

FIRST REGULAR SESSION

# SENATE BILL NO. 335

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time January 22, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1572S.011

## 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, 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

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

9 substitute for house committee substitute for house bill no. 1288, ninety-second  
10 general assembly, second regular session, and section 301.566 as enacted by  
11 house substitute for senate substitute for senate committee substitute for senate  
12 bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular  
13 session, are repealed and fourteen new sections enacted in lieu thereof, to be  
14 known as sections 301.130, 301.140, 301.144, 301.190, 301.200, 301.218, 301.280,  
15 301.550, 301.554, 301.558, 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  
2 for registration, required fees and any other information which may be required  
3 by law, shall issue to the applicant a certificate of registration in such manner  
4 and form as the director of revenue may prescribe and a set of license plates, or  
5 other evidence of registration, as provided by this section. Each set of license  
6 plates shall bear the name or abbreviated name of this state, the words  
7 "SHOW-ME STATE", the month and year in which the registration shall expire,  
8 and an arrangement of numbers or letters, or both, as shall be assigned from year  
9 to year by the director of revenue. The plates shall also contain fully reflective  
10 material with a common color scheme and design for each type of license plate  
11 issued pursuant to this chapter. The plates shall be clearly visible at night, and  
12 shall be aesthetically attractive. Special plates for qualified disabled veterans  
13 will have the "DISABLED VETERAN" wording on the license plates in preference  
14 to the words "SHOW-ME STATE" and special plates for members of the national  
15 guard will have the "NATIONAL GUARD" wording in preference to the words  
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 by 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 **or trailer** in a manner so that all parts thereof  
44 shall be plainly visible and reasonably clean so that the reflective qualities  
45 thereof are not impaired. License plates shall be fastened to all motor vehicles  
46 except trucks, tractors, truck tractors or truck-tractors licensed in excess of  
47 twelve thousand pounds on the front and rear of such vehicles not less than eight  
48 nor more than forty-eight inches above the ground, with the letters and numbers  
49 thereon right side up. The license plates on trailers, motorcycles, motortricycles  
50 and motorscooters shall be displayed on the rear of such vehicles, with the letters  
51 and 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 **or authorized agents of the department of**  
58 **revenue** in sets of ten [plates or] permits. The fee for the temporary permit [or  
59 plate] shall be seven dollars and fifty cents for each permit or plate issued. No  
60 dealer **or authorized agent** shall charge more than [seven] **ten** dollars and fifty  
61 cents for each permit issued. The permit [or plate] shall be valid for a period of  
62 thirty days from the date of purchase of a motor vehicle or trailer, or from the  
63 date of sale of the motor vehicle or trailer by a dealer for which the purchaser  
64 obtains a permit [or plate] as set out above.

65 6. The permit [or plate] shall be issued on a form prescribed by the  
66 director and issued only for the applicant's use in the operation of the motor  
67 vehicle or trailer purchased to enable the applicant to legally operate the vehicle  
68 while proper title and registration plate are being obtained, and shall be  
69 displayed on no other vehicle. **Temporary** permits [or paper plates] issued  
70 pursuant to this section shall not be transferable or renewable and shall not be  
71 valid upon issuance of proper registration plates for the motor vehicle or  
72 trailer. The director shall determine the size and numbering configuration,  
73 construction, and color of the permit [and 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] **permit**. Every dealer that issues a  
78 temporary permit [or paper plate] shall keep, for inspection of proper officers, a  
79 correct record of each permit [or plate] issued by recording the permit or plate  
80 number, buyer's name and address, year, make, manufacturer's **vehicle**  
81 **identification** number [of vehicle] on which the permit [or plate] is to be used,  
82 and the date of issuance.

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

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



30 personalized license plate shall have first priority on that particular plate for  
31 each of the following years that timely and appropriate application is made.

32         2. Upon application for a personalized plate by the owner of a motor  
33 vehicle for which the owner has no registration plate available for transfer as  
34 prescribed by section 301.140, the director shall issue a temporary permit  
35 authorizing the operation of the motor vehicle until the personalized plate is  
36 issued.

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

61         4. The director may also establish categories of special license plates from  
62 which license plates may be issued. Any such person, other than a person  
63 exempted from the additional fee pursuant to subsection 7 of this section, that  
64 desires a personalized special license plate from any such category shall pay the  
65 same additional fee and make the same kind of application as that required by

66 subsection 1 of this section, and the director shall issue such plates in the same  
67 manner as other personalized special license plates are issued.

68         5. The director of revenue shall issue to residents of the state of Missouri  
69 who hold an unrevoked and unexpired official amateur radio license issued by the  
70 Federal Communications Commission, upon application and upon payment of the  
71 additional fee specified in subsection 1 of this section, except for a person  
72 exempted from the additional fee pursuant to subsection 7 of this section,  
73 personalized special license plates bearing the official amateur radio call letters  
74 assigned by the Federal Communications Commission to the applicant with the  
75 words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The  
76 application shall be accompanied by a statement stating that the applicant has  
77 an unrevoked and unexpired amateur radio license issued by the Federal  
78 Communications Commission and the official radio call letters assigned by the  
79 Federal Communications Commission to the applicant. An owner making a new  
80 application and paying a new fee to retain an amateur radio plate may request  
81 a replacement plate with the words "AMATEUR RADIO" in place of the words  
82 "SHOW-ME STATE". If application is made to retain a plate that is three years  
83 old or older, the replacement plate shall be issued upon the payment of required  
84 fees.

