

FIRST REGULAR SESSION

HOUSE BILL NO. 699

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES TILLEY (Sponsor), ROBINSON, BEARDEN,
JETTON AND HUBBARD (Co-sponsors).

Read 1st time February 1, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1691L.01I

AN ACT

To repeal sections 301.130, 301.140, 301.144, 301.170, 301.177, 301.200, 301.218, 301.280, 301.550, 301.560, 301.567, 301.570, RSMo, section 301.190 as enacted by house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no. 583, ninety-third general assembly, second regular session, section 301.190 as enacted by senate substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488, ninety-third general assembly, first regular session, section 301.566 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1288, ninety-second general assembly, second regular session, and section 301.566 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and to enact in lieu thereof fourteen new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 301.130, 301.140, 301.144, 301.170, 301.177, 301.200, 301.218,
2 301.280, 301.550, 301.560, 301.567, 301.570, RSMo, section 301.190 as enacted by house
3 committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no.
4 583, ninety-third general assembly, second regular session, section 301.190 as enacted by senate
5 substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 ninety-third general assembly, first regular session, section 301.566 as enacted by conference
7 committee substitute for senate substitute for senate committee substitute for house committee
8 substitute for house bill no. 1288, ninety-second general assembly, second regular session, and
9 section 301.566 as enacted by house substitute for senate substitute for senate committee
10 substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular
11 session, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections
12 301.130, 301.140, 301.144, 301.190, 301.200, 301.218, 301.280, 301.550, 301.554, 301.558,
13 301.560, 301.566, 301.567, 301.570, to read as follows:

301.130. 1. The director of revenue, upon receipt of a proper application for registration,
2 required fees and any other information which may be required by law, shall issue to the
3 applicant a certificate of registration in such manner and form as the director of revenue may
4 prescribe and a set of license plates, or other evidence of registration, as provided by this section.
5 Each set of license plates shall bear the name or abbreviated name of this state, the words
6 "SHOW-ME STATE", the month and year in which the registration shall expire, and an
7 arrangement of numbers or letters, or both, as shall be assigned from year to year by the director
8 of revenue. The plates shall also contain fully reflective material with a common color scheme
9 and design for each type of license plate issued pursuant to this chapter. The plates shall be
10 clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled
11 veterans will have the "DISABLED VETERAN" wording on the license plates in preference to
12 the words "SHOW-ME STATE" and special plates for members of the national guard will have
13 the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

14 2. The arrangement of letters and numbers of license plates shall be uniform throughout
15 each classification of registration. The director may provide for the arrangement of the numbers
16 in groups or otherwise, and for other distinguishing marks on the plates.

17 3. All property-carrying commercial motor vehicles to be registered at a gross weight in
18 excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local
19 transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and
20 driveaway vehicles shall be registered with the director of revenue as provided for in subsection
21 3 of section 301.030, or with the state highways and transportation commission as otherwise
22 provided in this chapter, but only one license plate shall be issued for each such vehicle except
23 as provided in this subsection. The applicant for registration of any property-carrying
24 commercial motor vehicle may request and be issued two license plates for such vehicle, and if
25 such plates are issued the director of revenue may assess and collect an additional charge from
26 the applicant in an amount not to exceed the fee prescribed for personalized license plates in
27 subsection 1 of section 301.144.

28 4. The plates issued to manufacturers and dealers shall bear the [letter "D" preceding the
29 number] **letters and numbers as prescribed by section 301.560**, and the director may place
30 upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and
31 other types of motor vehicles.

32 5. No motor vehicle or trailer shall be operated on any highway of this state unless it
33 shall have displayed thereon the license plate or set of license plates issued by the director of
34 revenue or the state highways and transportation commission and authorized by section 301.140.
35 Each such plate shall be securely fastened to the motor vehicle **or trailer** in a manner so that all
36 parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof
37 are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors,
38 truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear
39 of such vehicles not less than eight nor more than forty-eight inches above the ground, with the
40 letters and numbers thereon right side up. The license plates on trailers, motorcycles,
41 motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters
42 and numbers thereon right side up. The license plate on buses, other than school buses, and on
43 trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall
44 be displayed on the front of such vehicles not less than eight nor more than forty-eight inches
45 above the ground, with the letters and numbers thereon right side up or if two plates are issued
46 for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front
47 and rear of such vehicles. The license plate or plates authorized by section 301.140, when
48 properly attached, shall be prima facie evidence that the required fees have been paid.

49 6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as
50 provided by law as evidence of the annual payment of registration fees and the current
51 registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may
52 prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs
53 positively correlate with the license plate or plates issued by the department of revenue for such
54 vehicle. Such tabs shall be produced in each license bureau office.

55 (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such
56 tab or tabs in the designated area of the license plate, no more than one per plate.

57 (3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in
58 the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has
59 been paid.

60 (4) Except as otherwise provided in this section, the director of revenue shall issue plates
61 for a period of at least six years.

62 (5) For those commercial motor vehicles and trailers registered pursuant to section
63 301.041, the plate issued by the highways and transportation commission shall be a permanent

64 nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve
65 the owner of any vehicle permanently registered pursuant to this section from the obligation to
66 pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall
67 be returned to the highways and transportation commission upon the sale or disposal of the
68 vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may
69 be transferred to a replacement commercial motor vehicle when the owner files a supplemental
70 application with the Missouri highways and transportation commission for the registration of
71 such replacement commercial motor vehicle. Upon payment of the annual registration fee, the
72 highways and transportation commission shall issue a certificate of registration or other suitable
73 evidence of payment of the annual fee, and such evidence of payment shall be carried at all times
74 in the vehicle for which it is issued.

75 (6) Upon the sale or disposal of any vehicle permanently registered under this section,
76 or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued
77 for such vehicle shall be returned to the highways and transportation commission and shall not
78 be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle
79 when the owner files a supplemental application with the Missouri highways and transportation
80 commission for the registration of such replacement vehicle. If a vehicle which is permanently
81 registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated,
82 the registrant shall be given credit for any unused portion of the annual registration fee when the
83 vehicle is replaced by the purchase or lease of another vehicle during the registration year.

84 7. The director of revenue and the highways and transportation commission may
85 prescribe rules and regulations for the effective administration of this section. No rule or portion
86 of a rule promulgated under the authority of this section shall become effective unless it has been
87 promulgated pursuant to the provisions of section 536.024, RSMo.

88 8. Notwithstanding the provisions of any other law to the contrary, owners of motor
89 vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess
90 of eighteen thousand pounds gross weight may apply for special personalized license plates.
91 Vehicles licensed for eighteen thousand pounds that display special personalized license plates
92 shall be subject to the provisions of subsections 1 and 2 of section 301.030.

93 9. Commencing January 1, 2009, the director of revenue shall cause to be reissued new
94 license plates of such design as directed by the director consistent with the terms, conditions, and
95 provisions of this section and this chapter. Except as otherwise provided in this section, in
96 addition to all other fees required by law, applicants for registration of vehicles with license
97 plates that expire between January 1, 2009, and December 31, 2011, applicants for registration
98 of trailers or semitrailers with license plates that expire between January 1, 2009, and December
99 31, 2011, and applicants for registration of vehicles that are to be issued new license plates shall

100 pay an additional fee, based on the actual cost of the reissuance, to cover the cost of the newly
101 reissued plates required by this subsection. The additional fee prescribed in this subsection shall
102 not be charged to persons receiving special license plates issued under section 301.073 or
103 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and
104 specialized license plates are exempt from the provisions of this subsection.

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate
2 of registration and the right to use the number plates shall expire and the number plates shall be
3 removed by the owner at the time of the transfer of possession, and it shall be unlawful for any
4 person other than the person to whom such number plates were originally issued to have the
5 same in his or her possession whether in use or not; except that the buyer of a motor vehicle or
6 trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in
7 motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor
8 vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this
9 subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or
10 trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates
11 for the trade-in motor vehicle or trailer are still valid.

12 2. In the case of a transfer of ownership the original owner may register another motor
13 vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle
14 is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle)
15 seating capacity, not in excess of that originally registered. When such motor vehicle is of
16 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor
17 vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee
18 of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less
19 horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating
20 capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

21 3. License plates may be transferred from a motor vehicle which will no longer be
22 operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay
23 a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in
24 the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that
25 of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of
26 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor
27 vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer
28 fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased
29 vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial
30 motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be
31 entitled to a refund.

