- 184 (9) Trailer dealers.

301.552. 1. **There is hereby created within the**  
2 **department of revenue the "Missouri Motor Vehicle**  
3 **Commission", which shall be responsible for the licensing of**  
4 **all manufacturers, motor vehicle dealers, boat dealers,**  
5 **wholesale motor vehicle auctions, public motor vehicle**  
6 **auctions, and wholesale motor vehicle dealers under the**  
7 **provisions of sections 301.550 to 301.580 and the rules and**  
8 **regulations which it may adopt.**

9 2. **All the powers and duties of the department of**  
10 **revenue under sections 301.550 to 301.580 are transferred by**  
11 **type III transfer, as provided in the Omnibus State**  
12 **Reorganization Act of 1974, to the motor vehicle**  
13 **commission. Members of the commission shall be appointed by**  
14 **the governor, and the rules and regulations adopted by the**  
15 **department prior to July 1, 2023, shall continue in effect**  
16 **until otherwise provided by the commission.**

17           3. The commission shall be comprised of seven members,  
18 to be appointed by the governor by and with the consent of  
19 the senate, not more than four of whom shall be of the same  
20 political party. Each member of the commission shall be a  
21 citizen of the United States, a resident of this state for  
22 at least five years prior to the appointment, and not more  
23 than two members of the commission shall have any pecuniary  
24 interest in any motor vehicle dealership or boat dealership.

25           4. The membership of the commission shall be appointed  
26 for a term of four years, except that from the first seven-  
27 member commission, the governor shall designate two members  
28 to serve a two-year term, two members to serve a three-year  
29 term, and three members to serve a four-year term.  
30 Thereafter, each member shall be appointed for a four-year  
31 term. Each member shall serve until the expiration of his  
32 or her term or until a successor is appointed and  
33 qualified. Any vacancy on the commission shall be filled by  
34 the governor, by and with the consent of the senate, for the  
35 duration of the unexpired term.

36           5. The commission shall elect its own chairman and  
37 secretary, each to serve for a term of one year. The  
38 commission shall meet at such times as it may prescribe, but  
39 shall meet at least once every two months. Special meetings  
40 may be held upon call of the chairman upon adequate notice  
41 given by the executive director to the members of the  
42 commission. To conduct business and constitute a meeting, a  
43 quorum of the commission must be present. Four members of  
44 the commission shall constitute a quorum. The members shall  
45 receive no salary or other compensation for their services  
46 as members, but shall receive their necessary and actual  
47 traveling and other expenses incurred while engaged in the  
48 discharge of their official duties.



49           6. The commission shall have the authority to adopt an  
50 official seal, which shall be as follows: the official seal  
51 of the state of Missouri bordered by the inscription  
52 "Missouri Motor Vehicle Commission".

53           7. All orders or decisions of the commission shall be  
54 in writing, signed by the chairman, attested to by the  
55 executive director, and official seal affixed thereto.

56           8. The commission may employ an executive director to  
57 serve at its pleasure and such other personnel as the  
58 commission in its discretion deems necessary for the  
59 implementation of sections 301.550 to 301.580, other than  
60 those powers, duties, and functions relating to  
61 representation of the public before the administrative  
62 hearing commission.

63           9. The commission and the director of the department  
64 of revenue shall cooperate with each other to carry out the  
65 provisions of sections 301.550 to 301.580 in order to  
66 promote compliance with all laws, ordinances, and  
67 administrative rules and regulations relating to the conduct  
68 of motor vehicle dealers, manufacturers, boat dealers, and  
69 boat manufacturers. Nothing in sections 301.550 to 301.580  
70 shall limit or restrain the enforcement powers of the  
71 director of the department of revenue in matters not  
72 specifically granted to the commission.

73           10. The commission shall have the authority to  
74 promulgate those rules and regulations necessary to perform  
75 the provisions of sections 301.550 to 301.580 and is vested  
76 with those powers and duties necessary and proper to enable  
77 it to fully and effectively carry out the provisions of  
78 sections 301.550 to 301.580. Any rule or portion of a rule,  
79 as that term is defined in section 536.010, that is created  
80 under the authority delegated in sections 301.550 to 301.580

81 shall become effective only if it complies with and is  
82 subject to all of the provisions of chapter 536 and, if  
83 applicable, section 536.028. Sections 301.550 to 301.580  
84 and chapter 536 are nonseverable and if any of the powers  
85 vested with the general assembly pursuant to chapter 536 to  
86 review, to delay the effective date, or to disapprove and  
87 annul a rule are subsequently held unconstitutional, then  
88 the grant of rulemaking authority and any rule proposed or  
89 adopted after August 28, 2022, shall be invalid and void.

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

301.557. 1. The duties of the **executive** director  
2 shall **be prescribed by the commission and shall** include, but  
3 not be limited to:

4 (1) The supervision **of the commission's office** and  
5 direction of the activities of the [department's]  
6 **commission's** employees;

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

11 (3) The receipt and prompt disposition of all  
12 correspondence or inquiries directed to the [department]  
13 **commission**;

14 (4) [Maintaining] **Obtaining** a record of total number  
15 of annual new motor vehicle sales by individual franchise  
16 dealers and a separate record of total annual used motor

17 vehicle sales by individual motor vehicle dealers from the  
18 director of revenue. These records will be available for  
19 public inspection;

20 (5) **Maintaining all minutes of the commission's**  
21 **proceedings and** being the custodian of the files and records  
22 of the [department] **commission**;

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

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

301.558. 1. A motor vehicle dealer, boat dealer, or  
2 powersport dealer may fill in the blanks on standardized  
3 forms in connection with the sale or lease of a new or used  
4 motor vehicle, vessel, or vessel trailer if the motor  
5 vehicle dealer, boat dealer, or powersport dealer does not  
6 charge for the services of filling in the blanks or  
7 otherwise charge for preparing documents.

