

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 699
94TH GENERAL ASSEMBLY

Reported from the Special Committee on General Laws March 8, 2007 with recommendation that House Committee Substitute for House Bill No. 699 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1691L.04C

AN ACT

To repeal sections 301.130, 301.140, 301.144, 301.170, 301.177, 301.200, 301.280, 301.550, 301.560, 301.567, 301.570, 301.640, 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 thirteen 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, 301.280,
2 301.550, 301.560, 301.567, 301.570, 301.640, RSMo, section 301.190 as enacted by house
3 committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no.
4 583, ninety-third general assembly, second regular session, section 301.190 as enacted by senate
5 substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488,
6 ninety-third general assembly, first regular session, section 301.566 as enacted by conference

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

7 committee substitute for senate substitute for senate committee substitute for house committee
8 substitute for house bill no. 1288, ninety-second general assembly, second regular session, and
9 section 301.566 as enacted by house substitute for senate substitute for senate committee
10 substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular
11 session, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections
12 301.130, 301.140, 301.144, 301.190, 301.200, 301.280, 301.550, 301.554, 301.560, 301.566,
13 301.567, 301.570, and 301.640, to read as follows:

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

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

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

28 4. The plates issued to manufacturers and dealers shall bear the [letter "D" preceding the
29 number] **letters and numbers as prescribed by section 301.560**, and the director may place

30 upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and
31 other types of motor vehicles.

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

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

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

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

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

62 (5) For those commercial motor vehicles and trailers registered pursuant to section
63 301.041, the plate issued by the highways and transportation commission shall be a permanent
64 nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve
65 the owner of any vehicle permanently registered pursuant to this section from the obligation to
66 pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall

67 be returned to the highways and transportation commission upon the sale or disposal of the
68 vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may
69 be transferred to a replacement commercial motor vehicle when the owner files a supplemental
70 application with the Missouri highways and transportation commission for the registration of
71 such replacement commercial motor vehicle. Upon payment of the annual registration fee, the
72 highways and transportation commission shall issue a certificate of registration or other suitable
73 evidence of payment of the annual fee, and such evidence of payment shall be carried at all times
74 in the vehicle for which it is issued.

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

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

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

93 9. Commencing January 1, 2009, the director of revenue shall cause to be reissued new
94 license plates of such design as directed by the director consistent with the terms, conditions, and
95 provisions of this section and this chapter. Except as otherwise provided in this section, in
96 addition to all other fees required by law, applicants for registration of vehicles with license
97 plates that expire between January 1, 2009, and December 31, 2011, applicants for registration
98 of trailers or semitrailers with license plates that expire between January 1, 2009, and December
99 31, 2011, and applicants for registration of vehicles that are to be issued new license plates shall
100 pay an additional fee, based on the actual cost of the reissuance, to cover the cost of the newly
101 reissued plates required by this subsection. The additional fee prescribed in this subsection shall
102 not be charged to persons receiving special license plates issued under section 301.073 or

103 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and
104 specialized license plates are exempt from the provisions of this subsection.

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

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

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

32 4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made
33 application for registration, by mail or otherwise, may operate the same for a period of thirty days
34 after taking possession thereof, if during such period the motor vehicle or trailer shall have
35 attached thereto, in the manner required by section 301.130, number plates issued to the dealer.

36 Upon application and presentation of satisfactory evidence that the buyer has applied for
37 registration, a dealer may furnish such number plates to the buyer for such temporary use. In
38 such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to
39 be returned to the buyer upon return of the number plates as a guarantee that said buyer will
40 return to the dealer such number plates within thirty days. The director shall issue a temporary
41 permit [or paper plate] authorizing the operation of a motor vehicle or trailer by a buyer for not
42 more than thirty days of the date of purchase.

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

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

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

70 8. Upon the transfer of ownership of any currently registered motor vehicle wherein the
71 owner cannot transfer the license plates due to a change of vehicle category, the owner may

72 surrender the license plates issued to the motor vehicle and receive credit for any unused portion
73 of the original registration fee against the registration fee of another motor vehicle. Such credit
74 shall be granted based upon the date the license plates are surrendered. No refunds shall be made
75 on the unused portion of any license plates surrendered for such credit.