32 4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made
33 application for registration, by mail or otherwise, may operate the same for a period of thirty days
34 after taking possession thereof, if during such period the motor vehicle or trailer shall have
35 attached thereto, in the manner required by section 301.130, number plates issued to the dealer.
36 Upon application and presentation of satisfactory evidence that the buyer has applied for
37 registration, a dealer may furnish such number plates to the buyer for such temporary use. In
38 such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to
39 be returned to the buyer upon return of the number plates as a guarantee that said buyer will
40 return to the dealer such number plates within thirty days. The director shall issue a temporary
41 permit [or paper plate] authorizing the operation of a motor vehicle or trailer by a buyer for not
42 more than thirty days of the date of purchase.

43 5. The temporary permit [or paper plate] shall be made available by the director of
44 revenue and may be purchased from the department of revenue upon proof of purchase of a
45 motor vehicle or trailer for which the buyer has no registration plate available for transfer, or
46 from a dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration
47 plate available for transfer. The director shall make temporary plates [or permits] available to
48 registered dealers in this state **or authorized agents of the department of revenue** in sets of
49 ten [plates or] permits. The fee for the temporary permit [or plate] shall be seven dollars and
50 fifty cents for each permit or plate issued. No dealer **or authorized agent** shall charge more than
51 [seven] **ten** dollars and fifty cents for each permit issued. The permit [or plate] shall be valid for
52 a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date
53 of sale of the motor vehicle or trailer by a dealer for which the purchaser obtains a permit [or
54 plate] as set out above.

55 6. The permit [or plate] shall be issued on a form prescribed by the director and issued
56 only for the applicant's use in the operation of the motor vehicle or trailer purchased to enable
57 the applicant to legally operate the vehicle while proper title and registration plate are being
58 obtained, and shall be displayed on no other vehicle. **Temporary** permits [or paper plates]
59 issued pursuant to this section shall not be transferable or renewable and shall not be valid upon
60 issuance of proper registration plates for the motor vehicle or trailer. The director shall
61 determine the size and numbering configuration, construction, and color of the permit [and
62 plate].

63 7. The dealer or authorized agent shall insert the date of issuance and expiration date,
64 year, make, and manufacturer's number of vehicle on the [paper plate or] permit when issued to
65 the buyer. The dealer shall also insert such dealer's number on the [paper plate] **permit**. Every
66 dealer that issues a temporary permit [or paper plate] shall keep, for inspection of proper officers,
67 a correct record of each permit [or plate] issued by recording the permit or plate number, buyer's

68 name and address, year, make, manufacturer's **vehicle identification** number [of vehicle] on
69 which the permit [or plate] is to be used, and the date of issuance.

70 8. Upon the transfer of ownership of any currently registered motor vehicle wherein the
71 owner cannot transfer the license plates due to a change of vehicle category, the owner may
72 surrender the license plates issued to the motor vehicle and receive credit for any unused portion
73 of the original registration fee against the registration fee of another motor vehicle. Such credit
74 shall be granted based upon the date the license plates are surrendered. No refunds shall be made
75 on the unused portion of any license plates surrendered for such credit.

301.144. 1. The director of revenue shall establish and issue special personalized license
2 plates containing letters or numbers or combinations of letters and numbers. Such license plates
3 shall be made with fully reflective material with a common color scheme and design, shall be
4 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.
5 Any person desiring to obtain a special personalized license plate for any motor vehicle the
6 person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial
7 motor vehicle licensed in excess of eighteen thousand pounds gross weight shall apply to the
8 director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in
9 addition to the regular registration fees. The director of revenue shall issue rules and regulations
10 setting the standards and establishing the procedure for application for and issuance of the special
11 personalized license plates and shall provide a deadline each year for the applications. Any rule
12 or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the
13 authority delegated in this section shall become effective only if it complies with and is subject
14 to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
15 section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the
16 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to
17 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. No
19 two owners shall be issued identical plates. An owner shall make a new application and pay a
20 new fee each year such owner desires to obtain or retain special personalized license plates;
21 however, notwithstanding the provisions of subsection 8 of section 301.130 to the contrary, the
22 director shall allow the special personalized license plates to be replaced with new plates every
23 three years without any additional charge, above the fee established in this section, to the renewal
24 applicant. Any person currently in possession of an approved personalized license plate shall
25 have first priority on that particular plate for each of the following years that timely and
26 appropriate application is made.

27 2. Upon application for a personalized plate by the owner of a motor vehicle for which
28 the owner has no registration plate available for transfer as prescribed by section 301.140, the

29 director shall issue a temporary permit authorizing the operation of the motor vehicle until the
30 personalized plate is issued.

31 3. No personalized license plates shall be issued containing any letters, numbers or
32 combination of letters and numbers which are obscene, profane, patently offensive or
33 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
34 an unreasonable danger to the health or safety of the applicant, of other users of streets and
35 highways, or of the public in any location where the vehicle with such a plate may be found. The
36 director may recall any personalized license plates, including those issued prior to August 28,
37 1992, if the director determines that the plates are obscene, profane, patently offensive or
38 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
39 an unreasonable danger to the health or safety of the applicant, of other users of streets and
40 highways, or of the public in any location where the vehicle with such a plate may be found.
41 Where the director recalls such plates pursuant to the provisions of this subsection, the director
42 shall reissue personalized license plates to the owner of the motor vehicle for which they were
43 issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the
44 standards established pursuant to this section. The director shall not apply the provisions of this
45 statute in a way that violates the Missouri or United States Constitutions as interpreted by the
46 courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle
47 licence plates is to identify motor vehicles. Nothing in the issuance of a personalized license
48 plate creates a designated or limited public forum. Nothing contained in this subsection shall be
49 interpreted to prohibit the use of license plates, which are no longer valid for registration
50 purposes, as collector's items or for decorative purposes.

51 4. The director may also establish categories of special license plates from which license
52 plates may be issued. Any such person, other than a person exempted from the additional fee
53 pursuant to subsection 7 of this section, that desires a personalized special license plate from any
54 such category shall pay the same additional fee and make the same kind of application as that
55 required by subsection 1 of this section, and the director shall issue such plates in the same
56 manner as other personalized special license plates are issued.

57 5. The director of revenue shall issue to residents of the state of Missouri who hold an
58 unrevoked and unexpired official amateur radio license issued by the Federal Communications
59 Commission, upon application and upon payment of the additional fee specified in subsection
60 1 of this section, except for a person exempted from the additional fee pursuant to subsection 7
61 of this section, personalized special license plates bearing the official amateur radio call letters
62 assigned by the Federal Communications Commission to the applicant with the words
63 "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The application shall be
64 accompanied by a statement stating that the applicant has an unrevoked and unexpired amateur

65 radio license issued by the Federal Communications Commission and the official radio call
66 letters assigned by the Federal Communications Commission to the applicant. An owner making
67 a new application and paying a new fee to retain an amateur radio plate may request a
68 replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME
69 STATE". If application is made to retain a plate that is three years old or older, the replacement
70 plate shall be issued upon the payment of required fees.

71 6. Notwithstanding any other provision to the contrary, any business that repossesses
72 motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard
73 displaying the word "Repossessed", provided such business pays the **license** fees presently
74 required of a manufacturer, distributor, or dealer in [subsection 1 of section 301.253] **section**
75 **301.560**. Such placard shall bear a number and shall be in such form as the director of revenue
76 shall determine, and shall be only used for demonstrations when displayed substantially as
77 provided for number plates on the rear of the **repossessed** motor vehicle or trailer.

78 7. Notwithstanding any provision of law to the contrary, any person who has retired from
79 any branch of the United States armed forces or reserves, the United States Coast Guard or
80 reserve, the United States Merchant Marines or reserve, the National Guard, or any subdivision
81 of any such services shall be exempt from the additional fee required for personalized license
82 plates issued pursuant to section 301.441. As used in this subsection, "retired" means having
83 served twenty or more years in the appropriate branch of service and having received an
84 honorable discharge.

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate
2 therefor, shall be issued by the director of revenue unless the applicant therefor shall make
3 application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall
4 present satisfactory evidence that such certificate has been previously issued to the applicant for
5 such motor vehicle or trailer. Application shall be made within thirty days after the applicant
6 acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and
7 shall contain the applicant's identification number, a full description of the motor vehicle or
8 trailer, the vehicle identification number, and the mileage registered on the odometer at the time
9 of transfer of ownership, as required by section 407.536, RSMo, together with a statement of the
10 applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer,
11 provided that for good cause shown the director of revenue may extend the period of time for
12 making such application.