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

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

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,

1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

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

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

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

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of [one hundred dollars before November 1, 2003, and not to exceed a total of] two hundred dollars [on or after November 1, 2003, shall be imposed], but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which [he] **the person** should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and 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 unless a  
79 certificate of ownership has been [issued as herein] **applied for as provided in**  
80 **this section.**

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. **If the vehicle is also to be registered in Missouri, the**  
113 **safety inspection required in chapter 307, RSMo, and the emissions**  
114 **inspection required under chapter 643, RSMo, shall be completed and**  
115 **the fees required by section 307.365, RSMo, and section 643.315, RSMo,**  
116 **shall be charged to the owner.**

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

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

141         12. When an application is made for an original Missouri certificate of  
142 ownership for a motor vehicle previously registered or titled in a state other than  
143 Missouri, and the certificate of ownership has been appropriately designated by  
144 the issuing state as a reconstructed motor vehicle, motor change vehicle, [or]

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

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

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

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

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

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

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

177         (4) An inspection certificate, other than a motor vehicle examination  
178 certificate required under subsection 9 of this section, completed and issued by  
179 the Missouri state highway patrol, or other law enforcement agency as authorized  
180 by the director of revenue. The inspection performed by the highway patrol or

181 other authorized local law enforcement agency shall include a check for stolen  
182 vehicles.

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

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

18 2. The director of revenue shall use reasonable diligence in  
19 ascertaining whether the facts stated in such application are true  
20 and shall, to the extent possible without substantially delaying  
21 processing of the application, review any odometer information  
22 pertaining to such motor vehicle that is accessible to the director  
23 of revenue. If satisfied that the applicant is the lawful owner of  
24 such motor vehicle or trailer, or otherwise entitled to have the  
25 same registered in his name, the director shall thereupon issue an  
26 appropriate certificate over his signature and sealed with the seal  
27 of his office, procured and used for such purpose. The certificate



shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, RSMo, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536, RSMo, indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

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

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

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

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the

64 most effective methods of rendering Missouri certificates of  
65 ownership nonalterable or noncounterfeitable.

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

89 6. Any applicant for a certificate of ownership requesting  
90 the department of revenue to process an application for a certificate  
91 of ownership in an expeditious manner requiring special handling  
92 shall pay a fee of five dollars in addition to the regular certificate  
93 of ownership fee.

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

98 8. Before an original Missouri certificate of ownership is  
99 issued, an inspection of the vehicle and a verification of vehicle

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

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

10. When an application is made for an original Missouri

136 certificate of ownership for a motor vehicle previously registered or  
137 titled in a state other than Missouri or as required by section  
138 301.020, it shall be accompanied by a current inspection form  
139 certified by a duly authorized official inspection station as  
140 described in chapter 307, RSMo. The completed form shall certify  
141 that the manufacturer's identification number for the vehicle has  
142 been inspected, that it is correctly displayed on the vehicle and  
143 shall certify the reading shown on the odometer at the time of  
144 inspection. The inspection station shall collect the same fee as  
145 authorized in section 307.365, RSMo, for making the inspection,  
146 and the fee shall be deposited in the same manner as provided in  
147 section 307.365, RSMo. If the vehicle is also to be registered in  
148 Missouri, the safety and emissions inspections required in chapter  
149 307, RSMo, shall be completed and only the fees required by  
150 sections 307.365 and 307.366, RSMo, shall be charged to the  
151 owner. This section shall not apply to vehicles being transferred  
152 on a manufacturer's statement of origin.

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

163 12. When an application is made for an original Missouri  
164 certificate of ownership for a motor vehicle previously registered or  
165 titled in a state other than Missouri, and the certificate of  
166 ownership has been appropriately designated by the issuing state  
167 as a reconstructed motor vehicle, motor change vehicle, or specially  
168 constructed motor vehicle, the director of revenue shall  
169 appropriately designate on the current Missouri and all subsequent  
170 issues of the certificate of ownership the name of the issuing state  
171 and such prior 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

208 with the provisions of this chapter. Notwithstanding subsection 9  
209 of this section, no owner of a reconstructed motor vehicle described  
210 in this subsection shall be required to obtain a vehicle examination  
211 certificate issued by the Missouri state highway patrol.]

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

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

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

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

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

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

13           2. Sales at a salvage pool or a salvage disposal sale shall be open only to  
14 and made to persons holding a current license under sections 301.217 to 301.221  
15 as a salvage dealer and dismantler and actually engaged in that business. Such  
16 persons must have and present a separate buyer's identification card issued by  
17 the department of revenue to buy at a salvage pool or salvage disposal sale. If  
18 the prospective purchasers are not engaged in such business in Missouri but are  
19 in some other state, then they shall submit a fee of [twenty-five] **one hundred**  
20 dollars and must furnish proof of licensure or nonrequirement therefor from their  
21 state to the director of revenue who shall issue a buyer's identification card after  
22 verifying that the prospective purchaser is entitled to have the same in order to  
23 buy salvage vehicles. The director of revenue shall adopt rules for criteria and  
24 requirements for out of state, prospective purchasers to meet in order to be issued  
25 a buyer's identification card. Operators of salvage pools or salvage disposal sales  
26 shall keep a record, for three years, of sales of salvage vehicles with the  
27 purchasers' name and address, and the year, make, and vehicle identification  
28 number for each vehicle. These records shall be open for inspection as provided  
29 in section 301.225.

