

SECOND REGULAR SESSION

SENATE BILL NO. 1181

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5412S.01I

AN ACT

To repeal sections 301.130, 301.140, 301.190, 301.200, 301.290, 301.550, 301.560, 301.562, and 301.570, RSMo, and to enact in lieu thereof nine new sections relating to the registration and licensing of motor vehicles, with penalty provisions.

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

Section A. Sections 301.130, 301.140, 301.190, 301.200, 301.290, 301.550, 301.560, 301.562, and 301.570, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 301.130, 301.140, 301.190, 301.200, 301.290, 301.550, 301.560, 301.562, and 301.570, to read as follows:

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

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

16 "SHOW-ME STATE".

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

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

34 4. The plates issued to manufacturers and dealers shall bear the [letter
35 "D" preceding the number] **letters and numbers as prescribed in section**
36 **301.560**, and the director may place upon the plates other letters or marks to
37 distinguish commercial motor vehicles and trailers and other types of motor
38 vehicles.

39 5. No motor vehicle or trailer shall be operated on any highway of this
40 state unless it shall have displayed thereon the license plate or set of license
41 plates issued by the director of revenue or the state highways and transportation
42 commission and authorized by section 301.140. Each such plate shall be securely
43 fastened to the motor vehicle in a manner so that all parts thereof shall be
44 plainly visible and reasonably clean so that the reflective qualities thereof are not
45 impaired. License plates shall be fastened to all motor vehicles except trucks,
46 tractors, truck tractors or truck-tractors licensed in excess of twelve thousand
47 pounds on the front and rear of such vehicles not less than eight nor more than
48 forty-eight inches above the ground, with the letters and numbers thereon right
49 side up. The license plates on trailers, motorcycles, motortricycles and
50 motorscooters shall be displayed on the rear of such vehicles, with the letters and
51 numbers thereon right side up. The license plate on buses, other than school

52 buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess
53 of twelve thousand pounds shall be displayed on the front of such vehicles not
54 less than eight nor more than forty-eight inches above the ground, with the
55 letters and numbers thereon right side up or if two plates are issued for the
56 vehicle pursuant to subsection 3 of this section, displayed in the same manner on
57 the front and rear of such vehicles. The license plate or plates authorized by
58 section 301.140, when properly attached, shall be prima facie evidence that the
59 required fees have been paid.

60 6. (1) The director of revenue shall issue annually or biennially a tab or
61 set of tabs as provided by law as evidence of the annual payment of registration
62 fees and the current registration of a vehicle in lieu of the set of
63 plates. Beginning January 1, 2010, the director may prescribe any additional
64 information recorded on the tab or tabs to ensure that the tab or tabs positively
65 correlate with the license plate or plates issued by the department of revenue for
66 such vehicle. Such tabs shall be produced in each license bureau office.

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

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

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

75 (5) For those commercial motor vehicles and trailers registered pursuant
76 to section 301.041, the plate issued by the highways and transportation
77 commission shall be a permanent nonexpiring license plate for which no tabs
78 shall be issued. Nothing in this section shall relieve the owner of any vehicle
79 permanently registered pursuant to this section from the obligation to pay the
80 annual registration fee due for the vehicle. The permanent nonexpiring license
81 plate shall be returned to the highways and transportation commission upon the
82 sale or disposal of the vehicle by the owner to whom the permanent nonexpiring
83 license plate is issued, or the plate may be transferred to a replacement
84 commercial motor vehicle when the owner files a supplemental application with
85 the Missouri highways and transportation commission for the registration of such
86 replacement commercial motor vehicle. Upon payment of the annual registration
87 fee, the highways and transportation commission shall issue a certificate of

88 registration or other suitable evidence of payment of the annual fee, and such
89 evidence of payment shall be carried at all times in the vehicle for which it is
90 issued.

91 (6) Upon the sale or disposal of any vehicle permanently registered under
92 this section, or upon the termination of a lease of any such vehicle, the permanent
93 nonexpiring plate issued for such vehicle shall be returned to the highways and
94 transportation commission and shall not be valid for operation of such vehicle, or
95 the plate may be transferred to a replacement vehicle when the owner files a
96 supplemental application with the Missouri highways and transportation
97 commission for the registration of such replacement vehicle. If a vehicle which
98 is permanently registered under this section is sold, wrecked or otherwise
99 disposed of, or the lease terminated, the registrant shall be given credit for any
100 unused portion of the annual registration fee when the vehicle is replaced by the
101 purchase or lease of another vehicle during the registration year.