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

16           3. (1) Ten percent of any fee authorized under this  
17 section and charged by motor vehicle dealers shall be  
18 remitted to the motor vehicle administration technology fund  
19 established in this subsection, for the development of the  
20 system specified in this subsection. Following the  
21 development of the system specified in this subsection, the  
22 **executive** director of the [department of revenue] **Missouri**  
23 **motor vehicle commission** shall notify motor vehicle dealers  
24 and implement the system, and the percentage of any fee  
25 authorized under this section required to be remitted to the  
26 fund shall be reduced to one percent, which shall be used  
27 for maintenance of the system. This subsection shall expire  
28 on January 1, 2037.

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

40 identification cards, and perfection and release of liens  
41 and encumbrances on vehicles.

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

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

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

69 5. If an administrative fee is charged under this  
70 section, the same administrative fee shall be charged to all  
71 retail customers unless the fee is limited by the dealer's

72 franchise agreement to certain classes of customers. The  
73 fee shall be disclosed on the retail buyer's order form as a  
74 separate itemized charge.

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

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

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

104 law, then no person who paid that administrative fee may  
105 recover said fee or treble damages, as permitted under  
106 section 484.020, and no person who charged that fee shall be  
107 guilty of a misdemeanor, as provided under section 484.020.

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

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

25 3. Every manufacturer, boat manufacturer, motor  
26 vehicle dealer, wholesale motor vehicle dealer, wholesale  
27 motor vehicle auction, boat dealer or public motor vehicle  
28 auction shall make application to the [department]

29 **commission** for issuance of a license. The application shall  
30 be on forms prescribed by the [department] **commission** and  
31 shall be issued under the terms and provisions of sections  
32 301.550 to 301.580 and require all applicants, as a  
33 condition precedent to the issuance of a license, to provide  
34 such information as the [department] **commission** may deem  
35 necessary to determine that the applicant is bona fide and  
36 of good moral character, except that every application for a  
37 license shall contain, in addition to such information as  
38 the [department] **commission** may require, a statement to the  
39 following facts:

40 (1) The name and business address, not a post office  
41 box, of the applicant and the fictitious name, if any, under  
42 which the applicant intends to conduct business, the  
43 applicant's regular business hours, and a phone number and  
44 email address where the applicant may be contacted during  
45 regular business hours. If the applicant is a partnership,  
46 the application shall list the name and residence address of  
47 each partner, an indication of whether the partner is a  
48 limited or general partner and the name under which the  
49 partnership business is to be conducted. In the event that  
50 the applicant is a corporation, the application shall list  
51 the names of the principal officers of the corporation and  
52 the state in which it is incorporated. Each application  
53 shall be verified by the oath or affirmation of the  
54 applicant, if an individual, or in the event an applicant is  
55 a partnership or corporation, then by a partner or officer;

56 (2) Whether the application is being made for  
57 registration as a manufacturer, boat manufacturer, new motor  
58 vehicle franchise dealer, used motor vehicle dealer,  
59 wholesale motor vehicle dealer, boat dealer, wholesale motor  
60 vehicle auction or a public motor vehicle auction;



61           (3) When the application is for a new motor vehicle  
62 franchise dealer, the application shall be accompanied by a  
63 copy of the franchise agreement in the registered name of  
64 the dealership setting out the appointment of the applicant  
65 as a franchise holder and it shall be signed by the  
66 manufacturer, or his authorized agent, or the distributor,  
67 or his authorized agent, and shall include a description of  
68 the make of all motor vehicles covered by the franchise.  
69 The [department] **commission** shall not require a copy of the  
70 franchise agreement to be submitted with each renewal  
71 application unless the applicant is now the holder of a  
72 franchise from a different manufacturer or distributor from  
73 that previously filed, or unless a new term of agreement has  
74 been entered into;

75           (4) When the application is for a public motor vehicle  
76 auction, that the public motor vehicle auction has met the  
77 requirements of section 301.561.

78           4. No insurance company, finance company, credit  
79 union, savings and loan association, bank or trust company  
80 shall be required to obtain a license from the [department]  
81 **commission** in order to sell any motor vehicle, trailer or  
82 vessel repossessed or purchased by the company on the basis  
83 of total destruction or theft thereof when the sale of the  
84 motor vehicle, trailer or vessel is in conformance with  
85 applicable title and registration laws of this state.

86           5. No person shall be issued a license to conduct a  
87 public motor vehicle auction or wholesale motor vehicle  
88 auction if such person has a violation of sections 301.550  
89 to 301.580 or other violations of chapter 301, sections  
90 407.511 to 407.556, or section 578.120 which resulted in a  
91 felony conviction or finding of guilt or a violation of any

92 federal motor vehicle laws which resulted in a felony  
93 conviction or finding of guilt.