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

301.280. 1. Every motor vehicle dealer and boat dealer shall make a  
2 monthly report to the department of revenue, on blanks to be prescribed by the  
3 department of revenue, giving the following information: date of the sale of each  
4 motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of  
5 the buyer; the name of the manufacturer; year of manufacture; model of vehicle;  
6 vehicle identification number; style of vehicle; odometer setting; and it shall also  
7 state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or  
8 secondhand. The odometer reading is not required when reporting the sale of any  
9 motor vehicle that is ten years old or older, any motor vehicle having a gross  
10 vehicle weight rating of more than sixteen thousand pounds, new vehicles that  
11 are transferred on a manufacturer's statement of origin between one franchised  
12 motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The  
13 sale of all thirty-day temporary permits, without exception, shall be recorded in  
14 the appropriate space on the dealer's monthly sales report by recording the  
15 complete permit number issued on the motor vehicle or trailer sale listed. The

16 monthly sales report shall be completed in full and signed by an officer, partner,  
17 or owner of the dealership, and actually received by the department of revenue  
18 on or before the fifteenth day of the month succeeding the month for which the  
19 sales are being reported. If no sales occur in any given month, a report shall be  
20 submitted for that month indicating no sales. Any vehicle dealer who fails to file  
21 a monthly report or who fails to file a timely report shall be subject to  
22 disciplinary action as prescribed in section 301.562 or a penalty assessed by the  
23 director not to exceed three hundred dollars per violation. Every motor vehicle  
24 and boat dealer shall retain copies of the monthly sales report as part of the  
25 records to be maintained at the dealership location and shall hold them available  
26 for inspection by appropriate law enforcement officials and officials of the  
27 department of revenue. [Beginning January 1, 2006, the monthly sales report  
28 required by this subsection may be filed electronically. Beginning January 1,  
29 2007,] Every vehicle dealer selling twenty or more vehicles a month shall file the  
30 monthly sales report with the department in an electronic format. Any dealer  
31 filing a monthly sales report in an electronic format shall be exempt from filing  
32 the notice of transfer required by section 301.196. For any dealer not filing  
33 electronically, the notice of transfer required by section 301.196 shall be  
34 submitted with the monthly sales report as prescribed by the director.

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

44         3. Every dealer and every person operating a public garage in which a  
45 motor vehicle remains unclaimed for a period of fifteen days [shall, within five  
46 days after the expiration of that period,] **may** report the motor vehicle as  
47 unclaimed to the director of revenue. Such report shall be on a form prescribed  
48 by the director of revenue. A motor vehicle left by its owner whose name and  
49 address are known to the dealer or his employee or person operating a public  
50 garage or his employee is not considered unclaimed. [Any dealer or person  
51 operating a public garage who fails to report a motor vehicle as unclaimed as



52 herein required forfeits all claims and liens for its garaging, parking or storing.]

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

56           5. The alteration or obliteration of the vehicle identification number on  
57 any such motor vehicle shall be prima facie evidence of larceny, and the dealer  
58 or person operating such public garage shall upon the discovery of such  
59 obliteration or alteration immediately notify the highway patrol, sheriff, marshal,  
60 constable or chief of police of the municipality where the dealer or garage keeper  
61 has his place of business, and shall hold such motor vehicle or trailer for a period  
62 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  
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]~~ **twelve** or more motor vehicles or trailers in any  
45 calendar year shall be required as evidence that such person is engaged in the  
46 motor vehicle business and is eligible for licensure as a motor vehicle dealer  
47 under sections 301.550 to 301.573. **Any motor vehicle dealer licensed every**  
48 **year and operating every year from any time in 1990 to August 28, 2007,**  
49 **shall be required to meet the minimum calendar year sales of six or**  
50 **more provided the dealer can prove the business achieved six or more**  
51 **sales for any ten of the last seventeen years; otherwise, said dealer**  
52 **shall be required to meet the minimum calendar year sales of any**  
53 **dealer licensed from August 28, 2007, through any time during the**  
54 **calendar year 2008 as described in this subsection. Any motor vehicle**  
55 **dealer licensed from August 28, 2007, through any time during the**  
56 **calendar year 2008 shall have until December 31, 2009, to cumulatively**  
57 **meet the minimum calendar year sales of twelve or more motor vehicles**  
58 **or trailers determined on a prorated basis of one sale per month. Any**  
59 **motor vehicle dealer licensed after January 1, 2010, shall meet the**  
60 **minimum calendar year sales of twelve or more on an annual basis**  
61 **determined on a prorated basis of one sale per month. Any licensed**

62 **motor vehicle dealer failing to meet the minimum vehicle sales**  
63 **requirements as referenced in this subsection shall not be qualified to**  
64 **renew his or her license for one year;**

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

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

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

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

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

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

88 (14) **"Trailer dealer", any person selling, either exclusively or**  
89 **otherwise, trailers as defined in subdivision (59) of section 301.010. A**  
90 **trailer dealer may acquire a motor vehicle for resale only as a trade-in**  
91 **for a trailer. Notwithstanding the provisions of subdivision (11) of**  
92 **section 301.010 and section 301.069, trailer dealers may purchase one**  
93 **driveaway license plate to display such motor vehicle for**  
94 **demonstration purposes. The sale of twelve or more trailers or motor**  
95 **vehicles in any calendar year shall be required as evidence that such**  
96 **person is engaged in the trailer business and is eligible for licensure as**  
97 **a trailer dealer under sections 301.550 to 301.573. Any trailer dealer**

