

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 1745, Page 1, In the Title, Line 3, by deleting all of said line and inserting  
2 in lieu thereof the word "transportation."; and

3  
4 Further amend said bill and page, Section 301.067, Line 16, by inserting after all of said section and  
5 line the following:

6  
7 "301.560. 1. In addition to the application forms prescribed by the department, each  
8 applicant shall submit the following to the department:

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

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1 personal watercraft, or trailers may be displayed. The sign shall contain the name of the dealership  
2 by which it is known to the public through advertising or otherwise, which need not be identical to  
3 the name appearing on the dealership's license so long as such name is registered as a fictitious  
4 name with the secretary of state, has been approved by its line-make manufacturer in writing in the  
5 case of a new motor vehicle franchise dealer and a copy of such fictitious name registration has  
6 been provided to the department. Dealers who sell only emergency vehicles as defined in section  
7 301.550 are exempt from maintaining a bona fide place of business, including the related law  
8 enforcement certification requirements, and from meeting the minimum yearly sales;

9 (2) The initial application for licensure shall include a photograph, not to exceed eight  
10 inches by ten inches but no less than five inches by seven inches, showing the business building, lot,  
11 and sign. A new motor vehicle franchise dealer applicant who has purchased a currently licensed  
12 new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing  
13 dealership building, lot and sign but shall be required to submit a new photograph upon the  
14 installation of the new dealership sign as required by sections 301.550 to 301.573. Applicants shall  
15 not be required to submit a photograph annually unless the business has moved from its previously  
16 licensed location, or unless the name of the business or address has changed, or unless the class of  
17 business has changed;

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

37 (4) Payment of all necessary license fees as established by the department. In establishing  
38 the amount of the annual license fees, the department shall, as near as possible, produce sufficient  
39 total income to offset operational expenses of the department relating to the administration of  
40 sections 301.550 to 301.580. All fees payable pursuant to the provisions of sections 301.550 to  
41 301.580, other than those fees collected for the issuance of dealer plates or certificates of number  
42 collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in  
43 the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created.  
44 The motor vehicle commission fund shall be administered by the Missouri department of revenue.  
45 The provisions of section 33.080 to the contrary notwithstanding, money in such fund shall not be  
46 transferred and placed to the credit of the general revenue fund until the amount in the motor  
47 vehicle commission fund at the end of the biennium exceeds two times the amount of the  
48 appropriation from such fund for the preceding fiscal year or, if the department requires permit

1 renewal less frequently than yearly, then three times the appropriation from such fund for the  
2 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund  
3 which exceeds the multiple of the appropriation from such fund for the preceding fiscal year.

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

10 3. Upon the initial issuance of a license by the department, the department shall assign a  
11 distinctive dealer license number or certificate of number to the applicant and the department shall  
12 issue one number plate or certificate bearing the distinctive dealer license number or certificate of  
13 number and two additional number plates or certificates of number within eight working hours after  
14 presentment of the application. Upon renewal, the department shall issue the distinctive dealer  
15 license number or certificate of number as quickly as possible. The issuance of such distinctive  
16 dealer license number or certificate of number shall be in lieu of registering each motor vehicle,  
17 trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public  
18 motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or new or  
19 used motor vehicle dealer.

20 4. Notwithstanding any other provision of the law to the contrary, the department shall  
21 assign the following distinctive dealer license numbers to: New motor vehicle franchise dealers. . . .  
22 . . . D-0 through D-999 New powersport dealers and motorcycle franchise dealers. .D-1000 through  
23 D-1999 Used motor vehicle, used powersport, and used motorcycle dealers. . . . . D-  
24 2000 through D-9999 Wholesale motor vehicle dealers. . . . . W-0 through W-1999 Wholesale  
25 motor vehicle auctions. . . . . WA-0 through WA-999 New and used trailer dealers. . . . . T-0  
26 through T-9999 Motor vehicle, trailer, and boat manufacturers DM-0 through DM-999 Public motor  
27 vehicle auctions. . . . . A-0 through A-1999 Boat dealers. . . . . M-0 through M-  
28 9999 New and used recreational motor vehicle dealers. . . RV-0 through RV-999 For purposes of  
29 this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a  
30 licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealer's license shall  
31 be allowed one additional plate or certificate number per fifty-unit qualified transactions annually.  
32 In order for salvage dealers to obtain number plates or certificates under this section, dealers shall  
33 submit to the department of revenue on August first of each year a statement certifying, under  
34 penalty of perjury, the dealer's number of purchases during the reporting period of July first of the  
35 immediately preceding year to June thirtieth of the present year. The provisions of this subsection  
36 shall become effective on the date the director of the department of revenue begins to reissue new  
37 license plates under section 301.130, or on December 1, 2008, whichever occurs first. If the  
38 director of revenue begins reissuing new license plates under the authority granted under section  
39 301.130 prior to December 1, 2008, the director of the department of revenue shall notify the  
40 revisor of statutes of such fact.