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

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

31 powersport dealer, wholesale motor vehicle dealer, trailer  
32 dealer, or wholesale or public auction shall be a permanent  
33 enclosed building or structure, either owned in fee or  
34 leased and actually occupied as a place of business by the  
35 applicant for the selling, bartering, trading, servicing, or  
36 exchanging of motor vehicles, boats, personal watercraft, or  
37 trailers and wherein the public may contact the owner or  
38 operator at any reasonable time, and wherein shall be kept  
39 and maintained the books, records, files and other matters  
40 required and necessary to conduct the business. The  
41 applicant shall maintain a working telephone number during  
42 the entire registration year which will allow the public,  
43 the [department] **commission**, and law enforcement to contact  
44 the applicant during regular business hours. The applicant  
45 shall also maintain an email address during the entire  
46 registration year which may be used for official  
47 correspondence with the [department] **commission**. In order  
48 to qualify as a bona fide established place of business for  
49 all applicants licensed pursuant to this section there shall  
50 be an exterior sign displayed carrying the name of the  
51 business set forth in letters at least six inches in height  
52 and clearly visible to the public and there shall be an area  
53 or lot which shall not be a public street on which multiple  
54 vehicles, boats, personal watercraft, or trailers may be  
55 displayed. The sign shall contain the name of the  
56 dealership by which it is known to the public through  
57 advertising or otherwise, which need not be identical to the  
58 name appearing on the dealership's license so long as such  
59 name is registered as a fictitious name with the secretary  
60 of state, has been approved by its line-make manufacturer in  
61 writing in the case of a new motor vehicle franchise dealer  
62 and a copy of such fictitious name registration has been

63 provided to the [department] **commission**. Dealers who sell  
64 only emergency vehicles as defined in section 301.550 are  
65 exempt from maintaining a bona fide place of business,  
66 including the related law enforcement certification  
67 requirements, and from meeting the minimum yearly sales;

68 (2) The initial application for licensure shall  
69 include a photograph, not to exceed eight inches by ten  
70 inches but no less than five inches by seven inches, showing  
71 the business building, lot, and sign. A new motor vehicle  
72 franchise dealer applicant who has purchased a currently  
73 licensed new motor vehicle franchised dealership shall be  
74 allowed to submit a photograph of the existing dealership  
75 building, lot and sign but shall be required to submit a new  
76 photograph upon the installation of the new dealership sign  
77 as required by sections 301.550 to 301.580. Applicants  
78 shall not be required to submit a photograph annually unless  
79 the business has moved from its previously licensed  
80 location, or unless the name of the business or address has  
81 changed, or unless the class of business has changed;

82 (3) Every applicant as a new motor vehicle franchise  
83 dealer, a used motor vehicle dealer, a powersport dealer, a  
84 wholesale motor vehicle dealer, trailer dealer, or boat  
85 dealer shall furnish with the application a corporate surety  
86 bond or an irrevocable letter of credit as defined in  
87 section 400.5-102, issued by any state or federal financial  
88 institution in the penal sum of fifty thousand dollars on a  
89 form approved by the [department] **commission**. The bond or  
90 irrevocable letter of credit shall be conditioned upon the  
91 dealer complying with the provisions of the statutes  
92 applicable to new motor vehicle franchise dealers, used  
93 motor vehicle dealers, powersport dealers, wholesale motor  
94 vehicle dealers, trailer dealers, and boat dealers, and the

95 bond shall be an indemnity for any loss sustained by reason  
96 of the acts of the person bonded when such acts constitute  
97 grounds for the suspension or revocation of the dealer's  
98 license. The bond shall be executed in the name of the  
99 state of Missouri for the benefit of all aggrieved parties  
100 or the irrevocable letter of credit shall name the state of  
101 Missouri as the beneficiary; except, that the aggregate  
102 liability of the surety or financial institution to the  
103 aggrieved parties shall, in no event, exceed the amount of  
104 the bond or irrevocable letter of credit. Additionally,  
105 every applicant as a new motor vehicle franchise dealer, a  
106 used motor vehicle dealer, a powersport dealer, a wholesale  
107 motor vehicle dealer, or boat dealer shall furnish with the  
108 application a copy of a current dealer garage policy bearing  
109 the policy number and name of the insurer and the insured.  
110 The proceeds of the bond or irrevocable letter of credit  
111 furnished by an applicant shall be paid upon receipt by the  
112 [department] **commission** of a final judgment from a Missouri  
113 court of competent jurisdiction against the principal and in  
114 favor of an aggrieved party. The proceeds of the bond or  
115 irrevocable letter of credit furnished by an applicant shall  
116 be paid at the order of the [department] **commission** and in  
117 the amount determined by the [department] **commission** to any  
118 buyer or interested lienholder up to the greater of the  
119 amount required for the release of the purchase money lien  
120 or the sales price paid by the buyer where a dealer has  
121 failed to fulfill the dealer's obligations under an  
122 agreement to assign and deliver title to the buyer within  
123 thirty days under a contract entered into pursuant to  
124 subsection 5 of section 301.210. The [department]  
125 **commission** shall direct release of the bond or irrevocable  
126 letter of credit proceeds upon presentation of a written

127 agreement entered into pursuant to subsection 5 of section  
128 301.210, copies of the associated sales and finance  
129 documents, and the affidavit or affidavits of the buyer or  
130 lienholder stating that the certificate of title with  
131 assignment thereof has not been passed to the buyer within  
132 thirty days of the date of the contract entered into under  
133 subsection 5 of section 301.210, that the dealer has not  
134 fulfilled the agreement under the contract to repurchase the  
135 vehicle, that the buyer or the lienholder has notified the  
136 dealer of the claim on the bond or letter of credit, and the  
137 amount claimed by the purchaser or lienholder. In addition,  
138 prior to directing release and payment of the proceeds of a  
139 bond or irrevocable letter of credit, the [department]  
140 **commission** shall ensure that there is satisfactory evidence  
141 to establish that the vehicle which is subject to the  
142 written agreement has been returned by the buyer to the  
143 dealer or that the buyer has represented to the [department]  
144 **commission** that the buyer will surrender possession of the  
145 vehicle to the dealer upon payment of the proceeds of the  
146 bond or letter of credit directed by the [department]  
147 **commission**. Excepting ordinary wear and tear or mechanical  
148 failures not caused by the buyer, the amount of proceeds to  
149 be paid to the buyer under the bond or irrevocable letter of  
150 credit shall be reduced by an amount equivalent to any  
151 damage, abuse, or destruction incurred by the vehicle while  
152 the vehicle was in the buyer's possession as agreed between  
153 the buyer and the dealer. The dealer may apply to a court  
154 of competent jurisdiction to contest the claim on the bond  
155 or letter of credit, including the amount of the claim and  
156 the amount of any adjustment for any damage, abuse, or  
157 destruction, by filing a petition with the court within  
158 thirty days of the notification by the buyer or lienholder.

