

SECOND REGULAR SESSION

HOUSE BILL NO. 1640

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DENISON (Sponsor), MEADOWS, COOKSON, SHUMAKE,
ROWLAND, LONG, FALLERT, McDONALD, SCHIEFFER AND CONWAY (27) (Co-sponsors).

4924L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 301.010, 301.032, 301.069, 301.218, 301.225, 301.280, 301.559, 301.560,
301.562, 301.567, and 301.570, RSMo, and to enact in lieu thereof fourteen new sections
relating to motor vehicle dealers, with penalty provisions.

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

Section A. Sections 301.010, 301.032, 301.069, 301.218, 301.225, 301.280, 301.559,
2 301.560, 301.562, 301.567, and 301.570, RSMo, are repealed and fourteen new sections enacted
3 in lieu thereof, to be known as sections 301.010, 301.032, 301.069, 301.216, 301.218, 301.225,
4 301.280, 301.425, 301.559, 301.560, 301.562, 301.567, 301.570, and 301.580, to read as
5 follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260,
2 and sections 307.010 to 307.175, the following terms mean:

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
5 thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with
6 a seat designed to be straddled by the operator, or with a seat designed to carry more than one
7 person, and handlebars for steering control;

8 (2) "Automobile transporter", any vehicle combination designed and used specifically
9 for the transport of assembled motor vehicles;

10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
11 included between two parallel transverse vertical planes forty inches apart, extending across the
12 full width of the vehicle;

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.

- 13 (4) "Boat transporter", any vehicle combination designed and used specifically to
14 transport assembled boats and boat hulls;
- 15 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
16 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
17 or painting;
- 18 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
19 passengers but not including shuttle buses;
- 20 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
21 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
22 buses;
- 23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
24 speeds less than forty miles per hour from field to field or from field to market and return;
- 25 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
26 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 27 (10) "Director" or "director of revenue", the director of the department of revenue;
- 28 (11) "Driveaway operation":
- 29 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than
30 a dealer over any public highway, under its own power singly, or in a fixed combination of two
31 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
- 32 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
33 the commodity being transported, by a person engaged in the business of furnishing drivers and
34 operators for the purpose of transporting vehicles in transit from one place to another by the
35 driveaway or towaway methods; or
- 36 (c) The movement of a motor vehicle by any person who is lawfully engaged in the
37 business of transporting or delivering vehicles that are not the person's own and vehicles of a
38 type otherwise required to be registered, by the driveaway or towaway methods, from a point of
39 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent
40 of a manufacturer or to any consignee designated by the shipper or consignor;
- 41 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
42 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
43 equipped with a dromedary may carry part of a load when operating independently or in a
44 combination with a semitrailer;
- 45 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 46 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 47 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

48 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
49 vehicle in a saddlemount combination;

50 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
51 the weight of any load thereon;

52 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
53 result of the impact of hail;

54 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads
55 and public streets, avenues, boulevards, parkways or alleys in any municipality;

56 (20) "Improved highway", a highway which has been paved with gravel, macadam,
57 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

58 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
59 the same;

60 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways
61 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

62 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally
63 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
64 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

65 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire
66 commercial motor vehicle the operation of which is confined to:

67 (a) An area that extends not more than a radius of one hundred miles from its home base
68 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
69 from projects involving soil and water conservation, or to and from equipment dealers'
70 maintenance facilities for maintenance purposes; or

71 (b) An area that extends not more than a radius of fifty miles from its home base of
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
73 projects not involving soil and water conservation. Nothing in this subdivision shall be
74 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
75 local commercial motor vehicle;

76 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
77 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
78 or a commercial motor vehicle whose property-carrying operations are confined solely to the
79 transportation of property owned by any person who is the owner or operator of such vehicle to
80 or from a farm owned by such person or under the person's control by virtue of a landlord and
81 tenant lease; provided that any such property transported to any such farm is for use in the
82 operation of such farm;

83 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
84 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
85 state, used to transport harvested forest products, operated solely at a forested site and in an area
86 extending not more than a one hundred-mile radius from such site, carries a load with
87 dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when
88 operated on the national system of interstate and defense highways described in Title 23, Section
89 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section
90 304.180, does not have more than four axles, and does not pull a trailer which has more than two
91 axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting,
92 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local
93 log truck. A local log truck may not exceed the limits required by law, however, if the truck does
94 exceed such limits as determined by the inspecting officer, then notwithstanding any other
95 provisions of law to the contrary, such truck shall be subject to the weight limits required by such
96 sections as licensed for eighty thousand pounds;