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

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

113 9. Commencing January 1, 2009, the director of revenue shall cause to be
114 reissued new license plates of such design as directed by the director consistent
115 with the terms, conditions, and provisions of this section and this
116 chapter. Except as otherwise provided in this section, in addition to all other fees
117 required by law, applicants for registration of vehicles with license plates that
118 expire between January 1, 2009, and December 31, 2011, applicants for
119 registration of trailers or semitrailers with license plates that expire between
120 January 1, 2009, and December 31, 2011, and applicants for registration of
121 vehicles that are to be issued new license plates shall pay an additional fee, based
122 on the actual cost of the reissuance, to cover the cost of the newly reissued plates
123 required by this subsection. The additional fee prescribed in this subsection shall

124 not be charged to persons receiving special license plates issued under section
125 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to
126 section 301.131 and specialized license plates are exempt from the provisions of
127 this subsection.

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

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

25 3. License plates may be transferred from a motor vehicle which will no
26 longer be operated to a newly purchased motor vehicle by the owner of such
27 vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased
28 vehicle is of horsepower, gross weight or (in the case of a passenger-carrying
29 commercial motor vehicle) seating capacity, not in excess of that of the vehicle
30 which will no longer be operated. When the newly purchased motor vehicle is of
31 greater horsepower, gross weight or (in the case of a passenger-carrying
32 commercial motor vehicle) seating capacity, for which a greater fee is prescribed,

33 the applicant shall pay a transfer fee of two dollars and a pro rata portion of the
34 difference in fees. When the newly purchased vehicle is of less horsepower, gross
35 weight or (in the case of a passenger-carrying commercial motor vehicle) seating
36 capacity, for which a lesser fee is prescribed, the applicant shall not be entitled
37 to a refund.

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

51 5. The temporary permit or paper plate shall be made available by the
52 director of revenue and may be purchased from the department of revenue upon
53 proof of purchase of a motor vehicle or trailer for which the buyer has no
54 registration plate available for transfer, or from a dealer upon purchase of a
55 motor vehicle or trailer for which the buyer has no registration plate available for
56 transfer. The director shall make temporary plates or permits available to
57 registered dealers in this state [in sets of ten plates or permits]. The fee for the
58 temporary permit or plate shall be seven dollars and fifty cents, **plus two**
59 **dollars and fifty cents for technology enhancements**, for each permit or
60 plate issued. No dealer shall charge more than [seven dollars and fifty cents]
61 **fifteen dollars** for each permit issued. The permit or plate shall be valid for a
62 period of thirty days from the date of purchase of a motor vehicle or trailer, or
63 from the date of sale of the motor vehicle or trailer by a dealer for which the
64 purchaser obtains a permit or plate as set out above.

65 6. The permit or plate shall be issued on a form prescribed by the director
66 and issued only for the applicant's use in the operation of the motor vehicle or
67 trailer purchased to enable the applicant to legally operate the vehicle while
68 proper title and registration plate are being obtained, and shall be displayed on

69 no other vehicle. Permits or paper plates issued pursuant to this section shall
70 not be transferable or renewable and shall not be valid upon issuance of proper
71 registration plates for the motor vehicle or trailer. The director shall determine
72 the size and numbering configuration, construction, and color of the permit and
73 plate.

74 7. The dealer or authorized agent shall insert the date of issuance and
75 expiration date, year, make, and manufacturer's number of vehicle on the [paper]
76 plate or permit when issued to the buyer. The dealer shall also insert such
77 dealer's number on the [paper] plate. Every dealer that issues a temporary
78 permit or paper plate shall keep, for inspection of proper officers, a correct record
79 of each permit or plate issued by recording the permit or plate number, buyer's
80 name and address, year, make, manufacturer's number of vehicle on which the
81 permit or plate is to be used, and the date of issuance.