159 If the dealer does not fulfill the agreement or file a  
160 petition to request judicial relief from the terms of the  
161 agreement or contest the amount of the claim, the bond or  
162 letter of credit shall be released by the [department]  
163 **commission** and directed paid in the amount or amounts  
164 presented by the lienholder or buyer;

165 (4) Payment of all necessary license fees as  
166 established by the [department] **commission**. In establishing  
167 the amount of the annual license fees, the [department]  
168 **commission** shall, as near as possible, produce sufficient  
169 total income to offset operational expenses of the  
170 [department] **commission** relating to the administration of  
171 sections 301.550 to 301.580. All fees payable pursuant to  
172 the provisions of sections 301.550 to 301.580, other than  
173 those fees collected for the issuance of dealer plates or  
174 certificates of number collected pursuant to subsection 6 of  
175 this section, shall be collected by the [department]  
176 **commission** for deposit in the state treasury to the credit  
177 of the "Motor Vehicle Commission Fund", which is hereby  
178 created. The motor vehicle commission fund shall be  
179 administered by the Missouri [department of revenue] **motor**  
180 **vehicle commission**. The provisions of section 33.080 to the  
181 contrary notwithstanding, money in such fund shall not be  
182 transferred and placed to the credit of the general revenue  
183 fund until the amount in the motor vehicle commission fund  
184 at the end of the biennium exceeds two times the amount of  
185 the appropriation from such fund for the preceding fiscal  
186 year or, if the [department] **commission** requires permit  
187 renewal less frequently than yearly, then three times the  
188 appropriation from such fund for the preceding fiscal year.  
189 The amount, if any, in the fund which shall lapse is that

190 amount in the fund which exceeds the multiple of the  
191 appropriation from such fund for the preceding fiscal year.

192 2. In the event a new vehicle manufacturer, boat  
193 manufacturer, motor vehicle dealer, wholesale motor vehicle  
194 dealer, boat dealer, powersport dealer, wholesale motor  
195 vehicle auction, trailer dealer, or a public motor vehicle  
196 auction submits an application for a license for a new  
197 business and the applicant has complied with all the  
198 provisions of this section, the **[department] commission**  
199 shall make a decision to grant or deny the license to the  
200 applicant within eight working hours after receipt of the  
201 dealer's application, notwithstanding any rule of the  
202 **[department] commission**.

203 3. Except as otherwise provided in subsection 6 of  
204 this section, upon the initial issuance of a license by the  
205 **[department] commission**, the **[department] commission** shall  
206 assign a distinctive dealer license number or certificate of  
207 number to the applicant and the **[department] commission**  
208 shall issue one number plate or certificate bearing the  
209 distinctive dealer license number or certificate of number  
210 and two additional number plates or certificates of number  
211 within eight working hours after presentment of the  
212 application and payment by the applicant of a fee of fifty  
213 dollars for the first plate or certificate and ten dollars  
214 and fifty cents for each additional plate or certificate.  
215 Upon renewal, the **[department] commission** shall issue the  
216 distinctive dealer license number or certificate of number  
217 as quickly as possible. The issuance of such distinctive  
218 dealer license number or certificate of number shall be in  
219 lieu of registering each motor vehicle, trailer, vessel or  
220 vessel trailer dealt with by a boat dealer, boat  
221 manufacturer, manufacturer, public motor vehicle auction,



222 wholesale motor vehicle dealer, wholesale motor vehicle  
 223 auction or new or used motor vehicle dealer. The license  
 224 plates described in this section shall be made with fully  
 225 reflective material with a common color scheme and design,  
 226 shall be clearly visible at night, and shall be  
 227 aesthetically attractive, as prescribed by section 301.130.

228 4. Notwithstanding any other provision of the law to  
 229 the contrary, the [department] **commission** shall assign the  
 230 following distinctive dealer license numbers to:

231	New motor vehicle franchise	D-0 through D-999
232	dealers	
233	New powersport dealers	D-1000 through D-
234		1999
235	Used motor vehicle and used	D-2000 through D-
236	powersport dealers	9999
237	Wholesale motor vehicle	W-0 through W-1999
238	dealers	
239	Wholesale motor vehicle	WA-0 through WA-999
240	auctions	
241	New and used trailer dealers	T-0 through T-9999
242		
243	Motor vehicle, trailer, and	DM-0 through DM-999
244	boat manufacturers	
245	Public motor vehicle auctions	A-0 through A-1999
246		
247	Boat dealers	M-0 through M-9999
248		
249	New and used recreational	RV-0 through RV-999
250	motor vehicle dealers	

251 For purposes of this subsection, qualified transactions  
252 shall include the purchase of salvage titled vehicles by a  
253 licensed salvage dealer. A used motor vehicle dealer who  
254 also holds a salvage dealer's license shall be allowed one  
255 additional plate or certificate number per fifty-unit  
256 qualified transactions annually. In order for salvage  
257 dealers to obtain number plates or certificates under this  
258 section, dealers shall submit to the [department of revenue]  
259 **commission** on August first of each year a statement  
260 certifying, under penalty of perjury, the dealer's number of  
261 purchases during the reporting period of July first of the  
262 immediately preceding year to June thirtieth of the present  
263 year. The provisions of this subsection shall become  
264 effective on the date the [director of the department of  
265 revenue] **executive director of the Missouri motor vehicle**  
266 **commission** begins to reissue new license plates under  
267 section 301.130, or on December 1, 2008, whichever occurs  
268 first. If the **executive** director [of revenue] begins  
269 reissuing new license plates under the authority granted  
270 under section 301.130 prior to December 1, 2008, the  
271 **executive** director [of the department of revenue] shall  
272 notify the revisor of statutes of such fact.