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

27 2. Upon application for a personalized plate by the owner of a motor vehicle for which
28 the owner has no registration plate available for transfer as prescribed by section 301.140, the
29 director shall issue a temporary permit authorizing the operation of the motor vehicle until the
30 personalized plate is issued.

31 3. No personalized license plates shall be issued containing any letters, numbers or
32 combination of letters and numbers which are obscene, profane, patently offensive or
33 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present

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

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

57 5. The director of revenue shall issue to residents of the state of Missouri who hold an
58 unrevoked and unexpired official amateur radio license issued by the Federal Communications
59 Commission, upon application and upon payment of the additional fee specified in subsection
60 1 of this section, except for a person exempted from the additional fee pursuant to subsection 7
61 of this section, personalized special license plates bearing the official amateur radio call letters
62 assigned by the Federal Communications Commission to the applicant with the words
63 "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The application shall be
64 accompanied by a statement stating that the applicant has an unrevoked and unexpired amateur
65 radio license issued by the Federal Communications Commission and the official radio call
66 letters assigned by the Federal Communications Commission to the applicant. An owner making
67 a new application and paying a new fee to retain an amateur radio plate may request a
68 replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME
69 STATE". If application is made to retain a plate that is three years old or older, the replacement
70 plate shall be issued upon the payment of required fees.

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

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

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

13 2. The director of revenue shall use reasonable diligence in ascertaining whether the facts
14 stated in such application are true and shall, to the extent possible without substantially delaying
15 processing of the application, review any odometer information pertaining to such motor vehicle
16 that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of
17 such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the
18 director shall thereupon issue an appropriate certificate over his signature and sealed with the
19 seal of his office, procured and used for such purpose. The certificate shall contain on its face
20 a complete description, vehicle identification number, and other evidence of identification of the
21 motor vehicle or trailer, as the director of revenue may deem necessary, together with the
22 odometer information required to be put on the face of the certificate pursuant to section

23 407.536, RSMo, a statement of any liens or encumbrances which the application may show to
24 be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing
25 the transferor's title and whether the transferor's odometer mileage statement executed pursuant
26 to section 407.536, RSMo, indicated that the true mileage is materially different from the number
27 of miles shown on the odometer, or is unknown.

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

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

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

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

46 5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in
47 addition to the fee for registration of such motor vehicle or trailer. If application for the
48 certificate is not made within thirty days after the vehicle is acquired by the applicant, a
49 delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and
50 twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of [one
51 hundred dollars before November 1, 2003, and not to exceed a total of] two hundred dollars [on
52 or after November 1, 2003, shall be imposed], but such penalty may be waived by the director
53 for a good cause shown. If the director of revenue learns that any person has failed to obtain a
54 certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle
55 without obtaining a certificate, he shall cancel the registration of all vehicles registered in the
56 name of the person, either as sole owner or as a co-owner, and shall notify the person that the
57 cancellation will remain in force until the person pays the delinquency penalty fee provided in
58 this section, together with all fees, charges and payments which [he] **the person** should have

59 paid in connection with the certificate of ownership and registration of the vehicle. The
60 certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned
61 or held by the original holder of the certificate and shall not have to be renewed annually.

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

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

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

81 9. Each application for an original Missouri certificate of ownership for a vehicle which
82 is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle,
83 motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director
84 of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state
85 highway patrol, or other law enforcement agency as authorized by the director of revenue. The
86 vehicle examination shall include a verification of vehicle identification numbers and a
87 determination of the classification of the vehicle. The owner of a vehicle which requires a
88 vehicle examination certificate shall present the vehicle for examination and obtain a completed
89 vehicle examination certificate prior to submitting an application for a certificate of ownership
90 to the director of revenue. The fee for the vehicle examination application shall be twenty-five
91 dollars and shall be collected by the director of revenue at the time of the request for the
92 application and shall be deposited in the state treasury to the credit of the state highways and
93 transportation department fund. **If the vehicle is also to be registered in Missouri, the safety**
94 **inspection required in chapter 307, RSMo, and the emissions inspection required under**