13 2. The director of revenue shall use reasonable diligence in ascertaining whether the facts
14 stated in such application are true and shall, to the extent possible without substantially delaying
15 processing of the application, review any odometer information pertaining to such motor vehicle
16 that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of

17 such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the
18 director shall thereupon issue an appropriate certificate over his signature and sealed with the
19 seal of his office, procured and used for such purpose. The certificate shall contain on its face
20 a complete description, vehicle identification number, and other evidence of identification of the
21 motor vehicle or trailer, as the director of revenue may deem necessary, together with the
22 odometer information required to be put on the face of the certificate pursuant to section
23 407.536, RSMo, a statement of any liens or encumbrances which the application may show to
24 be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing
25 the transferor's title and whether the transferor's odometer mileage statement executed pursuant
26 to section 407.536, RSMo, indicated that the true mileage is materially different from the number
27 of miles shown on the odometer, or is unknown.

28 3. The director of revenue shall appropriately designate on the current and all subsequent
29 issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle",
30 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section
31 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for
32 motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print
33 on the face thereof the following designation: "Annual odometer updates may be available from
34 the department of revenue.". On any duplicate certificate, the director of revenue shall reprint
35 on the face thereof the most recent of either:

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

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

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

46 5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in
47 addition to the fee for registration of such motor vehicle or trailer. If application for the
48 certificate is not made within thirty days after the vehicle is acquired by the applicant, a
49 delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and
50 twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of [one
51 hundred dollars before November 1, 2003, and not to exceed a total of] two hundred dollars [on
52 or after November 1, 2003, shall be imposed], but such penalty may be waived by the director

53 for a good cause shown. If the director of revenue learns that any person has failed to obtain a
54 certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle
55 without obtaining a certificate, he shall cancel the registration of all vehicles registered in the
56 name of the person, either as sole owner or as a co-owner, and shall notify the person that the
57 cancellation will remain in force until the person pays the delinquency penalty fee provided in
58 this section, together with all fees, charges and payments which [he] **the person** should have
59 paid in connection with the certificate of ownership and registration of the vehicle. The
60 certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned
61 or held by the original holder of the certificate and shall not have to be renewed annually.

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

65 7. It is unlawful for any person to operate in this state a motor vehicle or trailer required
66 to be registered under the provisions of the law unless a certificate of ownership has been [issued
67 as herein] **applied for as provided in this section.**

68 8. Before an original Missouri certificate of ownership is issued, an inspection of the
69 vehicle and a verification of vehicle identification numbers shall be made by the Missouri state
70 highway patrol on vehicles for which there is a current title issued by another state if a Missouri
71 salvage certificate of title has been issued for the same vehicle but no prior inspection and
72 verification has been made in this state, except that if such vehicle has been inspected in another
73 state by a law enforcement officer in a manner comparable to the inspection process in this state
74 and the vehicle identification numbers have been so verified, the applicant shall not be liable for
75 the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle
76 identification number verification to the director of revenue at the time of the application. The
77 applicant, who has such a title for a vehicle on which no prior inspection and verification have
78 been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable
79 to the director of revenue at the time of the request for the application, which shall be deposited
80 in the state treasury to the credit of the state highways and transportation department fund.

81 9. Each application for an original Missouri certificate of ownership for a vehicle which
82 is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle,
83 motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director
84 of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state
85 highway patrol, or other law enforcement agency as authorized by the director of revenue. The
86 vehicle examination shall include a verification of vehicle identification numbers and a
87 determination of the classification of the vehicle. The owner of a vehicle which requires a
88 vehicle examination certificate shall present the vehicle for examination and obtain a completed

89 vehicle examination certificate prior to submitting an application for a certificate of ownership
90 to the director of revenue. The fee for the vehicle examination application shall be twenty-five
91 dollars and shall be collected by the director of revenue at the time of the request for the
92 application and shall be deposited in the state treasury to the credit of the state highways and
93 transportation department fund. **If the vehicle is also to be registered in Missouri, the safety**
94 **inspection required in chapter 307, RSMo, and the emissions inspection required under**
95 **chapter 643, RSMo, shall be completed and the fees required by section 307.365, RSMo,**
96 **and section 643.315, RSMo, shall be charged to the owner.**

97 10. When an application is made for an original Missouri certificate of ownership for a
98 motor vehicle previously registered or titled in a state other than Missouri or as required by
99 section 301.020, it shall be accompanied by a current inspection form certified by a duly
100 authorized official inspection station as described in chapter 307, RSMo. The completed form
101 shall certify that the manufacturer's identification number for the vehicle has been inspected, that
102 it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the
103 time of inspection. The inspection station shall collect the same fee as authorized in section
104 307.365, RSMo, for making the inspection, and the fee shall be deposited in the same manner
105 as provided in section 307.365, RSMo. If the vehicle is also to be registered in Missouri, the
106 safety inspection required in chapter 307, RSMo, and the emissions inspection required under
107 chapter 643, RSMo, shall be completed and only the fees required by section 307.365, RSMo,
108 and section 643.315, RSMo, shall be charged to the owner. This section shall not apply to
109 vehicles being transferred on a manufacturer's statement of origin.

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

117 12. When an application is made for an original Missouri certificate of ownership for a
118 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of
119 ownership has been appropriately designated by the issuing state as a reconstructed motor
120 vehicle, motor change vehicle, [or] specially constructed motor vehicle, **or prior salvage**
121 **vehicle**, the director of revenue shall appropriately designate on the current Missouri and all
122 subsequent issues of the certificate of ownership the name of the issuing state and such prior
123 designation. **The absence of a prior designation shall not relieve a transferor of the duty**
124 **to exercise due diligence with regard to such certificate of ownership prior to the transfer**

of a certificate. If a transferor exercises due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

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

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

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

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

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

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

(4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles.

The department of revenue shall issue the owner a certificate of ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

[301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of 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 applicant
7 acquires the motor vehicle or trailer upon a blank form furnished by the director
8 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.

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

33 3. The director of revenue shall appropriately designate on the current
34 and all subsequent issues of the certificate the words "Reconstructed Motor
35 Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or
36 "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1,
37 1990, on all original and all subsequent issues of the certificate for motor vehicles
38 as referenced in subsections 2 and 3 of section 301.020, the director shall print
39 on the face thereof the following designation: "Annual odometer updates may
40 be available from the department of revenue.". On any duplicate certificate, the
41 director of revenue shall reprint on the face thereof the most recent of either:

42 (1) The mileage information included on the face of the immediately
43 prior certificate and the date of purchase or issuance of the immediately prior
44 certificate; or

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

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

54 5. The fee for each original certificate so issued shall be eight dollars and
55 fifty cents, in addition to the fee for registration of such motor vehicle or trailer.
56 If application for the certificate is not made within thirty days after the vehicle is
57 acquired by the applicant, a delinquency penalty fee of twenty-five dollars for the
58 first thirty days of delinquency and twenty-five dollars for each thirty days of
59 delinquency thereafter, not to exceed a total of one hundred dollars before
60 November 1, 2003, and not to exceed a total of two hundred dollars on or after
61 November 1, 2003, shall be imposed, but such penalty may be waived by the
62 director for a good cause shown. If the director of revenue learns that any person
63 has failed to obtain a certificate within thirty days after acquiring a motor vehicle
64 or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the
65 registration of all vehicles registered in the name of the person, either as sole
66 owner or as a co-owner, and shall notify the person that the cancellation will
67 remain in force until the person pays the delinquency penalty fee provided in this
68 section, together with all fees, charges and payments which he should have paid
69 in connection with the certificate of ownership and registration of the vehicle.
70 The certificate shall be good for the life of the motor vehicle or trailer so long as
71 the same is owned or held by the original holder of the certificate and shall not
72 have to be renewed annually.

73 6. Any applicant for a certificate of ownership requesting the department
74 of revenue to process an application for a certificate of ownership in an
75 expeditious manner requiring special handling shall pay a fee of five dollars in
76 addition to the regular certificate of ownership fee.

77 7. It is unlawful for any person to operate in this state a motor vehicle or
78 trailer required to be registered under the provisions of the law unless a certificate
79 of ownership has been issued as herein provided.

80 8. Before an original Missouri certificate of ownership is issued, an
81 inspection of the vehicle and a verification of vehicle identification numbers shall
82 be made by the Missouri state highway patrol on vehicles for which there is a
83 current title issued by another state if a Missouri salvage certificate of title has
84 been issued for the same vehicle but no prior inspection and verification has been
85 made in this state, except that if such vehicle has been inspected in another state
86 by a law enforcement officer in a manner comparable to the inspection process
87 in this state and the vehicle identification numbers have been so verified, the
88 applicant shall not be liable for the twenty-five dollar inspection fee if such
89 applicant submits proof of inspection and vehicle identification number

90 verification to the director of revenue at the time of the application. The
91 applicant, who has such a title for a vehicle on which no prior inspection and
92 verification have been made, shall pay a fee of twenty-five dollars for such
93 verification and inspection, payable to the director of revenue at the time of the
94 request for the application, which shall be deposited in the state treasury to the
95 credit of the state highways and transportation department fund.