273 5. Upon the sale of a currently licensed motor vehicle  
274 dealership the [department] **commission** shall, upon request,  
275 authorize the new approved dealer applicant to retain the  
276 selling dealer's license number and shall cause the new  
277 dealer's records to indicate such transfer. If the new  
278 approved dealer applicant elects not to retain the selling  
279 dealer's license number, the [department] **commission** shall  
280 issue the new dealer applicant a new dealer's license number

281 and an equal number of plates or certificates as the  
282 [department] **commission** had issued to the selling dealer.

283         6. In the case of motor vehicle dealers, the  
284 [department] **commission** shall issue one number plate bearing  
285 the distinctive dealer license number and may issue one  
286 additional number plate to the applicant upon payment by the  
287 dealer of a fifty dollar fee for the number plate bearing  
288 the distinctive dealer license number and ten dollars and  
289 fifty cents for the additional number plate. The  
290 [department] **commission** may issue a third plate to the motor  
291 vehicle dealer upon completion of the dealer's fifteenth  
292 qualified transaction and payment of a fee of ten dollars  
293 and fifty cents. In the case of new motor vehicle  
294 manufacturers, powersport dealers, recreational motor  
295 vehicle dealers, and trailer dealers, the [department]  
296 **commission** shall issue one number plate bearing the  
297 distinctive dealer license number and may issue two  
298 additional number plates to the applicant upon payment by  
299 the manufacturer or dealer of a fifty dollar fee for the  
300 number plate bearing the distinctive dealer license number  
301 and ten dollars and fifty cents for each additional number  
302 plate. Boat dealers and boat manufacturers shall be  
303 entitled to one certificate of number bearing such number  
304 upon the payment of a fifty dollar fee. Additional number  
305 plates and as many additional certificates of number may be  
306 obtained upon payment of a fee of ten dollars and fifty  
307 cents for each additional plate or certificate. New motor  
308 vehicle manufacturers shall not be issued or possess more  
309 than three hundred forty-seven additional number plates or  
310 certificates of number annually. New and used motor vehicle  
311 dealers, powersport dealers, wholesale motor vehicle  
312 dealers, boat dealers, and trailer dealers are limited to

313 one additional plate or certificate of number per ten-unit  
314 qualified transactions annually. New and used recreational  
315 motor vehicle dealers are limited to two additional plates  
316 or certificate of number per ten-unit qualified transactions  
317 annually for their first fifty transactions and one  
318 additional plate or certificate of number per ten-unit  
319 qualified transactions thereafter. An applicant seeking the  
320 issuance of an initial license shall indicate on his or her  
321 initial application the applicant's proposed annual number  
322 of sales in order for the **executive** director to issue the  
323 appropriate number of additional plates or certificates of  
324 number. A motor vehicle dealer, trailer dealer, boat  
325 dealer, powersport dealer, recreational motor vehicle  
326 dealer, motor vehicle manufacturer, boat manufacturer, or  
327 wholesale motor vehicle dealer obtaining a distinctive  
328 dealer license plate or certificate of number or additional  
329 license plate or additional certificate of number,  
330 throughout the calendar year, shall be required to pay a fee  
331 for such license plates or certificates of number computed  
332 on the basis of one-twelfth of the full fee prescribed for  
333 the original and duplicate number plates or certificates of  
334 number for such dealers' licenses, multiplied by the number  
335 of months remaining in the licensing period for which the  
336 dealer or manufacturers shall be required to be licensed.  
337 In the event of a renewing dealer, the fee due at the time  
338 of renewal shall not be prorated. Wholesale and public  
339 auctions shall be issued a certificate of dealer  
340 registration in lieu of a dealer number plate. In order for  
341 dealers to obtain number plates or certificates under this  
342 section, dealers shall submit to the [department of revenue]  
343 **commission** on August first of each year a statement  
344 certifying, under penalty of perjury, the dealer's number of

345 sales during the reporting period of July first of the  
346 immediately preceding year to June thirtieth of the present  
347 year.

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

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

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

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

386 10. (1) Every application for the issuance of a used  
387 motor vehicle dealer's license shall be accompanied by proof  
388 that the applicant, within the last twelve months, has  
389 completed an educational seminar course approved by the  
390 [department] **commission** as prescribed by subdivision (2) of  
391 this subsection. Wholesale and public auto auctions and  
392 applicants currently holding a new or used license for a  
393 separate dealership shall be exempt from the requirements of  
394 this subsection. The provisions of this subsection shall  
395 not apply to current new motor vehicle franchise dealers or  
396 motor vehicle leasing agencies or applicants for a new motor  
397 vehicle franchise or a motor vehicle leasing agency. The  
398 provisions of this subsection shall not apply to used motor  
399 vehicle dealers who were licensed prior to August 28, 2006.

400 (2) The educational seminar shall include, but is not  
401 limited to, the dealer requirements of sections 301.550 to  
402 301.580, the rules promulgated to implement, enforce, and  
403 administer sections 301.550 to 301.580, and any other rules  
404 and regulations promulgated by the [department] **commission**.