95 **chapter 643, RSMo, shall be completed and the fees required by section 307.365, RSMo,**
96 **and section 643.315, RSMo, shall be charged to the owner.**

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

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

117 12. When an application is made for an original Missouri certificate of ownership for a
118 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of
119 ownership has been appropriately designated by the issuing state as a reconstructed motor
120 vehicle, motor change vehicle, [or] specially constructed motor vehicle, **or prior salvage**
121 **vehicle**, the director of revenue shall appropriately designate on the current Missouri and all
122 subsequent issues of the certificate of ownership the name of the issuing state and such prior
123 designation. **The absence of any prior designation shall not relieve a transferor of the duty**
124 **to exercise due diligence with regard to such certificate of ownership prior to the transfer**
125 **of a certificate. If a transferor exercises due diligence with regard to a certificate of**
126 **ownership, the legal transfer of a certificate of ownership without any designation that is**
127 **subsequently discovered to have or should have had a designation shall be a transfer free**
128 **and clear of any liabilities of the transferor associated with the missing designation.**

129 13. When an application is made for an original Missouri certificate of ownership for a
130 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of
131 ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle,

132 the director of revenue shall appropriately designate on the current Missouri and all subsequent
133 issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

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

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

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

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

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

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

152

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

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

13 provided that for good cause shown the director of revenue may extend the period
14 of time for making such application.

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

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

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

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

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

54 5. The fee for each original certificate so issued shall be eight dollars and
55 fifty cents, in addition to the fee for registration of such motor vehicle or trailer.
56 If application for the certificate is not made within thirty days after the vehicle is

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

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

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

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

96 9. Each application for an original Missouri certificate of ownership for
97 a vehicle which is classified as a reconstructed motor vehicle, specially
98 constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor
99 vehicle, or other vehicle as required by the director of revenue shall be
100 accompanied by a vehicle examination certificate issued by the Missouri state

101 highway patrol, or other law enforcement agency as authorized by the director of
102 revenue. The vehicle examination shall include a verification of vehicle
103 identification numbers and a determination of the classification of the vehicle.
104 The owner of a vehicle which requires a vehicle examination certificate shall
105 present the vehicle for examination and obtain a completed vehicle examination
106 certificate prior to submitting an application for a certificate of ownership to the
107 director of revenue. The fee for the vehicle examination application shall be
108 twenty-five dollars and shall be collected by the director of revenue at the time
109 of the request for the application and shall be deposited in the state treasury to the
110 credit of the state highways and transportation department fund.

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

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

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

142 13. When an application is made for an original Missouri certificate of
143 ownership for a motor vehicle previously registered or titled in a state other than
144 Missouri, and the certificate of ownership has been appropriately designated by

145 the issuing state as non-USA-std motor vehicle, the director of revenue shall
 146 appropriately designate on the current Missouri and all subsequent issues of the
 147 certificate of ownership the words "Non-USA-Std Motor Vehicle".

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

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

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

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

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

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

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

175

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

9 2. Dealers shall execute and deliver manufacturer's statements of origin in accordance
 10 with forms prescribed by the director of revenue for all new cars sold by them. On the
 11 presentation of a manufacturer's statement of origin, executed in the form prescribed by the

12 director of revenue, by a manufacturer or a dealer for a new car sold in this state, a certificate of
13 ownership shall be issued.