96 9. Each application for an original Missouri certificate of ownership for
97 a vehicle which is classified as a reconstructed motor vehicle, specially
98 constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor
99 vehicle, or other vehicle as required by the director of revenue shall be
100 accompanied by a vehicle examination certificate issued by the Missouri state
101 highway patrol, or other law enforcement agency as authorized by the director of
102 revenue. The vehicle examination shall include a verification of vehicle
103 identification numbers and a determination of the classification of the vehicle.
104 The owner of a vehicle which requires a vehicle examination certificate shall
105 present the vehicle for examination and obtain a completed vehicle examination
106 certificate prior to submitting an application for a certificate of ownership to the
107 director of revenue. The fee for the vehicle examination application shall be
108 twenty-five dollars and shall be collected by the director of revenue at the time
109 of the request for the application and shall be deposited in the state treasury to the
110 credit of the state highways and transportation department fund.

111 10. When an application is made for an original Missouri certificate of
112 ownership for a motor vehicle previously registered or titled in a state other than
113 Missouri or as required by section 301.020, it shall be accompanied by a current
114 inspection form certified by a duly authorized official inspection station as
115 described in chapter 307, RSMo. The completed form shall certify that the
116 manufacturer's identification number for the vehicle has been inspected, that it
117 is correctly displayed on the vehicle and shall certify the reading shown on the
118 odometer at the time of inspection. The inspection station shall collect the same
119 fee as authorized in section 307.365, RSMo, for making the inspection, and the
120 fee shall be deposited in the same manner as provided in section 307.365, RSMo.
121 If the vehicle is also to be registered in Missouri, the safety and emissions
122 inspections required in chapter 307, RSMo, shall be completed and only the fees
123 required by sections 307.365 and 307.366, RSMo, shall be charged to the owner.
124 This section shall not apply to vehicles being transferred on a manufacturer's
125 statement of origin.

126 11. Motor vehicles brought into this state in a wrecked or damaged
127 condition or after being towed as an abandoned vehicle pursuant to another state's
128 abandoned motor vehicle procedures shall, in lieu of the inspection required by
129 subsection 10 of this section, be inspected by the Missouri state highway patrol
130 in accordance with subsection 9 of this section. If the inspection reveals the
131 vehicle to be in a salvage or junk condition, the director shall so indicate on any
132 Missouri certificate of ownership issued for such vehicle. Any salvage

133 designation shall be carried forward on all subsequently issued certificates of title
134 for the motor vehicle.

135 12. When an application is made for an original Missouri certificate of
136 ownership for a motor vehicle previously registered or titled in a state other than
137 Missouri, and the certificate of ownership has been appropriately designated by
138 the issuing state as a reconstructed motor vehicle, motor change vehicle, or
139 specially constructed motor vehicle, the director of revenue shall appropriately
140 designate on the current Missouri and all subsequent issues of the certificate of
141 ownership the name of the issuing state and such prior designation.

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

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

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

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

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

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

163 (4) An inspection certificate, other than a motor vehicle examination
164 certificate required under subsection 9 of this section, completed and issued by
165 the Missouri state highway patrol, or other law enforcement agency as authorized
166 by the director of revenue. The inspection performed by the highway patrol or
167 other authorized local law enforcement agency shall include a check for stolen
168 vehicles.

169 The department of revenue shall issue the owner a certificate of ownership
170 designated with the words "Reconstructed Motor Vehicle" and deliver such
171 certificate of ownership in accordance with the provisions of this chapter.
172 Notwithstanding subsection 9 of this section, no owner of a reconstructed motor
173 vehicle described in this subsection shall be required to obtain a vehicle
174 examination certificate issued by the Missouri state highway patrol.]
175

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

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

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

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

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

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

9 (3) Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar
10 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 processor, as defined
12 in section 301.010.

13 2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to
14 persons holding a current license under sections 301.217 to 301.221 as a salvage dealer and
15 dismantler and actually engaged in that business. Such persons must have and present a separate
16 buyer's identification card issued by the department of revenue to buy at a salvage pool or
17 salvage disposal sale. If the prospective purchasers are not engaged in such business in Missouri
18 but are in some other state, then they shall submit a fee of [twenty-five] **one hundred** dollars and

19 must furnish proof of licensure or nonrequirement therefor from their state to the director of
20 revenue who shall issue a buyer's identification card after verifying that the prospective purchaser
21 is entitled to have the same in order to buy salvage vehicles. The director of revenue shall adopt
22 rules for criteria and requirements for out of state, prospective purchasers to meet in order to be
23 issued a buyer's identification card. Operators of salvage pools or salvage disposal sales shall
24 keep a record, for three years, of sales of salvage vehicles with the purchasers' name and address,
25 and the year, make, and vehicle identification number for each vehicle. These records shall be
26 open for inspection as provided in section 301.225.

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

301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to
2 the department of revenue, on blanks to be prescribed by the department of revenue, giving the
3 following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle
4 sold; the name and address of the buyer; the name of the manufacturer; year of manufacture;
5 model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall
6 also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand.
7 The odometer reading is not required when reporting the sale of any motor vehicle that is ten
8 years old or older, any motor vehicle having a gross vehicle weight rating of more than sixteen
9 thousand pounds, new vehicles that are transferred on a manufacturer's statement of origin
10 between one franchised motor vehicle dealer and another, or boats, all-terrain vehicles or trailers.
11 The sale of all thirty-day temporary permits, without exception, shall be recorded in the
12 appropriate space on the dealer's monthly sales report by recording the complete permit number
13 issued on the motor vehicle or trailer sale listed. The monthly sales report shall be completed
14 in full and signed by an officer, partner, or owner of the dealership, and actually received by the
15 department of revenue on or before the fifteenth day of the month succeeding the month for
16 which the sales are being reported. If no sales occur in any given month, a report shall be
17 submitted for that month indicating no sales. Any vehicle dealer who fails to file a monthly
18 report or who fails to file a timely report shall be subject to disciplinary action as prescribed in
19 section 301.562 or a penalty assessed by the director not to exceed three hundred dollars per
20 violation. Every motor vehicle and boat dealer shall retain copies of the monthly sales report as
21 part of the records to be maintained at the dealership location and shall hold them available for
22 inspection by appropriate law enforcement officials and officials of the department of revenue.
23 [Beginning January 1, 2006, the monthly sales report required by this subsection may be filed
24 electronically. Beginning January 1, 2007,] Every vehicle dealer selling twenty or more vehicles
25 a month shall file the monthly sales report with the department in an electronic format. Any

26 dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice
27 of transfer required by section 301.196. For any dealer not filing electronically, the notice of
28 transfer required by section 301.196 shall be submitted with the monthly sales report as
29 prescribed by the director.

30 2. Every dealer and every person operating a public garage shall keep a correct record
31 of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles
32 or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together
33 with the name and address of the person delivering such motor vehicle or trailer to the dealer or
34 public garage keeper, and the person delivering such motor vehicle or trailer shall record such
35 information in a file kept by the dealer or garage keeper. The record shall be kept for three years
36 and be open for inspection by law enforcement officials and persons, agencies and officials
37 designated by the director of revenue.

38 3. Every dealer and every person operating a public garage in which a motor vehicle
39 remains unclaimed for a period of fifteen days [shall, within five days after the expiration of that
40 period,] **may** report the motor vehicle as unclaimed to the director of revenue. Such report shall
41 be on a form prescribed by the director of revenue. A motor vehicle left by its owner whose
42 name and address are known to the dealer or his employee or person operating a public garage
43 or his employee is not considered unclaimed. [Any dealer or person operating a public garage
44 who fails to report a motor vehicle as unclaimed as herein required forfeits all claims and liens
45 for its garaging, parking or storing.]