97 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
98 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
99 state, used to transport harvested forest products, operated solely at a forested site and in an area
100 extending not more than a one hundred-mile radius from such site, operates with a weight not
101 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
102 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
103 system of interstate and defense highways described in Title 23, Section 103(e) of the United
104 States Code, such vehicle does not exceed the weight limits contained in section 304.180, and
105 does not have more than three axles and does not pull a trailer which has more than two axles.
106 Violations of axle weight limitations shall be subject to the load limit penalty as described for
107 in sections 304.180 to 304.220;

108 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal
109 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
110 section 390.020, adjacent thereto, forming a part of a public transportation system within such
111 municipal corporation and such municipal corporation and adjacent commercial zone;

112 (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and
113 is used exclusively to transport harvested forest products to and from forested sites which is
114 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this
115 state for the transportation of harvested forest products;

116 (30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly,
117 and front clip, as those terms are defined by the director of revenue pursuant to rules and
118 regulations or by illustrations;

119 (31) "Manufacturer", any person, firm, corporation or association engaged in the
120 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

121 (32) ["Mobile scrap processor", a business located in Missouri or any other state that
122 comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder
123 or scrap metal operator for recycling;

124 (33)] "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
125 receives a new, rebuilt or used engine, and which used the number stamped on the original
126 engine as the vehicle identification number;

127 [(34)] (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon
128 tracks, except farm tractors;

129 [(35)] (34) "Motor vehicle primarily for business use", any vehicle other than a
130 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed
131 for over twelve thousand pounds:

132 (a) Offered for hire or lease; or

133 (b) The owner of which also owns ten or more such motor vehicles;

134 [(36)] (35) "Motorcycle", a motor vehicle operated on two wheels;

135 [(37)] (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an
136 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic
137 centimeters, which produces less than three gross brake horsepower, and is capable of propelling
138 the device at a maximum speed of not more than thirty miles per hour on level ground;

139 [(38)] (37) "Motortricycle", a motor vehicle operated on three wheels, including a
140 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of
141 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

142 [(39)] (38) "Municipality", any city, town or village, whether incorporated or not;

143 [(40)] (39) "Nonresident", a resident of a state or country other than the state of Missouri;

144 [(41)] (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured
145 in compliance with United States emissions or safety standards;

146 [(42)] (41) "Operator", any person who operates or drives a motor vehicle;

147 [(43)] (42) "Owner", any person, firm, corporation or association, who holds the legal
148 title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale
149 or lease thereof with the right of purchase upon performance of the conditions stated in the
150 agreement and with an immediate right of possession vested in the conditional vendee or lessee,
151 or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee
152 or lessee or mortgagor shall be deemed the owner for the purpose of this law;

153 [(44)] (43) "Public garage", a place of business where motor vehicles are housed, stored,
154 repaired, reconstructed or repainted for persons other than the owners or operators of such place
155 of business;

156 [(45)] (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
157 rebuilder, but does not include certificated common or contract carriers of persons or property;

158 [(46)] (45) "Reconstructed motor vehicle", a vehicle that is altered from its original
159 construction by the addition or substitution of two or more new or used major component parts,
160 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

161 [(47)] (46) "Recreational motor vehicle", any motor vehicle designed, constructed or
162 substantially modified so that it may be used and is used for the purposes of temporary housing
163 quarters, including therein sleeping and eating facilities which are either permanently attached
164 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
165 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
166 vehicle if the motor vehicle could otherwise be so registered;

167 [(48)] (47) "Recreational off-highway vehicle", any motorized vehicle manufactured and
168 used exclusively for off-highway use which is [sixty] **sixty-four** inches or less in width, with an
169 unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or more
170 nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to ATV
171 trails;

172 [(49)] (48) "Rollback or car carrier", any vehicle specifically designed to transport
173 wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected
174 to a wrecker or towing service;

175 [(50)] (49) "Saddlemount combination", a combination of vehicles in which a truck or
176 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame
177 or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front
178 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a
179 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination
180 is called a "double saddlemount combination". When three vehicles are towed in this manner,
181 the combination is called a "triple saddlemount combination";

