

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 329, Page 1, Section A, Line 3, by inserting immediately after said section
2 and line the following:

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

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

17 (1) The business name, business street address, and [~~business~~] telephone number of the
18 applicant;

19 (2) The business owner's full name, date of birth, driver's license number or nondriver's
20 license number, residence street address, and [~~residence~~] telephone number;

21 (3) The signature and printed name of the business owner or authorized representative of the
22 business presenting such application; and

23 (4) A statement explaining what the driveaway license plate or plates will be used for.
24

25 The applicant shall provide certification of proof of financial responsibility, as defined in section
26 303.020, sufficient to cover each motor vehicle the applicant shall operate or otherwise move on the
27 streets or highways, through use of the driveaway license plate, during the period of registration.
28 The applicant shall provide such certification by affixing a copy of said certification to the
29 application. The application shall include a photograph, not to exceed eight inches by ten inches but
30 no less than five inches by seven inches, showing the business building and sign of the applicant's
31 business. The applicant shall maintain a working [~~landline~~] telephone [~~at the applicant's place of~~
32 ~~business~~] throughout the registration period. The applicant shall maintain certification of proof of
33 financial responsibility as described herein throughout the registration period.

34 3. If any of the information required by this section to be reported by the applicant changes
35 during the registration period, the applicant shall report said changes to the department of revenue
36 within ten days of the date of the change.

Action Taken _____ Date _____

1 4. Any violation of this section or misrepresentation contained in an application for
 2 driveaway license plate shall result in the revocation of the applicant's driveaway license plate and
 3 any subsequent application for a driveaway license plate shall be denied for two years from the date
 4 of violation. "Applicant" shall include any officer of a business or any employee or agent thereof.

5 5. Any person who knowingly uses a revoked driveaway license plate shall be deemed
 6 guilty of a class A misdemeanor.

7 301.560. 1. In addition to the application forms prescribed by the department, each
 8 applicant shall submit the following to the department:

9 (1) Every application other than a renewal application for a motor vehicle franchise dealer
 10 shall include a certification that the applicant has a bona fide established place of business. Such
 11 application shall include an annual certification that the applicant has a bona fide established place
 12 of business for the first three years and only for every other year thereafter. The certification shall
 13 be performed by a uniformed member of the Missouri state highway patrol or authorized or
 14 designated employee stationed in the troop area in which the applicant's place of business is located;
 15 except that in counties of the first classification, certification may be performed by an officer of a
 16 metropolitan police department when the applicant's established place of business of distributing or
 17 selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police
 18 officer is employed. When the application is being made for licensure as a boat manufacturer or
 19 boat dealer, certification shall be performed by a uniformed member of the Missouri state water
 20 patrol stationed in the district area in which the applicant's place of business is located or by a
 21 uniformed member of the Missouri state highway patrol stationed in the troop area in which the
 22 applicant's place of business is located or, if the applicant's place of business is located within the
 23 jurisdiction of a metropolitan police department in a first class county, by an officer of such
 24 metropolitan police department. A bona fide established place of business for any new motor
 25 vehicle franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer, wholesale motor
 26 vehicle dealer, trailer dealer, or wholesale or public auction shall be a permanent enclosed building
 27 or structure, either owned in fee or leased and actually occupied as a place of business by the
 28 applicant for the selling, bartering, trading, servicing, or exchanging of motor vehicles, boats,
 29 personal watercraft, or trailers and wherein the public may contact the owner or operator at any
 30 reasonable time, and wherein shall be kept and maintained the books, records, files and other
 31 matters required and necessary to conduct the business. The applicant[~~s place of business shall~~
 32 ~~contain~~] shall have a working telephone which shall be maintained during the entire registration
 33 year. In order to qualify as a bona fide established place of business for all applicants licensed
 34 pursuant to this section there shall be an exterior sign displayed carrying the name of the business
 35 set forth in letters at least six inches in height and clearly visible to the public and there shall be an
 36 area or lot which shall not be a public street on which multiple vehicles, boats, personal watercraft,
 37 or trailers may be displayed. The sign shall contain the name of the dealership by which it is known
 38 to the public through advertising or otherwise, which need not be identical to the name appearing on
 39 the dealership's license so long as such name is registered as a fictitious name with the secretary of
 40 state, has been approved by its line-make manufacturer in writing in the case of a new motor vehicle
 41 franchise dealer and a copy of such fictitious name registration has been provided to the department.
 42 Dealers who sell only emergency vehicles as defined in section 301.550 are exempt from
 43 maintaining a bona fide place of business, including the related law enforcement certification
 44 requirements, and from meeting the minimum yearly sales;

45 (2) The initial application for licensure shall include a photograph, not to exceed eight
 46 inches by ten inches but no less than five inches by seven inches, showing the business building, lot,
 47 and sign. A new motor vehicle franchise dealer applicant who has purchased a currently licensed
 48 new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing

1 dealership building, lot and sign but shall be required to submit a new photograph upon the
2 installation of the new dealership sign as required by sections 301.550 to 301.573. Applicants shall
3 not be required to submit a photograph annually unless the business has moved from its previously
4 licensed location, or unless the name of the business or address has changed, or unless the class of
5 business has changed;