82 8. Upon the transfer of ownership of any currently registered motor
83 vehicle wherein the owner cannot transfer the license plates due to a change of
84 vehicle category, the owner may surrender the license plates issued to the motor
85 vehicle and receive credit for any unused portion of the original registration fee
86 against the registration fee of another motor vehicle. Such credit shall be granted
87 based upon the date the license plates are surrendered. No refunds shall be
88 made on the unused portion of any license plates surrendered for such credit.

89 **9. The "Enhanced Technology Fund" is hereby established. The**
90 **additional fee of two dollars and fifty cents established under**
91 **subsection 5 of this section shall be placed in the enhanced technology**
92 **fund. Moneys in the fund shall be used by the department of revenue**
93 **for the purpose of issuance of the temporary permit, electronic storage**
94 **and transfer of data relating to the issuance of such permit for tracking**
95 **for law enforcement or any other purpose relating to the motor vehicle**
96 **registration or titling process. Notwithstanding the provisions of**
97 **section 33.080, RSMo, to the contrary, moneys in the enhanced**
98 **technology fund shall not revert to the general revenue fund. Interest**
99 **accruing to the fund shall be part of the fund.**

301.190. 1. No certificate of registration of any motor vehicle or trailer,
2 or number plate therefor, shall be issued by the director of revenue unless the
3 applicant therefor shall make application for and be granted a certificate of
4 ownership of such motor vehicle or trailer, or shall present satisfactory evidence
5 that such certificate has been previously issued to the applicant for such motor

6 vehicle or trailer. Application shall be made within thirty days after the
7 applicant acquires the motor vehicle or trailer upon a blank form furnished by the
8 director of revenue and shall contain the applicant's identification number, a full
9 description of the motor vehicle or trailer, the vehicle identification number, and
10 the mileage registered on the odometer at the time of transfer of ownership, as
11 required by section 407.536, RSMo, together with a statement of the applicant's
12 source of title and of any liens or encumbrances on the motor vehicle or trailer,
13 provided that for good cause shown the director of revenue may extend the period
14 of time for making such application.

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 be
40 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 prior
43 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, and
46 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 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
57 is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for
58 the first thirty days of delinquency and twenty-five dollars for each thirty days
59 of 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
70 vehicle. The certificate shall be good for the life of the motor vehicle or trailer so
71 long as the same is owned or held by the original holder of the certificate and
72 shall not 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, **except a motor**
79 **vehicle acquired under section 407.581, RSMo**, unless a certificate of
80 ownership has been issued as herein provided.

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

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

113 10. When an application is made for an original Missouri certificate of

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

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

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

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

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

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

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

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

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

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

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

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

9 motor vehicles or trailers sold by manufacturers to dealers.

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

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

301.290. 1. [Correctional enterprises of the department of corrections
2 shall purchase, erect and maintain all of the machinery and equipment necessary
3 for the manufacture of the license plates and tabs issued by the director of
4 revenue, and of signs used by the state transportation department. Beginning on
5 January 1, 2010, correctional enterprises shall no longer erect and maintain tabs
6 for the department of revenue.

7 2. The director of revenue shall procure all plates issued by him, and the
8 state transportation department shall procure all signs used by it from
9 correctional enterprises, unless an emergency arises and correctional enterprises
10 cannot furnish the plates, tabs or signs.

11 3.] Correctional enterprises shall furnish the plates and signs at such a
12 price as will not exceed the price at which such plates and signs may be obtained
13 upon the open market, but in no event shall such price be less than the cost of
14 manufacture, including labor and materials.

15 [4.] 2. All moneys derived from the sale of the plates[, tabs] and signs
16 shall be paid into the state treasury to the credit of the working capital revolving
17 fund as provided in section 217.595, RSMo.

301.550. 1. The definitions contained in section 301.010 shall apply to
2 sections 301.550 to 301.573, and in addition as used in sections 301.550 to
3 301.573, the following terms mean:

4 (1) "Boat dealer", any natural person, partnership, or corporation who, for
5 a commission or with an intent to make a profit or gain of money or other thing
6 of value, sells, barters, exchanges, leases or rents with the option to purchase,
7 offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer,

8 whether or not the vessel or vessel trailer is owned by such person. The sale of
9 six or more vessels or vessel trailers or both in any calendar year shall be
10 required as evidence that such person is eligible for licensure as a boat dealer
11 under sections 301.550 to 301.573. The boat dealer shall demonstrate eligibility
12 for renewal of his license by selling six or more vessels or vessel trailers or both
13 in the prior calendar year while licensed as a boat dealer pursuant to sections
14 301.550 to 301.573;