182 [(51)] (50) "Salvage dealer and dismantler", a business that dismantles used motor
183 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and
184 accessories;

185 [(52)] (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

186 (a) Was damaged during a year that is no more than six years after the manufacturer's
187 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
188 reconstruct the vehicle to its condition immediately before it was damaged for legal operation

189 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
190 immediately preceding the time it was damaged;

191 (b) By reason of condition or circumstance, has been declared salvage, either by its
192 owner, or by a person, firm, corporation, or other legal entity exercising the right of security
193 interest in it;

194 (c) Has been declared salvage by an insurance company as a result of settlement of a
195 claim;

196 (d) Ownership of which is evidenced by a salvage title; or

197 (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157
198 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild
199 or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling
200 inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on
201 parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair
202 market value" means the retail value of a motor vehicle as:

203 a. Set forth in a current edition of any nationally recognized compilation of retail values,
204 including automated databases, or from publications commonly used by the automotive and
205 insurance industries to establish the values of motor vehicles;

206 b. Determined pursuant to a market survey of comparable vehicles with regard to
207 condition and equipment; and

208 c. Determined by an insurance company using any other procedure recognized by the
209 insurance industry, including market surveys, that is applied by the company in a uniform
210 manner;

211 [(53)] **(52)** "School bus", any motor vehicle used solely to transport students to or from
212 school or to transport students to or from any place for educational purposes;

213 **(53) "Scrap processor", a business that, through the use of fixed or mobile
214 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for
215 processing or transportation to a shredder or scrap metal operator for recycling;**

216 (54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
217 corporation as an incidental service to transport patrons or customers of the regular business of
218 such person, firm, or corporation to and from the place of business of the person, firm, or
219 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
220 buses or as commercial motor vehicles;

221 (55) "Special mobile equipment", every self-propelled vehicle not designed or used
222 primarily for the transportation of persons or property and incidentally operated or moved over
223 the highways, including farm equipment, implements of husbandry, road construction or
224 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,

225 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
226 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
227 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
228 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
229 shall not operate to exclude other such vehicles which are within the general terms of this
230 section;

231 (56) "Specially constructed motor vehicle", a motor vehicle which shall not have been
232 originally constructed under a distinctive name, make, model or type by a manufacturer of motor
233 vehicles. The term specially constructed motor vehicle includes kit vehicles;

234 (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel
235 is located on a drop frame located behind and below the rearmost axle of the power unit;

236 (58) "Tandem axle", a group of two or more axles, arranged one behind another, the
237 distance between the extremes of which is more than forty inches and not more than ninety-six
238 inches apart;

239 (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed
240 for drawing other vehicles, but not for the carriage of any load when operating independently.
241 When attached to a semitrailer, it supports a part of the weight thereof;

242 (60) "Trailer", any vehicle without motive power designed for carrying property or
243 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
244 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
245 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
246 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
247 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
248 as defined in section 700.010;

249 (61) "Truck", a motor vehicle designed, used, or maintained for the transportation of
250 property;

251 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
252 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
253 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second
254 semitrailer and has one less articulation point than the conventional A-dolly connected
255 truck-tractor semitrailer-trailer combination;

256 (63) "Truck-trailer boat transporter combination", a boat transporter combination
257 consisting of a straight truck towing a trailer using typically a ball and socket connection with
258 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
259 trailer but so as to maintain a downward force on the trailer tongue;

260 (64) "Used parts dealer", a business that buys and sells used motor vehicle parts or
261 accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
262 "Business" does not include isolated sales at a swap meet of less than three days;

263 (65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for
264 off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one
265 thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily
266 for landscaping, lawn care, or maintenance purposes;

267 (66) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
268 firm, corporation, association, city, county or state agency, or any member thereof, for the
269 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
270 and from their place of employment; however, a vanpool shall not be included in the definition
271 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this
272 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
273 [302.010] **303.020**; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
274 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
275 monetary profit other than for use in a ride-sharing arrangement;

276 (67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
277 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
278 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
279 operated by handicapped persons;

280 (68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed
281 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a
282 highway, road, street or highway rights-of-way to a point of storage or repair, including towing
283 a replacement vehicle to replace a disabled or wrecked vehicle;

284 (69) "Wrecker or towing service", the act of transporting, towing or recovering with a
285 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
286 tow truck, rollback or car carrier for which the operator directly or indirectly receives
287 compensation or other personal gain.