6 (3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a
7 powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish with
8 the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-
9 102, issued by any state or federal financial institution in the penal sum of twenty-five thousand
10 dollars on a form approved by the department. The bond or irrevocable letter of credit shall be
11 conditioned upon the dealer complying with the provisions of the statutes applicable to new motor
12 vehicle franchise dealers, used motor vehicle dealers, powersport dealers, wholesale motor vehicle
13 dealers, trailer dealers, and boat dealers, and the bond shall be an indemnity for any loss sustained
14 by reason of the acts of the person bonded when such acts constitute grounds for the suspension or
15 revocation of the dealer's license. The bond shall be executed in the name of the state of Missouri
16 for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of
17 Missouri as the beneficiary; except, that the aggregate liability of the surety or financial institution
18 to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of
19 credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the
20 department of a final judgment from a Missouri court of competent jurisdiction against the principal
21 and in favor of an aggrieved party. Additionally, every applicant as a new motor vehicle franchise
22 dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, or boat
23 dealer shall furnish with the application a copy of a current dealer garage policy bearing the policy
24 number and name of the insurer and the insured;

25 (4) Payment of all necessary license fees as established by the department. In establishing
26 the amount of the annual license fees, the department shall, as near as possible, produce sufficient
27 total income to offset operational expenses of the department relating to the administration of
28 sections 301.550 to 301.580. All fees payable pursuant to the provisions of sections 301.550 to
29 301.580, other than those fees collected for the issuance of dealer plates or certificates of number
30 collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in
31 the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created.
32 The motor vehicle commission fund shall be administered by the Missouri department of revenue.
33 The provisions of section 33.080 to the contrary notwithstanding, money in such fund shall not be
34 transferred and placed to the credit of the general revenue fund until the amount in the motor
35 vehicle commission fund at the end of the biennium exceeds two times the amount of the
36 appropriation from such fund for the preceding fiscal year or, if the department requires permit
37 renewal less frequently than yearly, then three times the appropriation from such fund for the
38 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund
39 which exceeds the multiple of the appropriation from such fund for the preceding fiscal year.

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

46 3. Upon the initial issuance of a license by the department, the department shall assign a
47 distinctive dealer license number or certificate of number to the applicant and the department shall
48 issue one number plate or certificate bearing the distinctive dealer license number or certificate of

number and two additional number plates or certificates of number within eight working hours after presentment of the application. Upon renewal, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or new or used motor vehicle dealer.

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

New motor vehicle franchise dealers.D-0 through D-999
 New powersport dealers and motorcycle franchise dealers. .D-1000 through D-1999
 Used motor vehicle, used powersport, and used motorcycle dealers. D-2000 through D-9999
 Wholesale motor vehicle dealers. W-0 through W-1999
 Wholesale motor vehicle auctions. WA-0 through WA-999 New and used trailer dealers.T-0 through T-9999
 Motor vehicle, trailer, and boat manufacturers DM-0 through DM-999
 Public motor vehicle auctions. A-0 through A-1999
 Boat dealers.M-0 through M-9999
 New and used recreational motor vehicle dealers. . . RV-0 through RV-999

For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions annually. In order for salvage dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of purchases during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.

The provisions of this subsection shall become effective on the date the director of the department of revenue begins to reissue new license plates under section 301.130, or on December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new license plates under the authority granted under section 301.130 prior to December 1, 2008, the director of the department of revenue shall notify the revisor of statutes of such fact.

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

6. In the case of new motor vehicle manufacturers, motor vehicle dealers, powersport dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue two additional number plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each additional number plate. 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. Additional number plates and as many additional certificates of number may be obtained upon payment of a fee

1 of ten dollars and fifty cents for each additional plate or certificate. New motor vehicle
2 manufacturers shall not be issued or possess more than three hundred forty-seven additional number
3 plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers,
4 wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate
5 or certificate of number per ten-unit qualified transactions annually. New and used recreational
6 motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit
7 qualified transactions annually for their first fifty transactions and one additional plate or certificate
8 of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an
9 initial license shall indicate on his or her initial application the applicant's proposed annual number
10 of sales in order for the director to issue the appropriate number of additional plates or certificates
11 of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor
12 vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer
13 obtaining a distinctive dealer license plate or certificate of number or additional license plate or
14 additional certificate of number, throughout the calendar year, shall be required to pay a fee for such
15 license plates or certificates of number computed on the basis of one-twelfth of the full fee
16 prescribed for the original and duplicate number plates or certificates of number for such dealers'
17 licenses, multiplied by the number of months remaining in the licensing period for which the dealer
18 or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at
19 the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a certificate
20 of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates
21 or certificates under this section, dealers shall submit to the department of revenue on August first
22 of each year a statement certifying, under penalty of perjury, the dealer's number of sales during the
23 reporting period of July first of the immediately preceding year to June thirtieth of the present year.

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

34 8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be
35 displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat
36 dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an
37 employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor
38 vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer hired
39 or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and boat
40 manufacturers may display their certificate of number on a vessel or vessel trailer when transporting
41 a vessel or vessels to an exhibit or show.

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

46 10. (1) Every application for the issuance of a used motor vehicle dealer's license shall be
47 accompanied by proof that the applicant, within the last twelve months, has completed an
48 educational seminar course approved by the department as prescribed by subdivision (2) of this

1 subsection. Wholesale and public auto auctions and applicants currently holding a new or used
2 license for a separate dealership shall be exempt from the requirements of this subsection. The
3 provisions of this subsection shall not apply to current new motor vehicle franchise dealers or motor
4 vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle leasing
5 agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were
6 licensed prior to August 28, 2006.

7 (2) The educational seminar shall include, but is not limited to, the dealer requirements of
8 sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer sections
9 301.550 to 301.570, and any other rules and regulations promulgated by the department."; and

10
11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.