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

301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to
2 the department of revenue, on blanks to be prescribed by the department of revenue, giving the
3 following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle
4 sold; the name and address of the buyer; the name of the manufacturer; year of manufacture;
5 model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall
6 also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand.
7 The odometer reading is not required when reporting the sale of any motor vehicle that is ten
8 years old or older, any motor vehicle having a gross vehicle weight rating of more than sixteen
9 thousand pounds, new vehicles that are transferred on a manufacturer's statement of origin
10 between one franchised motor vehicle dealer and another, or boats, all-terrain vehicles or trailers.
11 The sale of all thirty-day temporary permits, without exception, shall be recorded in the
12 appropriate space on the dealer's monthly sales report by recording the complete permit number
13 issued on the motor vehicle or trailer sale listed. The monthly sales report shall be completed
14 in full and signed by an officer, partner, or owner of the dealership, and actually received by the
15 department of revenue on or before the fifteenth day of the month succeeding the month for
16 which the sales are being reported. If no sales occur in any given month, a report shall be
17 submitted for that month indicating no sales. Any vehicle dealer who fails to file a monthly
18 report or who fails to file a timely report shall be subject to disciplinary action as prescribed in
19 section 301.562 or a penalty assessed by the director not to exceed three hundred dollars per
20 violation. Every motor vehicle and boat dealer shall retain copies of the monthly sales report as
21 part of the records to be maintained at the dealership location and shall hold them available for
22 inspection by appropriate law enforcement officials and officials of the department of revenue.
23 [Beginning January 1, 2006, the monthly sales report required by this subsection may be filed
24 electronically. Beginning January 1, 2007,] Every vehicle dealer selling twenty or more vehicles
25 a month shall file the monthly sales report with the department in an electronic format. Any
26 dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice
27 of transfer required by section 301.196. For any dealer not filing electronically, the notice of
28 transfer required by section 301.196 shall be submitted with the monthly sales report as
29 prescribed by the director.

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

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

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

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

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

3 (1) "Boat dealer", any natural person, partnership, or corporation who, for a commission
4 or with an intent to make a profit or gain of money or other thing of value, sells, barter,
5 exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the
6 sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such
7 person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be
8 required as evidence that such person is eligible for licensure as a boat dealer under sections
9 301.550 to 301.573. The boat dealer shall demonstrate eligibility for renewal of his license by
10 selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as
11 a boat dealer pursuant to sections 301.550 to 301.573;

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

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

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

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

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

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

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

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

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

31 (7) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent
32 to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents
33 with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor
34 vehicles or trailers whether or not the motor vehicles or trailers are owned by such person;
35 provided, however, an individual auctioneer or auction conducted by an auctioneer licensed
36 pursuant to chapter 343, RSMo, shall not be included within the definition of a motor vehicle
37 dealer. The sale of six or more motor vehicles or trailers in any calendar year shall be required
38 as evidence that such person is engaged in the motor vehicle business and is eligible for licensure
39 as a motor vehicle dealer under sections 301.550 to 301.573. **Any motor vehicle dealer**
40 **licensed before August 28, 2007, shall be required to meet the minimum calendar year sales**
41 **of six or more motor vehicles provided the dealer can prove the business achieved,**
42 **cumulatively, six or more sales per year for the preceding twenty-four months in business;**
43 **or if the dealer has not been in business for twenty-four months, the cumulative equivalent**
44 **of one sale every two months for the months the dealer has been in business before August**
45 **28, 2007. Any licensed motor vehicle dealer failing to meet the minimum vehicle sales**
46 **requirements as referenced in this subsection shall not be qualified to renew his or her**
47 **license for one year. Applicants who reapply after the one-year period shall meet the**
48 **requirement of six sales per year;**

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

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

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

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

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

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

70 (14) **"Trailer dealer", any person selling, either exclusively or otherwise, trailers**
71 **as defined in subdivision (59) of section 301.010. A trailer dealer may acquire a motor**
72 **vehicle for resale only as a trade-in for a trailer. Notwithstanding the provisions of**
73 **subdivision (11) of section 301.010 and section 301.069, trailer dealers may purchase one**
74 **driveaway license plate to display such motor vehicle for demonstration purposes. The sale**
75 **of six or more trailers in any calendar year shall be required as evidence that such person**
76 **is engaged in the trailer business and is eligible for licensure as a trailer dealer under**
77 **sections 301.550 to 301.573. Any trailer dealer licensed before August 28, 2007, shall be**
78 **required to meet the minimum calendar year sales of six or more trailers provided the**
79 **dealer can prove the business achieved, cumulatively, six or more sales per year for the**
80 **preceding twenty-four months in business; or if the dealer has not been in business for**
81 **twenty-four months, the cumulative equivalent of one sale every two months for the**
82 **months the dealer has been in business before August 28, 2007. Any licensed trailer dealer**
83 **failing to meet the minimum trailer and vehicle sales requirements as referenced in this**
84 **subsection shall not be qualified to renew his or her license for one year. Applicants who**
85 **reapply after the one-year period shall meet the requirement of six sales per year;**