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

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

301.550. 1. The definitions contained in section 301.010 shall apply to sections 301.550
2 to 301.573, and in addition as used in sections 301.550 to 301.573, the following terms mean:

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

8 required as evidence that such person is eligible for licensure as a boat dealer under sections
9 301.550 to 301.573. The boat dealer shall demonstrate eligibility for renewal of his license by
10 selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as
11 a boat dealer pursuant to sections 301.550 to 301.573;

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

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

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

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

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

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

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

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

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

31 (7) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent
32 to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents
33 with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor
34 vehicles or trailers whether or not the motor vehicles or trailers are owned by such person;
35 provided, however, an individual auctioneer or auction conducted by an auctioneer licensed
36 pursuant to chapter 343, RSMo, shall not be included within the definition of a motor vehicle
37 dealer. The sale of ~~[six]~~ **twelve** or more motor vehicles or trailers in any calendar year shall be
38 required as evidence that such person is engaged in the motor vehicle business and is eligible for
39 licensure as a motor vehicle dealer under sections 301.550 to 301.573. **Any motor vehicle**
40 **dealer licensed every year and operating every year from any time in 1990 to August 28,**
41 **2007, shall be required to meet the minimum calendar year sales of six or more provided**
42 **the dealer can prove the business achieved six or more sales for any ten of the last**
43 **seventeen years; otherwise, said dealer shall be required to meet the minimum calendar**

44 year sales of any dealer licensed from August 28, 2007, through any time during the
45 calendar year 2008 as described in this subsection. Any motor vehicle dealer licensed from
46 August 28, 2007, through any time during the calendar year 2008 shall have until
47 December 31, 2009, to cumulatively meet the minimum calendar year sales of twelve or
48 more motor vehicles or trailers determined on a prorated basis of one sale per month. Any
49 motor vehicle dealer licensed after January 1, 2010, shall meet the minimum calendar year
50 sales of twelve or more on an annual basis determined on a prorated basis of one sale per
51 month. Any licensed motor vehicle dealer failing to meet the minimum vehicle sales
52 requirements as referenced in this subsection shall not be qualified to renew his or her
53 license for one year;

54 (8) "New motor vehicle", any motor vehicle being transferred for the first time from a
55 manufacturer, distributor or new vehicle dealer which has not been registered or titled in this
56 state or any other state and which is offered for sale, barter or exchange by a dealer who is
57 franchised to sell, barter or exchange that particular make of motor vehicle. The term "new
58 motor vehicle" shall not include manufactured homes, as defined in section 700.010, RSMo;

59 (9) "New motor vehicle franchise dealer", any motor vehicle dealer who has been
60 franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that
61 make and motor vehicle and who may, in line with conducting his business as a franchise dealer,
62 sell, barter or exchange used motor vehicles;

63 (10) "Person" includes an individual, a partnership, corporation, an unincorporated
64 society or association, joint venture or any other entity;

65 (11) "Powersport dealer", any motor vehicle dealer who sells, either pursuant to a
66 franchise agreement or otherwise, primarily motor vehicles including but not limited to
67 motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this
68 chapter and chapter 306, RSMo;

69 (12) "Public motor vehicle auction", any person, firm or corporation who takes
70 possession of a motor vehicle whether by consignment, bailment or any other arrangement,
71 except by title, for the purpose of selling motor vehicles at a public auction by a licensed
72 auctioneer;

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

75 (14) "Trailer dealer", any person selling, either exclusively or otherwise, trailers
76 as defined in subdivision (59) of section 301.010. A trailer dealer may acquire a motor
77 vehicle for resale only as a trade-in for a trailer. Notwithstanding the provisions of
78 subdivision (11) of section 301.010 and section 301.069, trailer dealers may purchase one
79 driveaway license plate to display such motor vehicle for demonstration purposes. The sale

80 of twelve or more trailers or motor vehicles in any calendar year shall be required as
81 evidence that such person is engaged in the trailer business and is eligible for licensure as
82 a trailer dealer under sections 301.550 to 301.573. Any trailer dealer licensed every year
83 and operating every year from any time in 1990 to August 28, 2007, shall be required to
84 meet the minimum calendar year sales of six or more provided the dealer can prove the
85 business achieved six or more sales for any ten of the last seventeen years; otherwise, said
86 dealer shall be required to meet the minimum calendar year sales of twelve or more trailers
87 or motor vehicles determined on a prorated basis of one sale per month. Any trailer dealer
88 licensed after January 1, 2010, shall meet the minimum calendar year sales of twelve or
89 more on an annual basis determined on a prorated basis of one sale per month. Any
90 licensed trailer dealer failing to meet the minimum trailer and vehicle sales requirements
91 as referenced in this subsection shall not be qualified to renew his or her license for one
92 year;

93 (15) "Used motor vehicle", any motor vehicle which is not a new motor vehicle, as
94 defined in sections 301.550 to 301.573, and which has been sold, bartered, exchanged or given
95 away or which may have had a title issued in this state or any other state, or a motor vehicle so
96 used as to be what is commonly known as a secondhand motor vehicle. In the event of an
97 assignment of the statement of origin from an original franchise dealer to any individual or other
98 motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the
99 vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership
100 shall be obtained in the assignee's name. The term "used motor vehicle" shall not include
101 manufactured homes, as defined in section 700.010, RSMo;

102 [(15)] (16) "Used motor vehicle dealer", any motor vehicle dealer who is not a new
103 motor vehicle franchise dealer;

104 [(16)] (17) "Vessel", every boat and watercraft defined as a vessel in section 306.010,
105 RSMo;

106 [(17)] (18) "Vessel trailer", any trailer, as defined by section 301.010 which is designed
107 and manufactured for the purposes of transporting vessels;

108 [(18)] (19) "Wholesale motor vehicle auction", any person, firm or corporation in the
109 business of providing auction services solely in wholesale transactions at its established place
110 of business in which the purchasers are motor vehicle dealers licensed by this or any other
111 jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary
112 course of its business. Except as required by law with regard to the auction sale of a government
113 owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in
114 connection with the retail sale of a motor vehicle;

115 [(19)] **(20)** "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor
116 vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via
117 auctions limited to other dealers of any class.

2. For purposes of sections 301.550 to 301.573, neither the term "motor vehicle" nor the term "trailer" shall include manufactured homes, as defined in section 700.010, RSMo.

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

- 121 (1) Boat dealers;
122 (2) Franchised new motor vehicle dealers;
123 (3) Used motor vehicle dealers;
124 (4) Wholesale motor vehicle dealers;
125 (5) Recreational motor vehicle dealers;
126 (6) Historic motor vehicle dealers;
127 (7) Classic motor vehicle dealers; [and]
128 (8) Powersport dealers; **and**
129 **(9) Trailer dealers.**

16 the seller, upon the return of the vehicle while exercising this option, in the amount of \$500,
17 and other conditions stipulated in the contract cancellation option agreement."

18 3. To comply with this law, a contract cancellation option agreement shall be
19 contained in a document separate from the sale contract or other vehicle purchase
20 agreement and shall contain, at a minimum, the following:

21 (1) The name of the seller and the buyer;

22 (2) The year, make, model, odometer reading, and vehicle identification number
23 of the purchased vehicle;

24 (3) A statement specifying the time within which the buyer must exercise the option
25 to cancel the contract and return the vehicle to the dealer at the dealer's principal place of
26 business. The dealer shall not specify a time that is earlier than the dealer's close of
27 business on the second day following the day on which the vehicle was originally delivered
28 to the buyer by the dealer;

29 (4) A statement that clearly and conspicuously specifies the dollar amount of the
30 restocking fee the buyer must pay to the dealer in order to exercise the option to cancel the
31 contract. The restocking fee shall not exceed five hundred dollars;

32 (5) A statement specifying the maximum number of miles that the vehicle may be
33 driven after it is originally delivered to the buyer by the dealer in order for the vehicle to
34 be eligible for cancellation. A dealer shall not specify fewer than two hundred miles in the
35 contract cancellation option agreement;

36 (6) A statement that the contract cancellation option gives the buyer the option to
37 cancel the purchase contract and obtain a full refund, minus the amount of the restocking
38 fee; and that the option to cancel will apply only if, within the time specified in the contract
39 cancellation option agreement, the following are personally delivered to the selling dealer
40 by the buyer:

41 (a) A written notice of decision to exercise the option to cancel the contract signed
42 by the buyer;

43 (b) The restocking fee specified in the contract cancellation option agreement;

44 (c) The original contract cancellation option agreement and the vehicle sales
45 contract and any and all other related documents associated with the sale of the vehicle,
46 but only if the selling dealer gave the original documents to the buyer; and

47 (d) The vehicle, free of all liens and encumbrances, any loan arranged by the dealer
48 or any purchase money loan obtained by the buyer from a third party, and in the same
49 condition as when the vehicle was delivered to the buyer by the selling dealer, reasonable
50 wear and tear and any defect or mechanical problem that manifests or becomes evident

51 after delivery that was not caused by the buyer excepted, and which must not have been
52 driven beyond the mileage limit specified in the contract cancellation option agreement.
53 The agreement may also provide that the buyer will execute documents reasonably
54 necessary to effectuate the cancellation and refund and as reasonably required to comply
55 with applicable law;

56 (7) A statement at the bottom of the contract cancellation option agreement that
57 includes and is following by a signature line which may be signed by the buyer to indicate
58 the buyer's election to exercise the option to cancel the purchase under the terms of the
59 contract cancellation option agreement, and the last date and time by which the option may
60 be exercised, followed by a line for the buyer. A particular form of statement is not
61 required, but the following statement is sufficient:

62 "By signing below, I elect to exercise my option to cancel the purchase of the vehicle
63 described in the agreement."