98 licensed every year and operating every year from any time in 1990 to  
99 August 28, 2007, shall be required to meet the minimum calendar year  
100 sales of six or more provided the dealer can prove the business  
101 achieved six or more sales for any ten of the last seventeen years;  
102 otherwise, said dealer shall be required to meet the minimum calendar  
103 year sales of twelve or more trailers or motor vehicles determined on  
104 a prorated basis of one sale per month. Any trailer dealer licensed  
105 after January 1, 2010, shall meet the minimum calendar year sales of  
106 twelve or more on an annual basis determined on a prorated basis of  
107 one sale per month. Any licensed trailer dealer failing to meet the  
108 minimum trailer and vehicle sales requirements as referenced in this  
109 subsection shall not be qualified to renew his or her license for one  
110 year;

111       (15) "Used motor vehicle", any motor vehicle which is not a new motor  
112 vehicle, as defined in sections 301.550 to 301.573, and which has been sold,  
113 bartered, exchanged or given away or which may have had a title issued in this  
114 state or any other state, or a motor vehicle so used as to be what is commonly  
115 known as a secondhand motor vehicle. In the event of an assignment of the  
116 statement of origin from an original franchise dealer to any individual or other  
117 motor vehicle dealer other than a new motor vehicle franchise dealer of the same  
118 make, the vehicle so assigned shall be deemed to be a used motor vehicle and a  
119 certificate of ownership shall be obtained in the assignee's name. The term "used  
120 motor vehicle" shall not include manufactured homes, as defined in section  
121 700.010, RSMo;

122       [(15)] (16) "Used motor vehicle dealer", any motor vehicle dealer who is  
123 not a new motor vehicle franchise dealer;

124       [(16)] (17) "Vessel", every boat and watercraft defined as a vessel in  
125 section 306.010, RSMo;

126       [(17)] (18) "Vessel trailer", any trailer, as defined by section 301.010  
127 which is designed and manufactured for the purposes of transporting vessels;

128       [(18)] (19) "Wholesale motor vehicle auction", any person, firm or  
129 corporation in the business of providing auction services solely in wholesale  
130 transactions at its established place of business in which the purchasers are  
131 motor vehicle dealers licensed by this or any other jurisdiction, and which neither  
132 buys, sells nor owns the motor vehicles it auctions in the ordinary course of its  
133 business. Except as required by law with regard to the auction sale of a

134 government owned motor vehicle, a wholesale motor vehicle auction shall not  
135 provide auction services in connection with the retail sale of a motor vehicle;

136 ~~[(19)]~~ **(20)** "Wholesale motor vehicle dealer", a motor vehicle dealer who  
137 sells motor vehicles only to other new motor vehicle franchise dealers or used  
138 motor vehicle dealers or via auctions limited to other dealers of any class.

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

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

- 143 (1) Boat dealers;  
144 (2) Franchised new motor vehicle dealers;  
145 (3) Used motor vehicle dealers;  
146 (4) Wholesale motor vehicle dealers;  
147 (5) Recreational motor vehicle dealers;  
148 (6) Historic motor vehicle dealers;  
149 (7) Classic motor vehicle dealers; [and]  
150 (8) Powersport dealers; **and**  
151 **(9) Trailer dealers.**

**301.554. No motor vehicle licensed under chapter 301, or a motor  
2 vehicle salesman or agent of a motor vehicle dealer licensed under  
3 chapter 301, shall participate in a finance charge for the financing and  
4 ultimate purchase of a motor vehicle by a consumer that would result  
5 in a difference between the buy rate and the contract rate of more than  
6 three percentage points.**

**301.558. 1. A motor vehicle dealer shall not sell a used vehicle at  
2 retail to an individual for personal, family, or household use without  
3 offering the buyer the opportunity to cancel the contract and allowing  
4 the buyer to return the vehicle without cause. This section does not  
5 apply to a used vehicle having a purchase price of forty thousand  
6 dollars or more or to any lease of a used motor vehicle.**

**7 2. Every contract for the sale of a motor vehicle in this state  
8 shall contain, or reference as an addendum to the contract, the  
9 following in at least ten point type:**

10 **"Notice to Buyer**

11 **Missouri law does not provide for a "cooling off" period or other  
12 cancellation period for vehicle sales. Therefore, you cannot later**

13 cancel this contract simply because you change your mind, decide the  
14 vehicle costs too much, or wish you had acquired a different  
15 vehicle. After you sign this contract, you may only cancel this contract  
16 with the agreement of the seller or for legal cause, such as  
17 fraud. However, Missouri law does require a seller to offer a  
18 conditional two-day contract cancellation option on used vehicles with  
19 a purchase price of less than \$40,000, subject to the buyer paying a  
20 restocking fee to the seller, upon the return of the vehicle while  
21 exercising this option, in the amount of \$500, and other conditions  
22 stipulated in the contract cancellation option agreement."

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

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

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

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

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

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

45 (6) A statement that the contract cancellation option gives the  
46 buyer the option to cancel the purchase contract and obtain a full  
47 refund, minus the amount of the restocking fee; and that the option to  
48 cancel will apply only if, within the time specified in the contract  
49 cancellation option agreement, the following are personally delivered

50 to the selling dealer by the buyer:

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

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

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

59 (d) The vehicle, free of all liens and encumbrances, any loan  
60 arranged by the dealer or any purchase money loan obtained by the  
61 buyer from a third party, and in the same condition as when the vehicle  
62 was delivered to the buyer by the selling dealer, reasonable wear and  
63 tear and any defect or mechanical problem that manifests or becomes  
64 evident after delivery that was not caused by the buyer excepted, and  
65 which must not have been driven beyond the mileage limit specified in  
66 the contract cancellation option agreement.