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the
2 contrary, the director of revenue shall establish a system of registration of all fleet vehicles
3 owned or purchased by a fleet owner registered pursuant to this section. The director of revenue
4 shall prescribe the forms for such fleet registration and the forms and procedures for the
5 registration updates prescribed in this section. Any owner of ten or more motor vehicles which
6 must be registered in accordance with this chapter may register as a fleet owner. All registered
7 fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar
8 year or biennial basis pursuant to this section in lieu of the registration periods provided in

9 sections 301.030, 301.035, and 301.147. The director shall issue an identification number to
10 each registered owner of fleet vehicles.

11 2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered
12 during April [each year] **of the corresponding year** or on a prorated basis as provided in
13 subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year
14 basis or on a biennial basis shall be payable not later than the last day of April of [each year] **the**
15 **corresponding year**, with two years' fees due for biennially-registered vehicles.
16 Notwithstanding the provisions of section 307.355, an application for registration of a fleet
17 vehicle must be accompanied by a certificate of inspection and approval issued no more than one
18 hundred twenty days prior to the date of application. The fees for vehicles added to the fleet
19 which must be licensed at the time of registration shall be payable at the time of registration,
20 except that when such vehicle is licensed between July first and September thirtieth the fee shall
21 be three-fourths the annual fee, when licensed between October first and December thirty-first
22 the fee shall be one-half the annual fee and when licensed on or after January first the fee shall
23 be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet,
24 an additional year's annual fee will be added to the partial year's prorated fee.

25 3. At any time during the calendar year in which an owner of a fleet purchases or
26 otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle,
27 the owner shall present to the director of revenue the identification number as a fleet number and
28 may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet
29 owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant
30 to this subsection.

31 4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant
32 to this section shall be issued a special license plate which shall have the words "Fleet Vehicle"
33 in place of the words "Show-Me State" in the manner prescribed by the advisory committee
34 established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle
35 fee beyond the regular registration fee, [owners of] **a fleet owner of at least fifty** fleet vehicles
36 may apply for fleet license plates bearing a company name or logo, **the size and design thereof**
37 **subject to approval by the director**. All fleet license plates shall be made with fully reflective
38 material with a common color scheme and design, shall be clearly visible at night, and shall be
39 aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear
40 license plates as provided in this section which shall not require issuance of a renewal tab. Upon
41 payment of appropriate registration fees, the director of revenue shall issue a registration
42 certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence
43 of payment shall be carried at all times in the vehicle for which it is issued. The director of

44 revenue shall promulgate rules and regulations establishing the procedure for application and
45 issuance of fleet vehicle license plates.

46 5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet
47 vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390
48 if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of
49 Missouri.

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

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

14 (1) **The business name, business street address, and business telephone number of**
15 **the applicant;**

16 (2) **The business owner's full name, date of birth, driver license number or**
17 **nondriver license number, residence street address, and residence telephone number;**

18 (3) **The signature and printed name of the business owner or authorized**
19 **representative of the business presenting such application; and**

20 (4) **A statement explaining what the driveaway license plate or plates will be used**
21 **for. The applicant shall provide certification of proof of financial responsibility, as defined**
22 **in section 303.020, sufficient to cover each motor vehicle the applicant shall operate or**
23 **otherwise move on the streets or highways, through use of the driveaway license plate,**
24 **during the period of registration. The applicant shall provide such certification by affixing**
25 **a copy of said certification to the application. The application shall include a photograph,**
26 **not to exceed eight inches by ten inches but no less than five inches by seven inches,**
27 **showing the business building and sign of the applicant's business. The applicant shall**
28 **maintain a working, landline telephone at the applicant's place of business throughout the**
29 **registration period. The applicant shall maintain certification of proof of financial**
30 **responsibility as described herein throughout the registration period.**

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

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

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

301.216. Department investigators licensed as peace officers by the director of the
2 **department of public safety under chapter 590 shall be deemed to be peace officers within**
3 **the state of Missouri while acting in an investigation to enforce the provisions of this**
4 **chapter and any provisions regarding fees, licenses, or taxes administered by the director.**

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

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

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

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

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

13 2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to
14 persons actually engaged in and holding a current license under sections 301.217 to 301.221 and
15 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his
16 or her state of domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor
17 vehicles or salvage vehicles, and to persons who reside in a foreign country that are purchasing
18 salvage vehicles for export outside of the United States. Operators of salvage pools or salvage
19 disposal sales shall keep a record, for three years, of sales of salvage vehicles with the
20 purchasers' name and address, and the year, make, and vehicle identification number for each
21 vehicle. These records shall be open for inspection as provided in section 301.225. Such records
22 shall be submitted to the department on a quarterly basis.