301.562. 1. The [department] **commission** may refuse to  
2 issue or renew any license required pursuant to sections  
3 301.550 to 301.580 for any one or any combination of causes  
4 stated in subsection 2 of this section. The [department]

5 **commission** shall notify the applicant or licensee in writing  
6 at his or her last known address of the reasons for the  
7 refusal to issue or renew the license and shall advise the  
8 applicant or licensee of his or her right to file a  
9 complaint with the administrative hearing commission as  
10 provided by chapter 621.

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

16 (1) The applicant or license holder was previously the  
17 holder of a license issued under sections 301.550 to  
18 301.580, which license was revoked for cause and never  
19 reissued by the [department] **commission**, or which license  
20 was suspended for cause and the terms of suspension have not  
21 been fulfilled;

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

28 (3) The applicant or license holder has, within ten  
29 years prior to the date of the application, been finally  
30 adjudicated and found guilty, or entered a plea of guilty or  
31 nolo contendere, in a prosecution under the laws of any  
32 state or of the United States, for any offense reasonably  
33 related to the qualifications, functions, or duties of any  
34 business licensed under sections 301.550 to 301.580; for any  
35 offense, an essential element of which is fraud, dishonesty,

36 or an act of violence; or for any offense involving moral  
37 turpitude, whether or not sentence is imposed;

38 (4) Use of fraud, deception, misrepresentation, or  
39 bribery in securing any license issued pursuant to sections  
40 301.550 to 301.580;

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

44 (6) Violation of, or assisting or enabling any person  
45 to violate any provisions of this chapter and chapters 143,  
46 144, 306, 307, 407, 578, and 643 or of any lawful rule or  
47 regulation adopted pursuant to this chapter and chapters  
48 143, 144, 306, 307, 407, 578, and 643;

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

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

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

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

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



67 (12) Violations of sections 407.511 to 407.556,  
68 section 578.120, which resulted in a conviction or finding  
69 of guilt or violation of any federal motor vehicle laws  
70 which result in a conviction or finding of guilt.

71 3. Any such complaint shall be filed within one year  
72 of the date upon which the [department] **commission** receives  
73 notice of an alleged violation of an applicable statute or  
74 regulation. After the filing of such complaint, the  
75 proceedings shall, except for the matters set forth in  
76 subsection 5 of this section, be conducted in accordance  
77 with the provisions of chapter 621. Upon a finding by the  
78 administrative hearing commission that the grounds, provided  
79 in subsection 2 of this section, for disciplinary action are  
80 met, the [department] **commission** may, singly or in  
81 combination, refuse to issue the person a license, issue a  
82 license for a period of less than two years, issue a private  
83 reprimand, place the person on probation on such terms and  
84 conditions as the [department] **commission** deems appropriate  
85 for a period of one day to five years, suspend the person's  
86 license from one day to six days, or revoke the person's  
87 license for such period as the [department] **commission** deems  
88 appropriate. The applicant or licensee shall have the right  
89 to appeal the decision of the administrative hearing  
90 commission and [department] **commission** in the manner  
91 provided in chapter 536.

92 4. Upon the suspension or revocation of any person's  
93 license issued under sections 301.550 to 301.580, the  
94 [department] **commission** shall recall any distinctive number  
95 plates that were issued to that licensee. If any licensee  
96 who has been suspended or revoked shall neglect or refuse to  
97 surrender his or her license or distinctive number license  
98 plates issued under sections 301.550 to 301.580, the

99 **executive** director shall direct any agent or employee of the  
100 [department] **commission** or any law enforcement officer, to  
101 secure possession thereof and return such items to the  
102 **executive** director. For purposes of this subsection, a "law  
103 enforcement officer" means any member of the highway patrol,  
104 any sheriff or deputy sheriff, or any peace officer  
105 certified under chapter 590 acting in his or her official  
106 capacity. Failure of the licensee to surrender his or her  
107 license or distinctive number license plates upon demand by  
108 the **executive** director, any agent or employee of the  
109 [department] **commission**, or any law enforcement officer  
110 shall be a class A misdemeanor.

111 5. Notwithstanding the foregoing provisions of this  
112 section, the following events or acts by the holder of any  
113 license issued under sections 301.550 to 301.580 are deemed  
114 to present a clear and present danger to the public welfare  
115 and shall be considered cause for suspension or revocation  
116 of such license under the procedure set forth in subsection  
117 6 of this section, at the discretion of the **executive**  
118 director:

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

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

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

128 (4) Three or more occurrences of violations which have  
129 been established following proceedings before the  
130 administrative hearing commission under subsection 3 of this

131 section, or which have been established following  
132 proceedings before the **executive** director under subsection 6  
133 of this section, of this chapter and chapters 143, 144, 306,  
134 307, 578, and 643 or of any lawful rule or regulation  
135 adopted under this chapter and chapters 143, 144, 306, 307,  
136 578, and 643, not previously set forth herein.

137 6. (1) Any license issued under sections 301.550 to  
138 301.580 may be suspended or revoked, following an  
139 evidentiary hearing before the **executive** director or his or  
140 her designated hearing officer, if affidavits or sworn  
141 testimony by an authorized agent of the [department]  
142 **commission** alleges the occurrence of any of the events or  
143 acts described in subsection 5 of this section.

144 (2) For any license which the [department] **commission**  
145 believes may be subject to suspension or revocation under  
146 this subsection, the **executive** director shall immediately  
147 issue a notice of hearing to the licensee of record. The  
148 **executive** director's notice of hearing:

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

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

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

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

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

169           (3) At any hearing before the **executive** director  
170 conducted under this subsection, the **executive** director or  
171 his or her designated hearing officer shall consider all  
172 evidence relevant to the issue of whether the license should  
173 be suspended or revoked due to the occurrence of any of the  
174 acts set forth in subsection 5 herein. Within twenty  
175 business days after such hearing, the **executive** director or  
176 his or her designated hearing officer shall issue a written  
177 order, with findings of fact and conclusions of law, which  
178 either grants or denies the issuance of an order of  
179 suspension or revocation. The suspension or revocation  
180 shall be effective ten days after the date of the order.  
181 The written order of the **executive** director or his or her  
182 hearing officer shall be the final decision of the **executive**  
183 director and shall be subject to judicial review under the  
184 provisions of chapter 536.