67 The agreement may also provide that the buyer will execute documents  
68 reasonably necessary to effectuate the cancellation and refund and as  
69 reasonably required to comply with applicable law;

70 (7) A statement at the bottom of the contract cancellation option  
71 agreement that includes and is following by a signature line which may  
72 be signed by the buyer to indicate the buyer's election to exercise the  
73 option to cancel the purchase under the terms of the contract  
74 cancellation option agreement, and the last date and time by which the  
75 option may be exercised, followed by a line for the buyer. A particular  
76 form of statement is not required, but the following statement is  
77 sufficient:

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

80 The buyer's delivery of the purchase cancellation agreement to the  
81 dealer with the buyer's signature following this statement shall  
82 constitute sufficient written notice exercising the right to cancel the  
83 purchase. The dealer shall provide the buyer with the statement  
84 required in this subdivision in duplicate to enable the buyer to return  
85 the signed cancellation notice and retain a copy of the cancellation  
86 agreement.

87           4. No later than the second day following the day on which the  
88 buyer exercises the option to cancel the purchase in compliance with  
89 the contract cancellation option agreement, the dealer shall cancel the  
90 contract and provide the buyer with a full refund which shall include  
91 any motor vehicle the buyer left with the seller as a down payment or  
92 trade-in unless the seller has sold or otherwise transferred title to the  
93 motor vehicle that was left, in which case the refund shall include the  
94 fair market value of the motor vehicle as specifically stated in the most  
95 recent central edition of the National Automobile Dealers' Association's  
96 official used car guide or the motor vehicle's value as stated in the sale  
97 contract or purchase order, whichever is greater. If the seller received  
98 a portion of the purchase price by credit card, or other third party  
99 payer on the buyer's account, the seller may refund that portion of the  
100 purchase price to the credit card issuer or third party payer for credit  
101 to the buyer's account.

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

109           6. The provisions of this section shall not affect or alter the legal  
110 rights, duties, obligations, or liabilities of the buyer, the selling dealer,  
111 or the dealer's agents or assigns that would exist in the absence of an  
112 option to cancel the purchase contract of a used motor vehicle. The  
113 buyer is the owner of a vehicle when he or she takes delivery of a  
114 vehicle under this section until the vehicle is returned to the  
115 dealer. The provisions of this section shall not impose permissive user  
116 liability on the selling dealer or the selling dealer's agents or  
117 assigns. Nothing in this section is intended to affect the ability of a  
118 buyer to rescind a vehicle sales contract or revoke acceptance under  
119 any other law.

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,] **Such**  
8 **application shall include an annual certification that the applicant has**  
9 **a bona fide established place of business for the first three years and**  
10 **only for every other year thereafter. The** certification shall be performed  
11 by a uniformed member of the Missouri state highway patrol stationed in the  
12 troop area in which the applicant's place of business is located; except, that in  
13 counties of the first classification, certification may be performed by an officer of  
14 a metropolitan police department when the applicant's established place of  
15 business of distributing or selling motor vehicles or trailers is in the metropolitan  
16 area where the certifying metropolitan police officer is employed. When the  
17 application is being made for licensure as a boat manufacturer or boat dealer,  
18 certification shall be performed by a uniformed member of the Missouri state  
19 water patrol stationed in the district area in which the applicant's place of  
20 business is located or by a uniformed member of the Missouri state highway  
21 patrol stationed in the troop area in which the applicant's place of business is  
22 located or, if the applicant's place of business is located within the jurisdiction of  
23 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  
25 new motor vehicle franchise dealer [or], used motor vehicle dealer, **boat dealer,**  
26 **wholesale motor vehicle dealer, trailer dealer, or wholesale or public**  
27 **auction** shall [include] **be** a permanent enclosed **commercial, non-residential**  
28 building or structure, either owned in fee or leased and actually occupied as a  
29 place of business by the applicant for the selling, bartering, trading, **servicing,**  
30 or exchanging of motor vehicles, **boats,** or trailers and wherein the public may  
31 contact the owner or operator at any reasonable time, and wherein shall be kept  
32 and maintained the books, records, files and other matters required and  
33 necessary to conduct the business. The applicant's place of business shall contain  
34 a working telephone which shall be maintained during the entire registration  
35 year. In order to qualify as a bona fide established place of business for all  
36 applicants licensed pursuant to this section there shall be an exterior sign  
37 displayed carrying the name of the business set forth in letters at least [six]  
38 **twelve** inches in height and clearly visible to the public and there shall be an  
39 area or lot which shall not be a public street, **residential driveway, or**  
40 **residential yard** on which [one or more] **multiple** vehicles, **boats, or trailers**

41 may be displayed[, except when licensure is for a wholesale motor vehicle dealer,  
42 a lot and sign shall not be required]. The sign shall contain the name of the  
43 dealership by which it is known to the public through advertising or otherwise,  
44 which need not be identical to the name appearing on the dealership's license so  
45 long as such name is registered as a fictitious name with the secretary of state,  
46 has been approved by its line-make manufacturer in writing in the case of a new  
47 motor vehicle franchise dealer and a copy of such fictitious name registration has  
48 been provided to the department. [When licensure is for a boat dealer, a lot shall  
49 not be required. In the case of new motor vehicle franchise dealers, the bona fide  
50 established place of business shall include adequate facilities, tools and personnel  
51 necessary to properly service and repair motor vehicles and trailers under their  
52 franchisor's warranty];