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

95 [(15)] **(16)** "Used motor vehicle dealer", any motor vehicle dealer who is not a new
96 motor vehicle franchise dealer;

97 [(16)] **(17)** "Vessel", every boat and watercraft defined as a vessel in section 306.010,
98 RSMo;

99 [(17)] **(18)** "Vessel trailer", any trailer, as defined by section 301.010 which is designed
100 and manufactured for the purposes of transporting vessels;

101 [(18)] **(19)** "Wholesale motor vehicle auction", any person, firm or corporation in the
102 business of providing auction services solely in wholesale transactions at its established place
103 of business in which the purchasers are motor vehicle dealers licensed by this or any other
104 jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary
105 course of its business. Except as required by law with regard to the auction sale of a government
106 owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in
107 connection with the retail sale of a motor vehicle;

108 [(19)] **(20)** "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor
109 vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via
110 auctions limited to other dealers of any class.

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

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

- 114 (1) Boat dealers;
- 115 (2) Franchised new motor vehicle dealers;
- 116 (3) Used motor vehicle dealers;
- 117 (4) Wholesale motor vehicle dealers;
- 118 (5) Recreational motor vehicle dealers;
- 119 (6) Historic motor vehicle dealers;
- 120 (7) Classic motor vehicle dealers; [and]
- 121 (8) Powersport dealers; **and**

122 **(9) Trailer dealers.**

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

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

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

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

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

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

63 (4) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle
64 dealer, **a powersport dealer**, a wholesale motor vehicle dealer, **trailer dealer**, or boat dealer
65 shall furnish with the application a corporate surety bond or an irrevocable letter of credit as
66 defined in section 400.5-103, RSMo, issued by any state or federal financial institution in the

67 penal sum of [twenty-five] **thirty** thousand dollars on a form approved by the department. The
68 bond or irrevocable letter of credit shall be conditioned upon the dealer complying with the
69 provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle
70 dealers, **powersport dealers**, wholesale motor vehicle dealers, **trailer dealers**, and boat dealers,
71 and the bond shall be an indemnity for any loss sustained by reason of the acts of the person
72 bonded when such acts constitute grounds for the suspension or revocation of the dealer's license.
73 The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved
74 parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary;
75 except, that the aggregate liability of the surety or financial institution to the aggrieved parties
76 shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds
77 of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final
78 judgment from a Missouri court of competent jurisdiction against the principal and in favor of
79 an aggrieved party. **Additionally, every applicant as a new motor vehicle franchise dealer,**
80 **a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer**
81 **dealer, or boat dealer shall furnish with the application a copy of a current dealer garage**
82 **policy bearing the policy number and name of the insurer and the insured, and a copy of**
83 **a current property and casualty policy bearing the policy number and name of the insurer**
84 **and the insured from an insurance carrier registered with the director of the Missouri**
85 **department of insurance, financial institutions and professional registration;**