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

189           7. In lieu of acting under subsection 2 or 6 of this  
190 section, the [department of revenue] **commission** may enter  
191 into an agreement with the holder of the license to ensure  
192 future compliance with sections 301.210, 301.213, 307.380,  
193 sections 301.217 to 301.229, and sections 301.550 to  
194 301.580. Such agreement may include an assessment fee not

195 to exceed five hundred dollars per violation or five  
196 thousand dollars in the aggregate unless otherwise permitted  
197 by law, probation terms and conditions, and other  
198 requirements as may be deemed appropriate by the [department  
199 of revenue] **commission** and the holder of the license. Any  
200 fees collected by the [department of revenue] **commission**  
201 under this subsection shall be deposited into the motor  
202 vehicle commission fund created in section 301.560.

301.563. 1. The [department] **commission** or its  
2 designated representative may issue process, subpoena  
3 witnesses, administer oaths, examine books and papers, and  
4 require the production thereof, and cause the deposition of  
5 any witness to be taken and the costs thereof paid as other  
6 costs under sections 301.550 to 301.580. Any party may  
7 process to compel the attendance of witnesses and the  
8 production of books and papers, and at his own cost to take  
9 and use depositions in like manner as in civil cases in the  
10 circuit court. The subpoena shall extend to all parts of  
11 the state, and may be served as in civil actions in the  
12 circuit court, but the costs of the service shall be as in  
13 other civil actions. Each witness shall receive the fees  
14 and mileage prescribed by law in civil cases, but the same  
15 shall not be allowed as costs to the party in whose behalf  
16 the witness was summoned unless the person who conducts the  
17 hearing certifies that the testimony of the witness was  
18 necessary. All costs under this section shall be approved  
19 by the [department] **commission** and paid out of the Missouri  
20 motor vehicle commission fund established in section  
21 301.560, except that if the [department] **commission**  
22 determines that any proceedings are brought, prosecuted or  
23 defended without reasonable ground, it may assess the whole

24 cost of the proceedings upon the party who brought,  
25 prosecuted or defended the proceedings.

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

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

- 10         (1) Any title to any motor vehicle or vessel;
- 11         (2) Any application for title to any motor vehicle or  
12 vessel;
- 13         (3) Any affidavit provided pursuant to sections  
14 301.550 to 301.580 or chapter 407;
- 15         (4) Any assignment of title to any motor vehicle or  
16 vessel;

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

20 (6) Any inventory and related documentation.

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

23 (1) Attorney general, or any person designated by him  
24 to make such an inspection;

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

27 (3) Any member or authorized or designated employee of  
28 the Missouri state highway patrol;

29 (4) Any sheriff or deputy sheriff;

30 (5) Any peace officer certified pursuant to chapter  
31 590 acting in his official capacity.

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

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

11 (2) Violating any provision of this chapter, any rule  
12 promulgated by the [department] **commission** pursuant to this  
13 chapter, subsection 1 of section 307.350, sections 407.511  
14 to 407.556, or section 578.120.

15 2. Any action brought under this section shall be in  
16 addition to and not in lieu of any remedy provided by this

17 chapter and may be brought concurrently with other actions  
18 to enforce this chapter.

301.566. 1. Except as provided in this section, it  
2 shall be unlawful for a motor vehicle dealer to sell or  
3 offer to sell any motor vehicle away from the dealer's  
4 registered place of business.

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

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

20 4. A motor vehicle dealer may participate in up to two  
21 off-premise motor vehicle shows or sales annually and  
22 conduct sales of motor vehicles away from the dealer's  
23 registered place of business, which for purposes of this  
24 section shall be considered off-premise events provided the  
25 following:

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

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



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

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

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

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

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

55 (6) The organizer of the off-premise event shall  
56 provide a copy of the notices issued pursuant to  
57 subdivisions (3) and (4) of this subsection to the **executive**  
58 director at the time they are mailed or electronically  
59 transmitted to the prospective participants; and

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

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

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

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

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

88           (3) The state in which the recreational vehicle is  
89 licensed is a state contiguous to Missouri and the state  
90 permits recreational vehicle dealers licensed in Missouri to  
91 participate in recreational vehicle shows in such state  
92 pursuant to conditions substantially equivalent to the  
93 conditions which are imposed on dealers from such state who  
94 participate in recreational vehicle shows in Missouri.

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

104           8. A recreational vehicle dealer licensed in another  
105 state who intends to participate in a vehicle show or  
106 exhibition in this state shall send written notification of  
107 such intended participation to the [department of revenue]  
108 **commission** at least thirty days prior to the vehicle show or  
109 exhibition. Upon receipt of such written notification, the  
110 [department of revenue] **commission** shall make a  
111 determination regarding compliance with the provisions of  
112 this section. If such recreational vehicle dealer would be  
113 unable to participate in the vehicle show or exhibition in  
114 this state pursuant to this section, the [department of  
115 revenue] **commission** shall notify the recreational vehicle  
116 dealer at least fifteen days prior to the vehicle show or  
117 exhibition of the inability to participate in the vehicle  
118 show or exhibition in this state.