53 (2) [If] The **initial** application [is] for licensure [as a manufacturer, boat  
54 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer,  
55 wholesale motor vehicle auction, boat dealer or a public motor vehicle auction,]  
56 **shall include** a photograph, not to exceed eight inches by ten inches **but no**  
57 **less than five inches by seven inches**, showing the business building, **lot**,  
58 and sign [shall accompany the initial application. In the case of a manufacturer,  
59 new motor vehicle franchise dealer or used motor vehicle dealer, the photograph  
60 shall include the lot of the business]. A new motor vehicle franchise dealer  
61 applicant who has purchased a currently licensed new motor vehicle franchised  
62 dealership shall be allowed to submit a photograph of the existing dealership  
63 building, lot and sign but shall be required to submit a new photograph upon the  
64 installation of the new dealership sign as required by sections 301.550 to  
65 301.573. Applicants shall not be required to submit a photograph annually  
66 unless the business has moved from its previously licensed location, or unless the  
67 name of the business or address has changed, or unless the class of business has  
68 changed;

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

76 (4) Every applicant as a new motor vehicle franchise dealer, a used motor

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

95       [(5)] (4) Payment of all necessary license fees as established by the  
96 department. In establishing the amount of the annual license fees, the  
97 department shall, as near as possible, produce sufficient total income to offset  
98 operational expenses of the department relating to the administration of sections  
99 301.550 to 301.573. All fees payable pursuant to the provisions of sections  
100 301.550 to 301.573, other than those fees collected for the issuance of dealer  
101 plates or certificates of number collected pursuant to subsection 6 of this section,  
102 shall be collected by the department for deposit in the state treasury to the credit  
103 of the "Motor Vehicle Commission Fund", which is hereby created. The motor  
104 vehicle commission fund shall be administered by the Missouri department of  
105 revenue. The provisions of section 33.080, RSMo, to the contrary  
106 notwithstanding, money in such fund shall not be transferred and placed to the  
107 credit of the general revenue fund until the amount in the motor vehicle  
108 commission fund at the end of the biennium exceeds two times the amount of the  
109 appropriation from such fund for the preceding fiscal year or, if the department  
110 requires permit renewal less frequently than yearly, then three times the  
111 appropriation from such fund for the preceding fiscal year. The amount, if any,  
112 in the fund which shall lapse is that amount in the fund which exceeds the

113 multiple of the appropriation from such fund for the preceding fiscal year.

114           2. In the event a new **vehicle** manufacturer, boat manufacturer, motor  
115 vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor  
116 vehicle auction, **trailer dealer**, or a public motor vehicle auction submits an  
117 application for a license for a new business and the applicant has complied with  
118 all the provisions of this section, the department shall make a decision to grant  
119 or deny the license to the applicant within eight working hours after receipt of  
120 the dealer's application, notwithstanding any rule of the department.

121           3. Upon the initial issuance of a license by the department, the  
122 department shall assign a distinctive dealer license number or certificate of  
123 number to the applicant and the department shall issue one number plate or  
124 certificate bearing the distinctive dealer license number or certificate of number  
125 within eight working hours after presentment of the application. Upon the  
126 renewal [of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer,  
127 public motor vehicle auction, wholesale motor vehicle dealer or wholesale motor  
128 vehicle auction], the department shall issue the distinctive dealer license number  
129 or certificate of number as quickly as possible. The issuance of such distinctive  
130 dealer license number or certificate of number shall be in lieu of registering each  
131 motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat  
132 manufacturer, manufacturer, public motor vehicle auction, wholesale motor  
133 vehicle dealer, wholesale motor vehicle auction or **new or used** motor vehicle  
134 dealer.

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

137 New motor vehicle franchise dealers . . . . . D-0 through D-999

138 New [motor vehicle franchise and commercial  
139 motor vehicle] **powersport dealers** . . . . . D-1000 through D-1999

140 Used motor vehicle **and used**  
141 **powersport** dealers . . . . . D-2000 through [D-5399  
142 and D-6000 through] D-9999

143 Wholesale motor vehicle dealers . . . . . [W-1000] **W-0** through W-1999

144 Wholesale motor vehicle  
145 auctions . . . . . [W-2000] **WA-0** through [W-2999] **WA-999**

146 **New and used** trailer dealers . . . . . T-0 through T-9999

147 Motor vehicle [and], trailer, **and**  
148 **boat** manufacturers . . . . . [M-0] **DM-0** through [M-9999] **DM-999**

149 [Motorcycle dealers . . . . . D-5400 through D-5999]  
150 Public motor vehicle auctions . . . . . [A-1000] A-0 through A-1999  
151 Boat dealers [and boat  
152 manufacturers] . . . . . [B-0] M-0 through [B-9999] M-9999