23 3. The operator of a salvage pool or salvage disposal sale, or subsequent purchaser, who
24 sells a nonrepairable motor vehicle or a salvage motor vehicle to a person who is not a resident
25 of the United States at a salvage pool or a salvage disposal sale shall:

26 (1) Stamp on the face of the title so as not to obscure any name, date, or mileage
27 statement on the title the words "FOR EXPORT ONLY" in capital letters that are black; and

28 (2) Stamp in each unused reassignment space on the back of the title the words "FOR
29 EXPORT ONLY" and print the number of the dealer's salvage vehicle license, name of the
30 salvage pool, or the name of the governmental entity, as applicable. The words "FOR EXPORT
31 ONLY" required under subdivisions (1) and (2) of this subsection shall be at least two inches
32 wide and clearly legible. Copies of the stamped titles shall be forwarded to the department.

33 4. The director of revenue shall issue a separate license for each kind of business
34 described in subsection 1 of this section, to be entitled and designated as either "used parts
35 dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; or "[mobile] scrap processor"
36 license.

 301.225. Every person licensed or required to be licensed shall maintain for three years
2 on vehicles not more than seven years old a record of:

3 (1) Every vehicle or used transmission, rear end, cowl, frame, body, front end assembly
4 or engine of or for a vehicle received or acquired by him, its description and identifying number,
5 if any, the date of its receipt or acquisition, and the name and address of the person from whom
6 received or acquired;

7 (2) Every vehicle wrecked, dismantled or disposed of by him, and the date of its
8 wrecking or dismantling and, if sold to a scrap metal operator, the operator's name and address.
9 Every such record shall be retained by the person licensed or required to be licensed at his
10 principal place of business and shall be open to inspection by any representative of the
11 department, member or authorized or designated employee of the Missouri highway patrol, or
12 any police officer during reasonable business hours. Members of the patrol, **any representative**
13 **of the department**, or any police officer may inspect the premises of every person licensed or
14 required to be licensed at any time that business is being conducted or work is being performed,
15 whether or not open to the public to enforce the provisions of sections 301.217 to 301.229.

 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 Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection

8 8 of section 144.070 shall also include the amount of state and local sales tax collected for each
9 motor vehicle sold if sales tax was due. The odometer reading is not required when reporting
10 the sale of any motor vehicle that is ten years old or older, any motor vehicle having a gross
11 vehicle weight rating of more than sixteen thousand pounds, new vehicles that are transferred
12 on a manufacturer's statement of origin between one franchised motor vehicle dealer and another,
13 or boats, all-terrain vehicles or trailers. The sale of all thirty-day temporary permits, without
14 exception, shall be recorded in the appropriate space on the dealer's monthly sales report by
15 recording the complete permit number issued on the motor vehicle or trailer sale listed. The
16 monthly sales report shall be completed in full and signed by an officer, partner, or owner of the
17 dealership, and actually received by the department of revenue on or before the fifteenth day of
18 the month succeeding the month for which the sales are being reported. If no sales occur in any
19 given month, a report shall be submitted for that month indicating no sales. Any vehicle dealer
20 who fails to file a monthly report or who fails to file a timely report shall be subject to
21 disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to
22 exceed three hundred dollars per violation. Every motor vehicle and boat dealer shall retain
23 copies of the monthly sales report as part of the records to be maintained at the dealership
24 location and shall hold them available for inspection by appropriate law enforcement officials
25 and officials of the department of revenue. Every vehicle dealer selling twenty or more vehicles
26 a month shall file the monthly sales report with the department in an electronic format. Any
27 dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice
28 of transfer required by section 301.196. For any dealer not filing electronically, the notice of
29 transfer required by section 301.196 shall be submitted with the monthly sales report as
30 prescribed by the director.