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

301.570. 1. It shall be unlawful for any person,  
2 partnership, corporation, company or association, unless the  
3 seller is a financial institution, or is selling repossessed  
4 motor vehicles or is disposing of vehicles used and titled  
5 solely in its ordinary course of business or is a collector

6 of antique motor vehicles, to sell or display with an intent  
7 to sell six or more motor vehicles in a calendar year,  
8 except when such motor vehicles are registered in the name  
9 of the seller, unless such person, partnership, corporation,  
10 company or association is:

11 (1) Licensed as a motor vehicle dealer by the  
12 [department] **commission** under the provisions of sections  
13 301.550 to 301.580;

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

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

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

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

28 3. For the purposes of sections 301.550 to 301.580,  
29 the sale, barter, exchange, lease or rental with option to  
30 purchase of six or more motor vehicles in a calendar year by  
31 any person, partnership, corporation, company or  
32 association, whether or not the motor vehicles are owned by  
33 them, shall be prima facie evidence of intent to make a  
34 profit or gain of money and such person, partnership,  
35 corporation, company or association shall be deemed to be  
36 acting as a motor vehicle dealer without a license.

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

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

          301.573. The [department] **commission** may review all  
2 title designations. Any designation described in section  
3 301.190 or 301.227, placed on a certificate of ownership or  
4 certificate of title issued pursuant to section 301.190 or  
5 301.227, shall remain on the certificate of ownership or  
6 title, and any and all subsequent certificates of ownership  
7 or title issued for that vehicle shall carry such  
8 designation on the face of such certificates of ownership or  
9 title.

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

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

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

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

15           2. A special event motor vehicle auction shall be  
16 considered a public motor vehicle auction for purposes of  
17 sections 301.559 and 301.564.

18           3. Special event motor vehicle auction licensees shall  
19 be exempt from the requirements of section 301.560, with the  
20 exception of subdivision (4) of subsection 1 of section  
21 301.560.

22           4. An application for a special event motor vehicle  
23 auction license must be received by the [department]  
24 **commission** at least ninety days prior to the beginning of  
25 the special event auction.

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

30           6. At least ninety percent of the vehicles being  
31 auctioned at a special event motor vehicle auction shall be  
32 ten years old or older. The licensee shall, within ten days  
33 of the conclusion of a special event motor vehicle auction,  
34 submit a report in the form approved by the **executive**  
35 director to the [department] **commission** that includes the  
36 make, model, year, and vehicle identification number of each  
37 vehicle included in the auction. Every vehicle included in  
38 the special event auction shall be listed, including those  
39 vehicles that were auctioned and sold and those vehicles  
40 that were auctioned but did not sell. Violation of this  
41 subsection is a class A misdemeanor.

42           7. The applicant for the special event motor vehicle  
43 auction shall be responsible for ensuring that a sales tax  
44 license or special event sales tax license is obtained for  
45 the event if one is required.

46           8. The fee for a special event motor vehicle auction  
47 license shall be one thousand dollars. For every vehicle  
48 auctioned in violation of subsection 6 of this section, an  
49 administrative fee of five hundred dollars shall be paid to

50 the [department] **commission**. Such fees shall be deposited  
51 in like manner as other license fees of this section.

52 9. In addition to the causes set forth in section  
53 301.562, the [department] **commission** may promulgate rules  
54 that establish additional causes to refuse to issue or to  
55 revoke a special event license.

56 10. A special motor vehicle auction shall last no more  
57 than three consecutive days.

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

61 12. Every applicant for a special event motor vehicle  
62 auction license shall furnish with the application a  
63 corporate surety bond or an irrevocable letter of credit as  
64 defined in section 400.5-102 issued by any state or federal  
65 financial institution in the penal sum of one hundred  
66 thousand dollars on a form approved by the [department]  
67 **commission**. The bond or irrevocable letter of credit shall  
68 be conditioned upon the applicant complying with the  
69 provisions of the statutes applicable to a special event  
70 auction license holder and the bond shall be an indemnity  
71 for any loss sustained by reason of the acts of the person  
72 bonded when such acts constitute grounds for the revocation  
73 or denial of a special event auction license. The bond  
74 shall be executed in the name of the state of Missouri for  
75 the benefit of all aggrieved parties or the irrevocable  
76 letter of credit shall name the state of Missouri as the  
77 beneficiary. The aggregate liability of the surety or  
78 financial institution to the aggrieved parties shall not  
79 exceed the amount of the bond or irrevocable letter of  
80 credit. The proceeds of the bond or irrevocable letter of  
81 credit shall be paid upon receipt by the [department]

82 **commission** of a final judgment from a Missouri court of  
83 competent jurisdiction against the principal and in favor of  
84 an aggrieved party.

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

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

93 15. Any rule or portion of a rule, as that term is  
94 defined in section 536.010, that is created under the  
95 authority delegated in this section shall become effective  
96 only if it complies with and is subject to all of the  
97 provisions of chapter 536 and, if applicable, section  
98 536.028. This section and chapter 536 are nonseverable and  
99 if any of the powers vested with the general assembly  
100 pursuant to chapter 536 to review, to delay the effective  
101 date, or to disapprove and annul a rule are subsequently  
102 held unconstitutional, then the grant of rulemaking  
103 authority and any rule proposed or adopted after August 28,  
104 2012, shall be invalid and void.

2 [301.553. 1. The department of revenue  
3 shall be responsible for the licensing of all  
4 manufacturers, motor vehicle dealers, boat  
5 dealers, wholesale motor vehicle auctions,  
6 public motor vehicle auctions and wholesale  
7 motor vehicle dealers pursuant to the provisions  
8 of sections 301.550 to 301.580 and the rules and  
9 regulations which it may adopt.

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



16 the commission which were adopted pursuant to  
17 this section prior to July 1, 1997, shall  
18 continue in effect after July 1, 1997.

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

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

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