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

157 6. In the case of **new motor vehicle** manufacturers [and], motor vehicle  
158 dealers, **and trailer dealers**, the department shall [also] issue one number  
159 plate bearing the distinctive dealer license number to the applicant upon payment  
160 by the manufacturer or dealer of a fifty dollar fee. Such license plates shall be  
161 made with fully reflective material with a common color scheme and design, shall  
162 be clearly visible at night, and shall be aesthetically attractive, as prescribed by  
163 section 301.130. Boat dealers and boat manufacturers shall be entitled to one  
164 certificate of number bearing such number upon the payment of a fifty dollar  
165 fee. [As many] Additional number plates [as may be desired by manufacturers  
166 and motor vehicle dealers] and as many additional certificates of number [as may  
167 be desired by boat dealers and boat manufacturers] may be obtained upon  
168 payment of a fee of ten dollars and fifty cents for each additional plate or  
169 certificate. **New motor vehicle manufacturers shall not have or hold**  
170 **more than two hundred ninety-nine additional plates annually. New**  
171 **and used motor vehicle dealers, wholesale motor vehicle dealers, boat**  
172 **dealers, and trailer dealers are limited to one additional plate or**  
173 **certificate of number per ten-unit transactions annually.** A motor vehicle  
174 dealer, **trailer dealer**, boat dealer, **motor vehicle** manufacturer, boat  
175 manufacturer, [public motor vehicle auction,] **or** wholesale motor vehicle dealer  
176 [or wholesale motor vehicle auction] obtaining a dealer license plate or certificate  
177 of number or additional license plate or additional certificate of number,  
178 throughout the calendar year, shall be required to pay a fee for such license  
179 plates or certificates of number computed on the basis of one-twelfth of the full  
180 fee prescribed for the original and duplicate number plates or certificates of  
181 number for such dealers' licenses, multiplied by the number of months remaining  
182 in the licensing period for which the dealer or manufacturers shall be required  
183 to be licensed. In the event of a renewing dealer, the fee due at the time of  
184 renewal shall not be prorated. **Wholesale and public auctions shall be**

185 **issued a certificate of dealer registration in lieu of a dealer number**  
186 **plate.**

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

199         8. The certificates of number issued pursuant to subsection 3 or 6 of this  
200 section may be displayed on any vessel or vessel trailer owned and held for resale  
201 by a boat manufacturer or a boat dealer, and used by a customer who is test  
202 driving the vessel or vessel trailer, or is used by an employee or officer **on a**  
203 **vessel or vessel trailer only**, but shall not be displayed on any **motor vehicle**  
204 **owned by a boat manufacturer, boat dealer, or trailer dealer, or** vessel  
205 or vessel trailer hired or loaned to others or upon any regularly used service  
206 vessel or vessel trailer. Boat dealers and **boat** manufacturers may display their  
207 certificate of number on a vessel or vessel trailer [which is being transported]  
208 **when transporting a vessel or vessels** to an exhibit or show.

209         9. (1) Beginning August 28, 2006, every application for the issuance of a  
210 used motor vehicle dealer's license shall be accompanied by proof that the  
211 applicant, within the last twelve months, has completed an educational seminar  
212 course approved by the department as prescribed by subdivision (2) of this  
213 subsection. Wholesale and [retail] **public auto auctions and applicants**  
214 **currently holding a new or used license for a separate dealership** shall  
215 be exempt from the requirements of this subsection. The provisions of this  
216 subsection shall not apply to **current new motor vehicle franchise dealers**  
217 **or motor vehicle leasing agencies or applicants for a new motor vehicle**  
218 **franchise [dealers] or a motor vehicle leasing agency.** The provisions of this  
219 subsection shall not apply to used motor vehicle dealers who were licensed prior  
220 to August 28, 2006.

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

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

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

26                (1) Have in effect a valid license, pursuant to sections  
27          301.550 to 301.575, from the department for the sale of used motor  
28          vehicles;

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

32                (3) Pay to the motor vehicle commission fund, pursuant to

33 section 301.560, a permit fee of two hundred fifty dollars for each  
34 off-site sale event;

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

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

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

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

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

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

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

65 (3) The state in which the recreational vehicle is licensed  
66 is a state contiguous to Missouri and the state permits recreational  
67 vehicle dealers licensed in Missouri to participate in recreational  
68 vehicle shows in such state pursuant to conditions substantially



69 equivalent to the conditions which are imposed on dealers from  
70 such state who participate in recreational vehicle shows in  
71 Missouri.

72 4. A recreational vehicle dealer licensed in another state  
73 may participate in a vehicle show or exhibition in Missouri which  
74 has, when it opens to the public, at least fifty dealers displaying  
75 recreational vehicles if the show or exhibition is trade-oriented and  
76 is predominantly funded by recreational vehicle manufacturers. All  
77 of the participating dealers who are not licensed in Missouri shall  
78 be licensed as recreational vehicle dealers by the state of their  
79 residence.

80 5. A recreational vehicle dealer licensed in another state  
81 who intends to participate in a vehicle show or exhibition in this  
82 state shall send written notification of such intended participation  
83 to the department of revenue at least thirty days prior to the  
84 vehicle show or exhibition. Upon receipt of such written  
85 notification, the department of revenue shall make a determination  
86 regarding compliance with the provisions of this section. If such  
87 recreational vehicle dealer would be unable to participate in the  
88 vehicle show or exhibition in this state pursuant to this section, the  
89 department of revenue shall notify the recreational vehicle dealer  
90 at least fifteen days prior to the vehicle show or exhibition of the  
91 inability to participate in the vehicle show or exhibition in this  
92 state, a violation of this section shall result in a fine of one  
93 thousand dollars to be assessed by the department of revenue.]