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

138 manufacturers] [B-0] M-0 through [B-9999] M-9999
139

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

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

148 6. In the case of **new motor vehicle** manufacturers [and] , motor vehicle dealers,
149 **powersport dealers, and trailer dealers**, the department shall [also] issue one number plate
150 bearing the distinctive dealer license number **and two additional number plates** to the applicant
151 upon payment by the manufacturer or dealer of a fifty dollar fee **for the number plate bearing**
152 **the distinctive dealer license number and twenty-one dollar fee for the additional number**
153 **plates**. Such license plates shall be made with fully reflective material with a common color
154 scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as
155 prescribed by section 301.130. Boat dealers and boat manufacturers shall be entitled to one
156 certificate of number bearing such number upon the payment of a fifty dollar fee. [As many]
157 Additional number plates [as may be desired by manufacturers and motor vehicle dealers] and
158 as many additional certificates of number [as may be desired by boat dealers and boat
159 manufacturers] may be obtained upon payment of a fee of ten dollars and fifty cents for each
160 additional plate or certificate. **New motor vehicle manufacturers shall not be issued or**
161 **possess more than three hundred forty-seven additional number plates or certificates of**
162 **number annually. New and used motor vehicle dealers, powersport dealers, wholesale**
163 **motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate**
164 **or certificate of number per ten-unit qualified transactions annually. An applicant seeking**
165 **the issuance of an initial license shall indicate on his or her initial application the**
166 **applicant's proposed annual number of sales in order for the director to issue the**
167 **appropriate number of additional plates or certificates of number.** A motor vehicle dealer,
168 **trailer dealer**, boat dealer, **powersport dealer, motor vehicle** manufacturer, boat manufacturer,
169 [public motor vehicle auction,] **or** wholesale motor vehicle dealer [or wholesale motor vehicle
170 auction] obtaining a **distinctive** dealer license plate or certificate of number or additional license
171 plate or additional certificate of number, throughout the calendar year, shall be required to pay
172 a fee for such license plates or certificates of number computed on the basis of one-twelfth of the
173 full fee prescribed for the original and duplicate number plates or certificates of number for such

174 dealers' licenses, multiplied by the number of months remaining in the licensing period for which
175 the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer,
176 the fee due at the time of renewal shall not be prorated. **Wholesale and public auctions shall**
177 **be issued a certificate of dealer registration in lieu of a dealer number plate. In order for**
178 **dealers to obtain number plates or certificates under this section, dealers shall submit to**
179 **the department of revenue on August first of each year a statement certifying, under**
180 **penalty of perjury, the dealer's number of sales during the reporting period of July first**
181 **of the immediately preceding year to July thirtieth of the present year.**

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

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

201 9. (1) [Beginning August 28, 2006,] Every application for the issuance of a used motor
202 vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve
203 months, has completed an educational seminar course approved by the department as prescribed
204 by subdivision (2) of this subsection. Wholesale and [retail] **public auto auctions and**
205 **applicants currently holding a new or used license for a separate dealership** shall be exempt
206 from the requirements of this subsection. The provisions of this subsection shall not apply to
207 **current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants**
208 **for a new motor vehicle franchise [dealers] or a motor vehicle leasing agency.** The provisions

209 of this subsection shall not apply to used motor vehicle dealers who were licensed prior to
210 August 28, 2006.

211 (2) The educational seminar shall include, but is not limited to, the dealer requirements
212 of sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer
213 sections 301.550 to 301.570, and any other rules and regulations promulgated by the department.
214

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

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

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

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

28 (3) Pay to the motor vehicle commission fund, pursuant to section
29 301.560, a permit fee of two hundred fifty dollars for each off-site sale event;

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

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

37 (6) Off-site sales by a seller of vehicles used and titled solely in its
ordinary course of business may also be held in conjunction with other financial

38 institutions provided that any such sale event shall be held on the premises of the
39 financial institution, and sales shall be limited to persons who were customers of
40 the financial institution prior to the date of the sale event. Off-site sales held with
41 such other financial institutions shall be limited to one sale per year per
42 institution;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (7) When the price or financing terms of a motor vehicle are advertised, the vehicle shall
34 be fully identified as to year, make, and model. In addition, in advertisements placed by

35 individual dealers and not line-make marketing groups, the advertised price or credit terms shall
36 include all charges which the buyer must pay to the dealer, except buyer-selected options and
37 state and local taxes. If a processing fee or freight or destination charges are not included in the
38 advertised price, the amount of any such processing fee and freight or destination charge must
39 be clearly and conspicuously disclosed within the advertisement;

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

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

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

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

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

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

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

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

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

68 (c) If the payment or other information relates to a lease transaction, the total amount due
69 from the purchaser at signing with such costs broken down and identified by category, lease term