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

40 3. Every dealer and every person operating a public garage in which a motor vehicle
41 remains unclaimed for a period of fifteen days shall, within five days after the expiration of that
42 period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on
43 a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and

44 address are known to the dealer or his employee or person operating a public garage or his
45 employee is not considered unclaimed. Any dealer or person operating a public garage who fails
46 to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its
47 garaging, parking or storing.

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

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

57 **6. Any person who knowingly makes a false statement or omission of a material fact**
58 **in a monthly sales report to the department of revenue, as described in subsection 1 of this**
59 **section, shall be deemed guilty of a class A misdemeanor.**

301.425. If any peace officer or the director of revenue or his or her designated
2 **representative has probable cause to believe that a certificate of ownership, a license plate,**
3 **a license plate tab, a Missouri drivers license, or a Missouri nondriver identification card**
4 **was obtained fraudulently, any person in possession of said item shall surrender same to**
5 **the peace officer or the director of revenue or his or her designated representative upon**
6 **request. Any person failing to do so shall be deemed guilty of a class A misdemeanor.**

301.559. 1. It shall be unlawful for any person to engage in business as or act as a motor
2 vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction,
3 wholesale motor vehicle auction or wholesale motor vehicle dealer without first obtaining a
4 license from the department as required in sections 301.550 to 301.573. Any person who
5 maintains or operates any business wherein a license is required pursuant to the provisions of
6 sections 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any
7 person committing a second violation of sections 301.550 to 301.573 shall be guilty of a class
8 D felony.

9 2. All dealer licenses shall expire on December thirty-first of [each year] **the designated**
10 **license period.** The department shall notify each person licensed under sections 301.550 to
11 301.573 of the date of license expiration and the amount of the fee required for renewal. The
12 notice shall be mailed at least ninety days before the date of license expiration to the licensee's
13 last known business address. **The director shall have the authority to issue licenses valid for**

14 **a period of up to two years and to stagger the license periods for administrative efficiency**
15 **and equalization of workload, at the sole discretion of the director.**

16 3. Every manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle
17 dealer, wholesale motor vehicle auction, boat dealer or public motor vehicle auction shall make
18 application to the department for issuance of a license. The application shall be on forms
19 prescribed by the department and shall be issued under the terms and provisions of sections
20 301.550 to 301.573 and require all applicants, as a condition precedent to the issuance of a
21 license, to provide such information as the department may deem necessary to determine that the
22 applicant is bona fide and of good moral character, except that every application for a license
23 shall contain, in addition to such information as the department may require, a statement to the
24 following facts:

25 (1) The name and business address, not a post office box, of the applicant and the
26 fictitious name, if any, under which he intends to conduct his business; and if the applicant be
27 a partnership, the name and residence address of each partner, an indication of whether the
28 partner is a limited or general partner and the name under which the partnership business is to
29 be conducted. In the event that the applicant is a corporation, the application shall list the names
30 of the principal officers of the corporation and the state in which it is incorporated. Each
31 application shall be verified by the oath or affirmation of the applicant, if an individual, or in the
32 event an applicant is a partnership or corporation, then by a partner or officer;

33 (2) Whether the application is being made for registration as a manufacturer, boat
34 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor
35 vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction;

36 (3) When the application is for a new motor vehicle franchise dealer, the application
37 shall be accompanied by a copy of the franchise agreement in the registered name of the
38 dealership setting out the appointment of the applicant as a franchise holder and it shall be signed
39 by the manufacturer, or his authorized agent, or the distributor, or his authorized agent, and shall
40 include a description of the make of all motor vehicles covered by the franchise. The department
41 shall not require a copy of the franchise agreement to be submitted with each renewal application
42 unless the applicant is now the holder of a franchise from a different manufacturer or distributor
43 from that previously filed, or unless a new term of agreement has been entered into;

44 (4) When the application is for a public motor vehicle auction, that the public motor
45 vehicle auction has met the requirements of section 301.561.

46 4. No insurance company, finance company, credit union, savings and loan association,
47 bank or trust company shall be required to obtain a license from the department in order to sell
48 any motor vehicle, trailer or vessel repossessed or purchased by the company on the basis of total

49 destruction or theft thereof when the sale of the motor vehicle, trailer or vessel is in conformance
50 with applicable title and registration laws of this state.