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

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

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

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

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

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

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

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

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

37 (7) "Motor vehicle dealer" or "dealer", any person who, for commission or
38 with an intent to make a profit or gain of money or other thing of value, sells,
39 barter, exchanges, leases or rents with the option to purchase, or who offers or
40 attempts to sell or negotiates the sale of motor vehicles or trailers whether or not
41 the motor vehicles or trailers are owned by such person; provided, however, an
42 individual auctioneer or auction conducted by an auctioneer licensed pursuant to
43 chapter 343, RSMo, shall not be included within the definition of a motor vehicle

44 dealer[. The sale of six or more motor vehicles or trailers in any calendar year
45 shall be required as evidence that such person is engaged in the motor vehicle
46 business and is eligible for licensure as a motor vehicle dealer under sections
47 301.550 to 301.573];

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

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

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

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

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

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

71 (14) "Used motor vehicle", any motor vehicle which is not a new motor
72 vehicle, as defined in sections 301.550 to 301.573, and which has been sold,
73 bartered, exchanged or given away or which may have had a title issued in this
74 state or any other state, or a motor vehicle so used as to be what is commonly
75 known as a secondhand motor vehicle. In the event of an assignment of the
76 statement of origin from an original franchise dealer to any individual or other
77 motor vehicle dealer other than a new motor vehicle franchise dealer of the same
78 make, the vehicle so assigned shall be deemed to be a used motor vehicle and a
79 certificate of ownership shall be obtained in the assignee's name. The term "used

80 motor vehicle" shall not include manufactured homes, as defined in section
81 700.010, RSMo;

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

84 (16) "Vessel", every boat and watercraft defined as a vessel in section
85 306.010, RSMo;

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

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

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

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

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

- 103 (1) Boat dealers;
104 (2) Franchised new motor vehicle dealers;
105 (3) Used motor vehicle dealers;
106 (4) Wholesale motor vehicle dealers;
107 (5) Recreational motor vehicle dealers;
108 (6) Historic motor vehicle dealers;
109 (7) Classic motor vehicle dealers; and
110 (8) Powersport dealers.

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

- 3 (1) Every application other than a renewal application for a motor vehicle
4 franchise dealer shall include a certification that the applicant has a bona fide
5 established place of business. When the application is being made for licensure

6 as a manufacturer, motor vehicle dealer, wholesale motor vehicle dealer,
7 wholesale motor vehicle auction or a public motor vehicle auction, certification
8 shall be performed by a uniformed member of the Missouri state highway patrol
9 stationed in the troop area in which the applicant's place of business is located;
10 except, that in counties of the first classification, certification may be performed
11 by an officer of a metropolitan police department when the applicant's established
12 place of business of distributing or selling motor vehicles or trailers is in the
13 metropolitan area where the certifying metropolitan police officer is
14 employed. When the application is being made for licensure as a boat
15 manufacturer or boat dealer, certification shall be performed by a uniformed
16 member of the Missouri state water patrol stationed in the district area in which
17 the applicant's place of business is located or by a uniformed member of the
18 Missouri state highway patrol stationed in the troop area in which the applicant's
19 place of business is located or, if the applicant's place of business is located
20 within the jurisdiction of a metropolitan police department in a first class county,
21 by an officer of such metropolitan police department. A bona fide established
22 place of business for any new motor vehicle franchise dealer or used motor vehicle
23 dealer shall include a **commercial, non-residential** permanent enclosed
24 building or structure, either owned in fee or leased and actually occupied as a
25 place of business by the applicant for the selling, bartering, trading or exchanging
26 of motor vehicles or trailers and wherein the public may contact the owner or
27 operator at any reasonable time, and wherein shall be kept and maintained the
28 books, records, files and other matters required and necessary to conduct the
29 business. The applicant's place of business shall contain a working telephone
30 which shall be maintained during the entire registration year. In order to qualify
31 as a bona fide established place of business for all applicants licensed pursuant
32 to this section there shall be an exterior sign displayed carrying the name of the
33 business set forth in letters at least six inches in height and clearly visible to the
34 public and there shall be an area or lot which shall not be a public street on
35 which ~~[one]~~ **five** or more vehicles may be displayed, except when licensure is for
36 a wholesale motor vehicle dealer, a lot and sign shall not be required. The sign
37 shall contain the name of the dealership by which it is known to the public
38 through advertising or otherwise, which need not be identical to the name
39 appearing on the dealership's license so long as such name is registered as a
40 fictitious name with the secretary of state, has been approved by its line-make
41 manufacturer in writing in the case of a new motor vehicle franchise dealer and