64 The buyer's delivery of the purchase cancellation agreement to the dealer with the buyer's
65 signature following this statement shall constitute sufficient written notice exercising the
66 right to cancel the purchase. The dealer shall provide the buyer with the statement
67 required in this subdivision in duplicate to enable the buyer to return the signed
68 cancellation notice and retain a copy of the cancellation agreement.

69 4. No later than the second day following the day on which the buyer exercises the
70 option to cancel the purchase in compliance with the contract cancellation option
71 agreement, the dealer shall cancel the contract and provide the buyer with a full refund
72 which shall include any motor vehicle the buyer left with the seller as a down payment or
73 trade-in unless the seller has sold or otherwise transferred title to the motor vehicle that
74 was left, in which case the refund shall include the fair market value of the motor vehicle
75 as specifically stated in the most recent central edition of the National Automobile Dealers'
76 Association's official used car guide or the motor vehicle's value as stated in the sale
77 contract or purchase order, whichever is greater. If the seller received a portion of the
78 purchase price by credit card, or other third party payer on the buyer's account, the seller
79 may refund that portion of the purchase price to the credit card issuer or third party payer
80 for credit to the buyer's account.

81 5. An individual who exercised an option to cancel a purchase of a vehicle from a
82 selling dealer shall not avail himself or herself to the two-day cancellation option created
83 by this section if he or she decides to purchase a vehicle from the same selling dealer within
84 the immediate thirty days following the exercising of the cancellation option. A seller is not
85 required to give notice to a subsequent buyer of a vehicle returned to the seller under this
86 section.

87 **6. The provisions of this section shall not affect or alter the legal rights, duties,**
88 **obligations, or liabilities of the buyer, the selling dealer, or the dealer's agents or assigns**
89 **that would exist in the absence of an option to cancel the purchase contract of a used motor**
90 **vehicle. The buyer is the owner of a vehicle when he or she takes delivery of a vehicle**
91 **under this section until the vehicle is returned to the dealer. The provisions of this section**
92 **shall not impose permissive user liability on the selling dealer or the selling dealer's agents**
93 **or assigns. Nothing in this section is intended to affect the ability of a buyer to rescind a**
94 **vehicle sales contract or revoke acceptance under any other law.**

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

3 (1) Every application other than a renewal application for a motor vehicle franchise
4 dealer shall include a certification that the applicant has a bona fide established place of business.
5 [When the application is being made for licensure as a manufacturer, motor vehicle dealer,
6 wholesale motor vehicle dealer, wholesale motor vehicle auction or a public motor vehicle
7 auction,] **Such application shall include an annual certification that the applicant has a**
8 **bona fide established place of business for the first three years and only for every other**
9 **year thereafter. The certification shall be performed by a uniformed member of the Missouri**
10 **state highway patrol stationed in the troop area in which the applicant's place of business is**
11 **located; except, that in counties of the first classification, certification may be performed by an**
12 **officer of a metropolitan police department when the applicant's established place of business**
13 **of distributing or 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 licensure as a**
15 **boat manufacturer or boat dealer, certification shall be performed by a uniformed member of the**
16 **Missouri state water patrol stationed in the district area in which the applicant's place of business**
17 **is located or by a uniformed member of the Missouri state highway patrol stationed in the troop**
18 **area in which the applicant's place of business is located or, if the applicant's place of business**
19 **is located within the jurisdiction of a metropolitan police department in a first class county, by**
20 **an officer of such metropolitan police department. A bona fide established place of business for**
21 **any new motor vehicle franchise dealer [or] , used motor vehicle dealer, boat dealer, wholesale**
22 **motor vehicle dealer, trailer dealer, or wholesale or public auction shall [include] be a**
23 **permanent enclosed commercial, nonresidential building or structure, either owned in fee or**
24 **leased and actually occupied as a place of business by the applicant for the selling, bartering,**
25 **trading, servicing, or exchanging of motor vehicles, boats, or trailers and wherein the public**
26 **may contact the owner or operator at any reasonable time, and wherein shall be kept and**
27 **maintained the books, records, files and other matters required and necessary to conduct the**
28 **business. The applicant's place of business shall contain a working telephone which shall be**

29 maintained during the entire registration year. In order to qualify as a bona fide established place
30 of business for all applicants licensed pursuant to this section there shall be an exterior sign
31 displayed carrying the name of the business set forth in letters at least [six] **twelve** inches in
32 height and clearly visible to the public and there shall be an area or lot which shall not be a
33 public street, **residential driveway, or residential yard** on which [one or more] **multiple**
34 vehicles, **boats, or trailers** may be displayed[, except when licensure is for a wholesale motor
35 vehicle dealer, a lot and sign shall not be required]. The sign shall contain the name of the
36 dealership by which it is known to the public through advertising or otherwise, which need not
37 be identical to the name appearing on the dealership's license so long as such name is registered
38 as a fictitious name with the secretary of state, has been approved by its line-make manufacturer
39 in writing in the case of a new motor vehicle franchise dealer and a copy of such fictitious name
40 registration has been provided to the department. [When licensure is for a boat dealer, a lot shall
41 not be required. In the case of new motor vehicle franchise dealers, the bona fide established
42 place of business shall include adequate facilities, tools and personnel necessary to properly
43 service and repair motor vehicles and trailers under their franchisor's warranty];

44 (2) [If] The **initial** application [is] for licensure [as a manufacturer, boat manufacturer,
45 new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor vehicle auction,
46 boat dealer or a public motor vehicle auction,] **shall include** a photograph, not to exceed eight
47 inches by ten inches **but no less than five inches by seven inches**, showing the business
48 building, **lot**, and sign [shall accompany the initial application. In the case of a manufacturer,
49 new motor vehicle franchise dealer or used motor vehicle dealer, the photograph shall include
50 the lot of the business]. A new motor vehicle franchise dealer applicant who has purchased a
51 currently licensed new motor vehicle franchised dealership shall be allowed to submit a
52 photograph of the existing 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 sections 301.550 to
54 301.573. Applicants shall not be required to submit a photograph annually unless the business
55 has moved from its previously licensed location, or unless the name of the business or address
56 has changed, or unless the class of business has changed;

57 (3) [If the application is for licensure as a wholesale motor vehicle dealer or as a boat
58 dealer, the application shall contain the business address, not a post office box, and telephone
59 number of the place where the books, records, files and other matters required and necessary to
60 conduct the business are located and where the same may be inspected during normal daytime
61 business hours. Wholesale motor vehicle dealers and boat dealers shall file reports as required
62 of new franchised motor vehicle dealers and used motor vehicle dealers;

63 (4)] Every applicant as a new motor vehicle franchise dealer, a used motor vehicle
64 dealer, a wholesale motor vehicle dealer, **trailer dealer**, or boat dealer shall furnish with the

65 application a corporate surety bond or an irrevocable letter of credit as defined in section
66 400.5-103, RSMo, issued by any state or federal financial institution in the penal sum of
67 [twenty-five] **one hundred** thousand dollars on a form approved by the department. The bond
68 or irrevocable letter of credit shall be conditioned upon the dealer complying with the provisions
69 of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle dealers,
70 wholesale motor vehicle dealers, **trailer dealers**, and boat dealers, and the bond shall be an
71 indemnity for any loss sustained by reason of the acts of the person bonded when such acts
72 constitute grounds for the suspension or revocation of the dealer's license. The bond shall be
73 executed in the name of the state of Missouri for the benefit of all aggrieved parties or the
74 irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the
75 aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event,
76 exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or
77 irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from
78 a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved
79 party;

80 [(5)] (4) Payment of all necessary license fees as established by the department. In
81 establishing the amount of the annual license fees, the department shall, as near as possible,
82 produce sufficient total income to offset operational expenses of the department relating to the
83 administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of
84 sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or
85 certificates of number collected pursuant to subsection 6 of this section, shall be collected by the
86 department for deposit in the state treasury to the credit of the "Motor Vehicle Commission
87 Fund", which is hereby created. The motor vehicle commission fund shall be administered by
88 the Missouri department of revenue. The provisions of section 33.080, RSMo, to the contrary
89 notwithstanding, money in such fund shall not be transferred and placed to the credit of the
90 general revenue fund until the amount in the motor vehicle commission fund at the end of the
91 biennium exceeds two times the amount of the appropriation from such fund for the preceding
92 fiscal year or, if the department requires permit renewal less frequently than yearly, then three
93 times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the
94 fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation
95 from such fund for the preceding fiscal year.