301.566. 1. A motor vehicle dealer may participate in [any] **no more**  
2 **than two** motor vehicle [show or sale] **shows or sales** and conduct sales of  
3 motor vehicles away from the dealer's usual, licensed place of business if either  
4 the requirements of subsection 2 or 3 of this section are met or the event is  
5 conducted for not more than [ten] **five consecutive** days, and if a majority of  
6 the motor vehicle dealers within a class of dealers described pursuant to  
7 subsection 3 of section 301.550 in a city or town participate or are invited and  
8 have the opportunity to participate in the event, except that a recreational motor  
9 vehicle dealer classified in subdivision (5) of subsection 3 of section 301.550 may  
10 participate in such a show or sale even if a majority of recreational motor vehicle  
11 dealers in a city or town do not participate in the event. **If any show or sale**

12 **includes a class of dealer or franchised new vehicle line-make, that is**  
13 **also represented by a same class dealer or dealer representing the same**  
14 **line-make outside of the boundary lines of the city or town and is**  
15 **within ten miles of where the show or sale is to take place, the dealer**  
16 **outside of the boundary lines of the city or town shall be invited to**  
17 **participate in the show or sale.** The department shall consider such events  
18 to be proper in all respects and as if each dealer participant was conducting  
19 business at the dealer's usual business location. Nothing contained in this  
20 section shall be construed as applying to the sale of motor vehicles or trailers  
21 through either a wholesale motor vehicle auction or public motor vehicle auction.

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

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

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

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

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

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

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

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

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

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

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

61           (3) The state in which the recreational vehicle is licensed is a state  
62 contiguous to Missouri and the state permits recreational vehicle dealers licensed  
63 in Missouri to participate in recreational vehicle shows in such state pursuant to  
64 conditions substantially equivalent to the conditions which are imposed on  
65 dealers from such state who participate in recreational vehicle shows in Missouri.

66           4. A recreational vehicle dealer licensed in another state may participate  
67 in a vehicle show or exhibition in Missouri which has, when it opens to the public,  
68 at least fifty dealers displaying recreational vehicles if the show or exhibition is  
69 trade-oriented and is predominantly funded by recreational vehicle  
70 manufacturers. All of the participating dealers who are not licensed in Missouri  
71 shall be licensed as recreational vehicle dealers by the state of their residence.

72           5. A recreational vehicle dealer licensed in another state who intends to  
73 participate in a vehicle show or exhibition in this state shall send written  
74 notification of such intended participation to the department of revenue at least  
75 thirty days prior to the vehicle show or exhibition. Upon receipt of such written  
76 notification, the department of revenue shall make a determination regarding  
77 compliance with the provisions of this section. If such recreational vehicle dealer  
78 would be unable to participate in the vehicle show or exhibition in this state  
79 pursuant to this section, the department of revenue shall notify the recreational  
80 vehicle dealer at least fifteen days prior to the vehicle show or exhibition of the  
81 inability to participate in the vehicle show or exhibition in this state.

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

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

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

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

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

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

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

29 (6) Terms such as "at cost", "\$..... above cost", **"invoice price", and**  
30 **"\$..... below/over invoice"** shall not be used in advertisements because of the  
31 difficulty in determining a dealer's actual net cost at the time of the sale[. Terms  
32 such as "invoice price", "\$..... over invoice" may be used, provided that the  
33 invoice referred to is the manufacturer's factory invoice for a new motor vehicle  
34 and the invoice is available for customer inspection. For purposes of this section,  
35 "manufacturer's factory invoice" means that document supplied by the  
36 manufacturer to the dealer listing the manufacturer's charge to the dealer before

37 any deduction for holdback, group advertising, factory incentives or rebates, or  
38 any governmental charges];

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

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

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

52 [(10)] (9) "Free", "at no cost" shall not be used if any purchase is required  
53 to qualify for the "free" item, merchandise, or service;

54 [(11)] (10) "Bait advertising", in which an advertiser may have no  
55 intention to sell at the prices or terms advertised, shall not be used. Bait  
56 advertising shall include, but not be limited to, the following examples:

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

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

66 [(12)] (11) Any reference to monthly payments, down payments, or other  
67 reference to financing or leasing information shall be accompanied by a clear and  
68 conspicuous disclosure of the following:

69 (a) Whether the payment or other information relates to a financing or a  
70 lease transaction;

71 (b) If the payment or other information relates to a financing transaction,  
72 the minimum down payment, annual percentage interest rate, and number of

73 payments necessary to obtain the advertised payment amount must be disclosed,  
74 in addition to any special qualifications required for obtaining the advertised  
75 terms including, but not limited to, "first-time buyer" discounts, "college  
76 graduate" discounts, and a statement concerning whether the advertised terms  
77 are subject to credit approval;

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

83 ~~[(13)]~~ **(12)** Any advertisement which states or implies that the  
84 advertising dealer has a special arrangement or relationship with the distributor  
85 or manufacturer, as compared to similarly situated dealers, shall not be used;

86 ~~[(14)]~~ **(13)** Any advertisement which, in the circumstances under which  
87 it is made or applied, is false, deceptive, or misleading shall not be used;

88 ~~[(15)]~~ **(14)** No abbreviations for industry words or phrases shall be used  
89 in any advertisement unless such abbreviations are accompanied by the fully  
90 spelled or spoken words or phrases.

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

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

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

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

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

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

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

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

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

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

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

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

15 destination of the motor vehicle, and shall be of such form as the  
16 director of revenue shall determine.

17 2. The manufacturer, dealer or authorized agent shall  
18 insert the correct date, place of issue and destination, and mail a  
19 duplicate copy of such certificate to the director of revenue at the  
20 time the original is issued; original and duplicate forms of  
21 certificates shall be furnished to manufacturers and dealers, and  
22 to no others, in books of ten sets of certificates each for a fee of five  
23 dollars, and in books of fifty sets of certificates each for a fee of  
24 twenty-five dollars. It shall be unlawful for any person to display  
25 such placard or to use such certificate except as herein provided.]

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

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

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

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