42 a copy of such fictitious name registration has been provided to the
43 department. When licensure is for a boat dealer, a lot shall not be required. In
44 the case of new motor vehicle franchise dealers, the bona fide established place
45 of business shall include adequate facilities, tools and personnel necessary to
46 properly service and repair motor vehicles and trailers under their franchisor's
47 warranty;

48 (2) If the application is for licensure as a manufacturer, boat
49 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer,
50 wholesale motor vehicle auction, boat dealer or a public motor vehicle auction, a
51 photograph, not to exceed eight inches by ten inches, showing the business
52 building and sign shall accompany the initial application. In the case of a
53 manufacturer, new motor vehicle franchise dealer or used motor vehicle dealer,
54 the photograph shall include the lot of the business. A new motor vehicle
55 franchise dealer applicant who has purchased a currently licensed new motor
56 vehicle franchised dealership shall be allowed to submit a photograph of the
57 existing dealership building, lot and sign but shall be required to submit a new
58 photograph upon the installation of the new dealership sign as required by
59 sections 301.550 to 301.573. Applicants shall not be required to submit a
60 photograph annually unless the business has moved from its previously licensed
61 location, or unless the name of the business or address has changed, or unless the
62 class of business has changed;

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

70 (4) Every applicant as a new motor vehicle franchise dealer, a used motor
71 vehicle dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with
72 the application a corporate surety bond or an irrevocable letter of credit as
73 defined in section 400.5-103, RSMo, issued by any state or federal financial
74 institution in the penal sum of [twenty-five] **one hundred and twenty-five**
75 thousand dollars on a form approved by the department. The bond or irrevocable
76 letter of credit shall be conditioned upon the dealer complying with the provisions
77 of the statutes applicable to new motor vehicle franchise dealers, used motor

78 vehicle dealers, wholesale motor vehicle dealers and boat dealers, and the bond
79 shall be an indemnity for any loss sustained by reason of the acts of the person
80 bonded when such acts constitute grounds for the suspension or revocation of the
81 dealer's license. The bond shall be executed in the name of the state of Missouri
82 for the benefit of all aggrieved parties or the irrevocable letter of credit shall
83 name the state of Missouri as the beneficiary; except, that the aggregate liability
84 of the surety or financial institution to the aggrieved parties shall, in no event,
85 exceed the amount of the bond or irrevocable letter of credit. The proceeds of the
86 bond or irrevocable letter of credit shall be paid upon receipt by the department
87 of a final judgment from a Missouri court of competent jurisdiction against the
88 principal and in favor of an aggrieved party;

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

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

114 notwithstanding any rule of the department.

3. Upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number within eight working hours after presentment of the application. Upon the renewal of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer, public motor vehicle auction, wholesale motor vehicle dealer or wholesale motor vehicle auction, 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 motor vehicle dealer.

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

130 New motor vehicle franchise dealers **and**

131 **manufacturers** D-0 through D-1999

132 [New motor vehicle franchise and commercial

133 motor vehicle dealers D-1000 through D-1999]

134 Used motor vehicle dealers **trailer dealers, and**

| 135 | trailer manufacturers | D-2000 through D-5399 |

136 and D-6000 through D-9999

137 Wholesale motor vehicle dealers W-1000 through W-1999

138 Wholesale motor vehicle auctionsW-2000 through W-2999

139 [Trailer dealers T-0 through T-9999

140 Motor vehicle and trailer manufacturers M-0 through M-9999]

141 Motorcycle dealers D-5400 through D-5999

142 Public motor vehicle auctions A-1000 through A-1999

143 Boat dealers and boat manufacturers [B-0] **M-0** through [B-9999] **M-9999**

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

148 6. In the case of manufacturers and motor vehicle dealers, the department
149 shall [also] **initially** issue one number plate bearing the distinctive dealer