96 2. In the event a new **vehicle** manufacturer, boat manufacturer, motor vehicle dealer,
97 wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle auction, **trailer dealer**, or
98 a public motor vehicle auction submits an application for a license for a new business and the
99 applicant has complied with all the provisions of this section, the department shall make a

100 decision to grant or deny the license to the applicant within eight working hours after receipt of
 101 the dealer's application, notwithstanding any rule of the department.

102 3. Upon the initial issuance of a license by the department, the department shall assign
 103 a distinctive dealer license number or certificate of number to the applicant and the department
 104 shall issue one number plate or certificate bearing the distinctive dealer license number or
 105 certificate of number within eight working hours after presentment of the application. Upon the
 106 renewal [of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer, public motor
 107 vehicle auction, wholesale motor vehicle dealer or wholesale motor vehicle auction], the
 108 department shall issue the distinctive dealer license number or certificate of number as quickly
 109 as possible. The issuance of such distinctive dealer license number or certificate of number shall
 110 be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat
 111 dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle
 112 dealer, wholesale motor vehicle auction or **new or used** motor vehicle dealer.

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

115 New motor vehicle franchise dealers	D-0 through D-999
116 New [motor vehicle franchise and commercial	
117 motor vehicle] powersport dealers	D-1000 through D-1999
118 Used motor vehicle and used powersport	
119 dealers	D-2000 through [D-5399
120	and D-6000 through] D-9999
121 Wholesale motor vehicle dealers	[W-1000] W-0 through W-1999
122 Wholesale motor vehicle auctions	[W-2000] WA-0 through
123 [W-2999] WA-999	
124 New and used trailer dealers	T-0 through T-9999
125 Motor vehicle [and] , trailer, and boat	
126 manufacturers	[M-0] DM-0 through [M-9999] DM-999
127 [Motorcycle dealers	D-5400 through D-5999]
128 Public motor vehicle auctions	[A-1000] A-0 through A-1999
129 Boat dealers [and boat	
130 manufacturers]	[B-0] M-0 through [B-9999] M-9999

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

134 6. In the case of **new motor vehicle** manufacturers [and] , motor vehicle dealers, **and**
 135 **trailer dealers**, the department shall [also] issue one number plate bearing the distinctive dealer

license number to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee. [As many] Additional number plates [as may be desired by manufacturers and motor vehicle dealers] and as many additional certificates of number [as may be desired by boat dealers and boat manufacturers] may be obtained upon payment of a fee of ten dollars and fifty cents for each additional plate or certificate. **New motor vehicle manufacturers shall not have or hold more than two hundred ninety-nine additional plates annually. New and used motor vehicle dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit transactions annually.** A motor vehicle dealer, **trailer dealer**, boat dealer, **motor vehicle** manufacturer, boat manufacturer, [public motor vehicle auction,] **or** wholesale motor vehicle dealer [or wholesale motor vehicle auction] obtaining a dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated. **Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate.**

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

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

172 **motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or** vessel or
173 vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer.
174 Boat dealers and **boat** manufacturers may display their certificate of number on a vessel or vessel
175 trailer [which is being transported] **when transporting a vessel or vessels** to an exhibit or show.

176 9. (1) Beginning August 28, 2006, every application for the issuance of a used motor
177 vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve
178 months, has completed an educational seminar course approved by the department as prescribed
179 by subdivision (2) of this subsection. Wholesale and [retail] **public** auto auctions **and**
180 **applicants currently holding a new or used license for a separate dealership** shall be exempt
181 from the requirements of this subsection. The provisions of this subsection shall not apply to
182 **current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants**
183 **for a new motor vehicle franchise [dealers] or a motor vehicle leasing agency.** The provisions
184 of this subsection shall not apply to used motor vehicle dealers who were licensed prior to
185 August 28, 2006.

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

189 [301.566. 1. A motor vehicle dealer may participate in any motor vehicle
2 show or sale and conduct sales of motor vehicles away from the dealer's usual,
3 licensed place of business if either the requirements of subsection 2 or 3 of this
4 section are met or the event is conducted for not more than ten days, and if a
5 majority of the motor vehicle dealers within a class of dealers described pursuant
6 to subsection 3 of section 301.550 in a city or town participate or are invited and
7 have the opportunity to participate in the event, except that a recreational motor
8 vehicle dealer classified in subdivision (5) of subsection 3 of section 301.550
9 may participate in such a show or sale even if a majority of recreational motor
10 vehicle dealers in a city or town do not participate in the event. The department
11 shall consider such events to be proper in all respects and as if each dealer
12 participant was conducting business at the dealer's usual business location.
13 Nothing contained in this section shall be construed as applying to the sale of
14 motor vehicles or trailers through either a wholesale motor vehicle auction or
15 public motor vehicle auction.

16 2. Any person, partnership, corporation or association disposing of
17 vehicles used and titled solely in its ordinary course of business as provided in
18 section 301.570 may sell at retail such vehicles away from that person's bona fide
19 established place of business, thus constituting an off-site sale, by adhering to
20 each of the following conditions with regard to each and every off-site sale
21 conducted:

22 (1) Have in effect a valid license, pursuant to sections 301.550 to
23 301.575, from the department for the sale of used motor vehicles;

24 (2) No off-site sale may exceed ten days in duration, and only one sale
25 may be held per year, per county, in counties of the third and fourth
26 classification;

27 (3) Pay to the motor vehicle commission fund, pursuant to section
28 301.560, a permit fee of two hundred fifty dollars for each off-site sale event;

29 (4) Advise the department, at least ten days prior to the sale, of the date,
30 location and duration of each off-site sale;

31 (5) The sale of vehicles at off-site sales shall be limited to sales by a
32 seller of vehicles used and titled solely in its ordinary course of business, and
33 such sales shall be held in conjunction with a credit union and limited to
34 members of the credit union, thus constituting a private sale to be advertised to
35 members only;

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

43 (7) The sale of motor vehicles which have the designation of the current
44 model year, except discontinued models, is prohibited at off-site sales until
45 subsequent model year designated vehicles of the same manufacture and model
46 are offered for sale to the public.

47 3. A recreational vehicle dealer, as that term is defined in section
48 700.010, RSMo, who is licensed in another state may participate in recreational
49 vehicle shows or exhibits with recreational vehicles within this state, in which
50 less than fifty dealers participate as exhibitors with permission of the dealer's
51 licensed manufacturer if all of the following conditions exist:

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

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

56 (3) The state in which the recreational vehicle is licensed is a state
57 contiguous to Missouri and the state permits recreational vehicle dealers licensed
58 in Missouri to participate in recreational vehicle shows in such state pursuant to
59 conditions substantially equivalent to the conditions which are imposed on
60 dealers from such state who participate in recreational vehicle shows in Missouri.

61 4. A recreational vehicle dealer licensed in another state may participate
62 in a vehicle show or exhibition in Missouri which has, when it opens to the
63 public, at least fifty dealers displaying recreational vehicles if the show or
64 exhibition is trade-oriented and is predominantly funded by recreational vehicle

65 manufacturers. All of the participating dealers who are not licensed in Missouri
66 shall be licensed as recreational vehicle dealers by the state of their residence.