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

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

1 additional number plate. Such license plates shall be made with fully reflective material with a  
2 common color scheme and design, shall be clearly visible at night, and shall be aesthetically  
3 attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be entitled to  
4 one certificate of number bearing such number upon the payment of a fifty dollar fee. Additional  
5 number plates and as many additional certificates of number may be obtained upon payment of a fee  
6 of ten dollars and fifty cents for each additional plate or certificate. New motor vehicle  
7 manufacturers shall not be issued or possess more than three hundred forty-seven additional number  
8 plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers,  
9 wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate  
10 or certificate of number per ten-unit qualified transactions annually. New and used recreational  
11 motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit  
12 qualified transactions annually for their first fifty transactions and one additional plate or certificate  
13 of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an  
14 initial license shall indicate on his or her initial application the applicant's proposed annual number  
15 of sales in order for the director to issue the appropriate number of additional plates or certificates  
16 of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor  
17 vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer  
18 obtaining a distinctive dealer license plate or certificate of number or additional license plate or  
19 additional certificate of number, throughout the calendar year, shall be required to pay a fee for such  
20 license plates or certificates of number computed on the basis of one-twelfth of the full fee  
21 prescribed for the original and duplicate number plates or certificates of number for such dealers'  
22 licenses, multiplied by the number of months remaining in the licensing period for which the dealer  
23 or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at  
24 the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a certificate  
25 of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates  
26 or certificates under this section, dealers shall submit to the department of revenue on August first  
27 of each year a statement certifying, under penalty of perjury, the dealer's number of sales during the  
28 reporting period of July first of the immediately preceding year to June thirtieth of the present year.

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

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

47 9. If any law enforcement officer has probable cause to believe that any license plate or  
48 certificate of number issued under subsection 3 or 6 of this section is being misused in violation of

1 subsection 7 or 8 of this section, the license plate or certificate of number may be seized and  
2 surrendered to the department.

3 10. (1) Every application for the issuance of a used motor vehicle dealer's license shall be  
4 accompanied by proof that the applicant, within the last twelve months, has completed an  
5 educational seminar course approved by the department as prescribed by subdivision (2) of this  
6 subsection. Wholesale and public auto auctions and applicants currently holding a new or used  
7 license for a separate dealership shall be exempt from the requirements of this subsection. The  
8 provisions of this subsection shall not apply to current new motor vehicle franchise dealers or motor  
9 vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle leasing  
10 agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were  
11 licensed prior to August 28, 2006.

12 (2) The educational seminar shall include, but is not limited to, the dealer requirements of  
13 sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer sections  
14 301.550 to 301.570, and any other rules and regulations promulgated by the department.

15 301.564. 1. Any person or his agent licensed or registered as a manufacturer, motor vehicle  
16 dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public  
17 motor vehicle auction pursuant to the provisions of sections 301.550 to 301.573, shall permit an  
18 employee of the department of revenue or any law enforcement official to inspect, during normal  
19 business hours, any of the following documents which are in his possession or under his custody or  
20 control:

- 21 (1) Any title to any motor vehicle or vessel;
- 22 (2) Any application for title to any motor vehicle or vessel;
- 23 (3) Any affidavit provided pursuant to sections 301.550 to 301.573 or chapter 407;
- 24 (4) Any assignment of title to any motor vehicle or vessel;
- 25 (5) Any disclosure statement or other document relating to mileage or odometer readings  
26 required by the laws of the United States or any other state;
- 27 (6) Any inventory and related documentation.

28 2. For purposes of this section, the term "law enforcement official" shall mean any of the  
29 following:

- 30 (1) Attorney general, or any person designated by him to make such an inspection;
- 31 (2) Any prosecuting attorney or any person designated by a prosecuting attorney to make  
32 such an inspection;
- 33 (3) Any member or authorized or designated employee of the Missouri state highway patrol  
34 [or water patrol];
- 35 (4) Any sheriff or deputy sheriff;
- 36 (5) Any peace officer certified pursuant to chapter 590 acting in his official capacity."; and  
37

38 Further amend said bill by amending the title, enacting clause, and intersectional references  
39 accordingly.