150 license number to the applicant upon payment by the manufacturer or dealer of
151 a **[fifty] one hundred** dollar fee. [Such] License plates shall be made with fully
152 reflective material with a common color scheme and design, shall be clearly
153 visible at night, and shall be aesthetically attractive, as prescribed by section
154 301.130. Boat dealers and boat manufacturers shall [be entitled to] **initially be**
155 **issued** one certificate of number bearing such number upon the payment of a
156 **[fifty] one hundred** dollar fee. [As many additional number plates as may be
157 desired by manufacturers and motor vehicle dealers and as many additional
158 certificates of number as may be desired by boat dealers and boat manufacturers
159 may be obtained upon payment of] **After the issuance of the initial plate or**
160 **certificate, manufacturers may not obtain more than fifty additional**
161 **plates or additional certificates of number. After the issuance of the**
162 **initial plate or certificate, motor vehicle dealers may obtain only one**
163 **additional number plate and additional certificate of number for every**
164 **ten vehicles sold annually based on the previous year's sales. A fee of**
165 **ten dollars and fifty cents for each additional plate or certificate shall be**
166 **submitted. New motor vehicle and boat dealers may obtain additional**
167 **number plates or certificates, based on projected sales for the first**
168 **year, but may not exceed the limits under this subsection. A motor**
169 **vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor**
170 **vehicle auction, wholesale motor vehicle dealer or wholesale motor vehicle auction**
171 **obtaining a dealer license plate or certificate of number or additional license plate**
172 **or additional certificate of number, throughout the calendar year, shall be**
173 **required to pay a fee for such license plates or certificates of number computed**
174 **on the basis of one-twelfth of the full fee prescribed for the original and duplicate**
175 **number plates or certificates of number for such dealers' licenses, multiplied by**
176 **the number of months remaining in the licensing period for which the dealer or**
177 **manufacturers shall be required to be licensed. In the event of a renewing dealer,**
178 **the fee due at the time of renewal shall not be prorated.**

179 7. The plates issued pursuant to subsection 3 or 6 of this section may be
180 displayed on any motor vehicle owned and held for resale by the motor vehicle
181 dealer or manufacturer, and used by a customer who is test driving the motor
182 vehicle, **or loaned to a customer or non-customer for use in a parade,** or
183 is used by an employee or officer, but shall not be displayed on any motor vehicle
184 or trailer hired or loaned to others or upon any regularly used service or wrecker
185 vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck

186 or trailer to demonstrate a vehicle under a loaded condition.

187 8. The certificates of number issued pursuant to subsection 3 or 6 of this
188 section may be displayed on any vessel or vessel trailer owned and held for resale
189 by a boat manufacturer or a boat dealer, and used by a customer who is test
190 driving the vessel or vessel trailer, or is used by an employee or officer, but shall
191 not be displayed on any vessel or vessel trailer hired or loaned to others or upon
192 any regularly used service vessel or vessel trailer. Boat dealers and
193 manufacturers may display their certificate of number on a vessel or vessel trailer
194 which is being transported to an exhibit or show.

301.562. 1. [The department may refuse to issue or renew any license
2 required pursuant to sections 301.550 to 301.573 for any one or any combination
3 of causes stated in subsection 2 of this section. The department shall notify the
4 applicant or licensee in writing at his or her last known address of the reasons
5 for the refusal to issue or renew the license and shall advise the applicant or
6 licensee of his or her right to file a complaint with the administrative hearing
7 commission as provided by chapter 621, RSMo.] **The department may, upon
8 its own motion, and shall upon receipt of a written complaint filed by
9 any person, investigate any dealer-related activity of a licensee
10 licensed under sections 301.550 to 301.573 or an individual or entity
11 acting as or representing themselves as a dealer licensee or any person
12 who has failed to renew or has surrendered his or her certificate of
13 registration or authority, permit, or license. In conducting such
14 investigation, if the questioned activity or written complaint involves
15 an affiliated licensee, the department may forward a copy of the
16 information received to the affiliated licensee. The department shall
17 have the power to hold an investigatory hearing to determine whether
18 there is a probability of a violation of sections 301.550 to 301.573. The
19 department shall have the power to issue a subpoena to compel the
20 production of records and papers bearing on the complaint. The
21 department shall have the power to issue a subpoena and to compel any
22 person in this state to come before the department to offer testimony
23 or any material specified in the subpoena. Subpoenas and subpoenas
24 duces tecum issued under this section shall be served in the same
25 manner as subpoenas in a criminal case. The fees and mileage of
26 witnesses shall be the same as that allowed in the circuit court in civil
27 cases.**