70 expressed in number of months, whether the lease is closed-end or open-end, and total cost to
71 the lessee over the lease term in dollars;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 301.640. 1. [Upon] **Within five business days after** the satisfaction of any lien or
2 encumbrance of a motor vehicle or trailer, the lienholder shall[, within ten business days] release
3 the lien or encumbrance on the certificate or a separate document, and mail or deliver the
4 certificate or a separate document to the owner or any person who delivers to the lienholder an
5 authorization from the owner to receive the certificate or such documentation. The release on
6 the certificate or separate document shall be notarized. Each perfected subordinate lienholder,
7 if any, shall release such lien or encumbrance as provided in this section for the first lienholder.
8 The owner may cause the certificate to be mailed or delivered to the director of revenue, who
9 shall issue a new certificate of ownership upon application and payment of the required fee. A
10 lien or encumbrance shall be satisfied for the purposes of this section when a lienholder receives
11 payment in full in the form of certified funds, as defined in section 381.410, RSMo, **or when the**
12 **lienholder receives payment in full electronically or by way of electronic funds transfer,**
13 **whichever first occurs.**

14 2. If the electronic certificate of ownership is in the possession of the director of revenue,
15 the lienholder shall notify the director within [ten] **five** business days [of] **after** any release of
16 a lien and provide the director with the most current address of the owner **or any person who**
17 **delivers to the lienholder an authorization from the owner to receive the certificate or such**
18 **documentation.** The director shall note such release on the electronic certificate and if no other
19 lien exists the director shall mail or deliver the certificate free of any lien to the owner **or any**
20 **person who has delivered to the lienholder an authorization from the owner to receive the**
21 **certificate or such documentation from the director.**

22 3. If the purchase price of a motor vehicle or trailer did not exceed six thousand dollars
23 at the time of purchase, a lien or encumbrance which was not perfected by a motor vehicle
24 financing corporation whose net worth exceeds one hundred million dollars, or a depository
25 institution, shall be considered satisfied within six years from the date the lien or encumbrance
26 was originally perfected unless a new lien or encumbrance has been perfected as provided in
27 section 301.600. This subsection does not apply to motor vehicles or trailers for which the

28 certificate of ownership has recorded in the second lienholder portion the words "subject to
29 future advances".

30 4. Any lienholder who fails to **timely** comply with subsection 1 or 2 of this section shall
31 pay to the person or persons satisfying the lien or encumbrance [twenty-five dollars for the first
32 ten business days after expiration of the time period prescribed in subsection 1 or 2 of this
33 section, and such payment shall double for each ten days thereafter in which there is continued
34 noncompliance, up to a maximum of five hundred dollars for each lien] **liquidated damages up
35 to a maximum of two thousand five hundred dollars for each lien. Liquidated damages
36 shall be five hundred dollars if the lienholder does not comply within five business days
37 after satisfaction of the lien or encumbrance. Liquidated damages shall be one thousand
38 dollars if the lienholder does not comply within ten business days after satisfaction of the
39 lien or encumbrance. Liquidated damages shall be two thousand dollars if the lienholder
40 does not comply within fifteen business days after satisfaction of the lien or encumbrance.
41 Liquidated damages shall be two thousand five hundred dollars if the lienholder does not
42 comply within twenty business days after satisfaction of the lien or encumbrance. If
43 delivery of the certificate or other lien release is made by mail, the delivery date is the date of the
44 postmark for purposes of this subsection. **In computing any period of time prescribed or
45 allowed by this section, the day of the act or event after which the designated period of time
46 begins to run is not to be counted. However, the last day of the period so computed is to
47 be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period
48 runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.****

49 5. Any person who knowingly and intentionally sends in a separate document releasing
50 a lien of another without authority to do so shall be guilty of a class C felony.

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

14 2. The manufacturer, dealer or authorized agent shall insert the correct
15 date, place of issue and destination, and mail a duplicate copy of such certificate
16 to the director of revenue at the time the original is issued; original and duplicate

17 forms of certificates shall be furnished to manufacturers and dealers, and to no
18 others, in books of ten sets of certificates each for a fee of five dollars, and in
19 books of fifty sets of certificates each for a fee of twenty-five dollars. It shall be
20 unlawful for any person to display such placard or to use such certificate except
21 as herein provided.]
22

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

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

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

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