67 5. A recreational vehicle dealer licensed in another state who intends to
68 participate in a vehicle show or exhibition in this state shall send written
69 notification of such intended participation to the department of revenue at least
70 thirty days prior to the vehicle show or exhibition. Upon receipt of such written
71 notification, the department of revenue shall make a determination regarding
72 compliance with the provisions of this section. If such recreational vehicle dealer
73 would be unable to participate in the vehicle show or exhibition in this state
74 pursuant to this section, the department of revenue shall notify the recreational
75 vehicle dealer at least fifteen days prior to the vehicle show or exhibition of the
76 inability to participate in the vehicle show or exhibition in this state, a violation
77 of this section shall result in a fine of one thousand dollars to be assessed by the
78 department of revenue.]
79

301.566. 1. A motor vehicle dealer may participate in [any] **no more than two** motor
2 vehicle [show or sale] **shows or sales** and conduct sales of motor vehicles away from the dealer's
3 usual, licensed place of business if either the requirements of subsection 2 or 3 of this section are
4 met or the event is conducted for not more than [ten] **five consecutive** days, and if a majority of
5 the motor vehicle dealers within a class of dealers described pursuant to subsection 3 of section
6 301.550 in a city or town participate or are invited and have the opportunity to participate in the
7 event, except that a recreational motor vehicle dealer classified in subdivision (5) of subsection
8 3 of section 301.550 may participate in such a show or sale even if a majority of recreational
9 motor vehicle dealers in a city or town do not participate in the event. **If any show or sale**
10 **includes a class of dealer or franchised new vehicle line-make, that is also represented by**
11 **a same class dealer or dealer representing the same line-make outside of the boundary lines**
12 **of the city or town and is within ten miles of where the show or sale is to take place, the**
13 **dealer outside of the boundary lines of the city or town shall be invited to participate in the**
14 **show or sale.** The department shall consider such events to be proper in all respects and as if
15 each dealer participant was conducting business at the dealer's usual business location. Nothing
16 contained in this section shall be construed as applying to the sale of motor vehicles or trailers
17 through either a wholesale motor vehicle auction or public motor vehicle auction.

18 2. Any person, partnership, corporation or association disposing of vehicles used and
19 titled solely in its ordinary course of business as provided in section 301.570 may sell at retail
20 such vehicles away from that person's bona fide established place of business, thus constituting
21 an off-site sale, by adhering to each of the following conditions with regard to each and every
22 off-site sale conducted:

23 (1) Have in effect a valid license, pursuant to sections 301.550 to 301.575, from the
24 department for the sale of used motor vehicles;

25 (2) No off-site sale may exceed [ten] **five** days in duration, and only one sale may be held
26 per year, per county[, in counties of the third and fourth classification];

27 (3) Pay to the motor vehicle commission fund, pursuant to section 301.560, a permit fee
28 of [two] **five** hundred fifty dollars for each off-site sale event;

29 (4) Advise the department, at least ten days prior to the sale, of the date, location and
30 duration of each off-site sale;

31 (5) The sale of vehicles at off-site sales shall be limited to sales by a seller of vehicles
32 used and titled solely in its ordinary course of business, and such sales shall be held in
33 conjunction with a credit union and limited to members of the credit union, thus constituting a
34 private sale to be advertised to members only;

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

41 (7) The sale of motor vehicles which have the designation of the current model year,
42 except discontinued models, is prohibited at off-site sales until subsequent model year designated
43 vehicles of the same manufacture and model are offered for sale to the public.

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

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

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

52 (3) The state in which the recreational vehicle is licensed is a state contiguous to
53 Missouri and the state permits recreational vehicle dealers licensed in Missouri to participate in
54 recreational vehicle shows in such state pursuant to conditions substantially equivalent to the
55 conditions which are imposed on dealers from such state who participate in recreational vehicle
56 shows in Missouri.

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

61 licensed in Missouri shall be licensed as recreational vehicle dealers by the state of their
62 residence.

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

72 6. The department of revenue may assess a fine of up to one thousand dollars for any
73 violation of this section.

301.567. 1. For purposes of this section, a violation of any of the following advertising
2 standards shall be deemed an attempt by the advertising dealer **and any print, broadcast,**
3 **electronic, or direct mail media or avenue contracted by the advertising dealer, except**
4 **when such media or avenue receives from the advertising dealer prior written approval**
5 **before the advertisement is presented to the public,** to obtain a fee or other compensation by
6 fraud, deception or misrepresentation in violation of section 301.562:

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

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

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

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

21 (5) The terms "list price", "sticker price", or "suggested retail price" shall be used only
22 in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used,

23 shall be accompanied by a clear and conspicuous disclosure that such terms represent the
24 "manufacturer's suggested retail price" of the advertised vehicle;

25 (6) Terms such as "at cost", "\$..... above cost", **"invoice price"**, and **"\$..... below/over**
26 **invoice"** shall not be used in advertisements because of the difficulty in determining a dealer's
27 actual net cost at the time of the sale[. Terms such as "invoice price", "\$..... over invoice" may
28 be used, provided that the invoice referred to is the manufacturer's factory invoice for a new
29 motor vehicle and the invoice is available for customer inspection. For purposes of this section,
30 "manufacturer's factory invoice" means that document supplied by the manufacturer to the dealer
31 listing the manufacturer's charge to the dealer before any deduction for holdback, group
32 advertising, factory incentives or rebates, or any governmental charges];

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

40 (8) [Advertisements which offer to match or better any competitors' prices shall not be
41 used;

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

45 [(10)] (9) "Free", "at no cost" shall not be used if any purchase is required to qualify for
46 the "free" item, merchandise, or service;

47 [(11)] (10) "Bait advertising", in which an advertiser may have no intention to sell at the
48 prices or terms advertised, shall not be used. Bait advertising shall include, but not be limited
49 to, the following examples:

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

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

57 [(12)] **(11)** Any reference to monthly payments, down payments, or other reference to
58 financing or leasing information shall be accompanied by a clear and conspicuous disclosure of
59 the following:

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

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

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

72 [(13)] **(12)** Any advertisement which states or implies that the advertising dealer has a
73 special arrangement or relationship with the distributor or manufacturer, as compared to similarly
74 situated dealers, shall not be used;

75 [(14)] **(13)** Any advertisement which, in the circumstances under which it is made or
76 applied, is false, deceptive, or misleading shall not be used;

77 [(15)] **(14)** No abbreviations for industry words or phrases shall be used in any
78 advertisement unless such abbreviations are accompanied by the fully spelled or spoken words
79 or phrases.

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

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

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

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

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

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

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

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

19 3. For the purposes of sections 301.550 to 301.573, the sale, barter, exchange, lease or
20 rental with option to purchase of [seven] **five** or more motor vehicles in a calendar year by any
21 person, partnership, corporation, company or association, whether or not the motor vehicles are
22 owned by them, shall be prima facie evidence of intent to make a profit or gain of money and
23 such person, partnership, corporation, company or association shall be deemed to be acting as
24 a motor vehicle dealer **without a license**.

25 4. Any person, partnership, corporation, company or association who violates subsection
26 1 of this section is guilty of a class A misdemeanor.

27 5. The provisions of this section shall not apply to liquidation of an estate.
28

2 [301.170. 1. Motor vehicles and trailers in the course of delivery from
3 a manufacturer to a dealer, or from one dealer to another, may be operated on the
4 highways without number plates being attached thereto, provided they bear on the
5 front and on the rear, substantially as provided for number plates, a placard
6 displaying the words "In Transit" and the number of the certificate issued as
7 herein provided in letters and figures not less than three inches high with a stroke
8 not less than three-eighths of an inch wide; and provided further, that the operator
9 of each motor vehicle shall carry, and exhibit on request, a certificate bearing the
10 seal of the director of revenue and his facsimile signature, countersigned with the
11 genuine signature of the manufacturer or dealer selling such motor vehicle, or his
12 authorized agent. Such certificate shall bear a number and shall show the date
13 and place of issue and the destination of the motor vehicle, and shall be of such
14 form as the director of revenue shall determine.

15 2. The manufacturer, dealer or authorized agent shall insert the correct
16 date, place of issue and destination, and mail a duplicate copy of such certificate
17 to the director of revenue at the time the original is issued; original and duplicate
forms of certificates shall be furnished to manufacturers and dealers, and to no

18 others, in books of ten sets of certificates each for a fee of five dollars, and in
19 books of fifty sets of certificates each for a fee of twenty-five dollars. It shall be
20 unlawful for any person to display such placard or to use such certificate except
21 as herein provided.]
22

2 [301.177. 1. The director shall issue a temporary permit authorizing the
3 operation of a motor vehicle or trailer by a nonresident buyer for not more than
4 fifteen days from the date of purchase. Proof of ownership must be presented to
5 the director and application for such permit shall be made upon a blank form
6 furnished by the director of revenue and shall contain a full description of the
7 motor vehicle, including manufacturer's or other identifying number.

8 2. The director of revenue shall use reasonable diligence in ascertaining
9 whether the facts stated in such application are true, and, if satisfied that the
10 applicant is the lawful owner of such motor vehicle, issuance of such permit shall
11 be granted and the director shall furnish an appropriate placard evidencing the
12 issuance thereof to be displayed on the vehicle. A fee of ten dollars shall be
collected upon the issuance of each such permit.]

Section B. The repeal and reenactment of section 301.560 shall become effective January
2 1, 2008.

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