28 **(1) The department may refuse to issue a license to or revoke the**
29 **license if any person known by it to be guilty of any of the acts or**
30 **practices specified in subsection 2 of this section, or to any person**
31 **previously licensed whose license has been revoked, or may refuse to**
32 **issue a license to any association or partnership of which such person**
33 **is a member, or to any corporation of which such person is an officer**
34 **or in which as a stockholder such person has or exercises a controlling**
35 **interest either directly or indirectly.**

36 **(2) Any person denied a license shall be so notified by the**
37 **department in writing stating the reasons for denial or revocation, and**
38 **informing the person so denied of his right to file a complaint with the**
39 **administrative hearing commission in accordance with the applicable**
40 **provisions of sections 621.015 to 621.198, RSMo, and the rules**
41 **promulgated thereunder. All notices hereunder shall be sent by**
42 **registered or certified mail to the last known address of the applicant.**

43 **(3) In addition to any other penalties as set forth in this section,**
44 **the department may assess a monetary penalty prescribed by the**
45 **director of revenue not to exceed one thousand dollars per violation.**

46 2. The department may cause a complaint to be filed with the
47 administrative hearing commission as provided by chapter 621, RSMo, against
48 any holder of any license issued under sections 301.550 to 301.573 **or any**
49 **person who has failed to renew or has surrendered his or her**
50 **certificate of registration or authority, permit, or license** for any one or
51 any combination of the following causes:

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

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

61 (3) The applicant or license holder has, within ten years prior to the date
62 of the application, been finally adjudicated and found guilty, or entered a plea of
63 guilty or nolo contendere, in a prosecution under the laws of any state or of the

64 United States, for any offense reasonably related to the qualifications, functions,
65 or duties of any business licensed under sections 301.550 to 301.573; for any
66 offense, an essential element of which is fraud, dishonesty, or an act of violence;
67 or for any offense involving moral turpitude, whether or not sentence is imposed;

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

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

72 (6) Violation of, or assisting or enabling any person to violate any
73 provisions of this chapter and chapters 306, 307, 407, 578, and 643, RSMo, or of
74 any lawful rule or regulation adopted pursuant to this chapter and chapters 306,
75 307, 407, 578, and 643, RSMo;

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

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

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

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

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

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

91 3. Any such complaint shall be filed within one year of the date upon
92 which the department receives notice of an alleged violation of an applicable
93 statute or regulation. After the filing of such complaint, the proceedings shall be
94 conducted in accordance with the provisions of chapter 621, RSMo. Upon a
95 finding by the administrative hearing commission that the grounds, provided in
96 subsection 2 of this section, for disciplinary action are met, the department may,
97 singly or in combination, refuse to issue the person a license, issue a private
98 reprimand, place the person on probation on such terms and conditions as the
99 department deems appropriate for a period of one day to five years, suspend the

100 person's license from one day to six days, or revoke the person's license for such
101 period as the department deems appropriate. **In addition to any other**
102 **penalties as set forth in this section, the department may assess a**
103 **monetary penalty prescribed by the director of revenue not to exceed**
104 **one thousand dollars per violation.** The applicant or licensee shall have the
105 right to appeal the decision of the administrative hearing commission and
106 department in the manner provided in chapter 536, RSMo.

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

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

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

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

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

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

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

23 3. For the purposes of sections 301.550 to 301.573, the sale, barter,
24 exchange, lease or rental with option to purchase [of seven or more] **any motor**
25 **vehicles and trailers** in a calendar year by any person, partnership, corporation,
26 company or association, [whether or not] **unless** the motor vehicles are owned

27 **and registered or previously registered** by them, shall be prima facie
28 evidence of intent to make a profit or gain of money and such person, partnership,
29 corporation, company or association shall be deemed to be acting as a motor
30 vehicle dealer.

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

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

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