51 5. No person shall be issued a license to conduct a public motor vehicle auction or
52 wholesale motor vehicle auction if such person has a violation of sections 301.550 to 301.573
53 or other violations of chapter 301, sections 407.511 to 407.556, or section 578.120 which
54 resulted in a felony conviction or finding of guilt or a violation of any federal motor vehicle laws
55 which resulted in a felony conviction or finding of guilt.

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

30 six inches in height and clearly visible to the public and there shall be an area or lot which shall
31 not be a public street on which multiple vehicles, boats, personal watercraft, or trailers may be
32 displayed. The sign shall contain the name of the dealership by which it is known to the public
33 through advertising or otherwise, which need not be identical to the name appearing on the
34 dealership's license so long as such name is registered as a fictitious name with the secretary of
35 state, has been approved by its line-make manufacturer in writing in the case of a new motor
36 vehicle franchise dealer and a copy of such fictitious name registration has been provided to the
37 department. Dealers who sell only emergency vehicles as defined in section 301.550 are exempt
38 from maintaining a bona fide place of business, including the related law enforcement
39 certification requirements, and from meeting the minimum yearly sales;

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

49 (3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer,
50 a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish
51 with the application a corporate surety bond or an irrevocable letter of credit as defined in section
52 [400.5-103] **400.5-102**, issued by any state or federal financial institution in the penal sum of
53 twenty-five thousand dollars on a form approved by the department. The bond or irrevocable
54 letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes
55 applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport
56 dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be
57 an indemnity for any loss sustained by reason of the acts of the person bonded when such acts
58 constitute grounds for the suspension or revocation of the dealer's license. The bond shall be
59 executed in the name of the state of Missouri for the benefit of all aggrieved parties or the
60 irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the
61 aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event,
62 exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or
63 irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from
64 a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved
65 party. Additionally, every applicant as a new motor vehicle franchise dealer, a used motor

66 vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish
67 with the application a copy of a current dealer garage policy bearing the policy number and name
68 of the insurer and the insured;

69 (4) Payment of all necessary license fees as established by the department. In
70 establishing the amount of the annual license fees, the department shall, as near as possible,
71 produce sufficient total income to offset operational expenses of the department relating to the
72 administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of
73 sections 301.550 to [301.573] **301.580**, other than those fees collected for the issuance of dealer
74 plates or certificates of number collected pursuant to subsection 6 of this section, shall be
75 collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle
76 Commission Fund", which is hereby created. The motor vehicle commission fund shall be
77 administered by the Missouri department of revenue. The provisions of section 33.080 to the
78 contrary notwithstanding, money in such fund shall not be transferred and placed to the credit
79 of the general revenue fund until the amount in the motor vehicle commission fund at the end
80 of the biennium exceeds two times the amount of the appropriation from such fund for the
81 preceding fiscal year or, if the department requires permit renewal less frequently than yearly,
82 then three times the appropriation from such fund for the preceding fiscal year. The amount, if
83 any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the
84 appropriation from such fund for the preceding fiscal year.

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

91 3. Upon the initial issuance of a license by the department, the department shall assign
92 a distinctive dealer license number or certificate of number to the applicant and the department
93 shall issue one number plate or certificate bearing the distinctive dealer license number or
94 certificate of number and two additional number plates or certificates of number within eight
95 working hours after presentment of the application. Upon renewal, the department shall issue
96 the distinctive dealer license number or certificate of number as quickly as possible. The
97 issuance of such distinctive dealer license number or certificate of number shall be in lieu of
98 registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat
99 manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer,
100 wholesale motor vehicle auction or new or used motor vehicle dealer.

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

- 103 New motor vehicle franchise
- 104 dealers..... D-0 through D-999
- 105 New powersport dealers and
- 106 motorcycle franchise
- 107 dealers D-1000 through D-1999
- 108 Used motor vehicle, used
- 109 powersport, and used
- 110 motorcycle dealers D-2000 through D-9999 Wholesale motor vehicle
- 111 dealers W-0 through W-1999
- 112 Wholesale motor vehicle
- 113 auctions WA-0 through WA-999
- 114 New and used trailer
- 115 dealers T-0 through T-9999
- 116 Motor vehicle, trailer, and boat
- 117 manufacturers DM-0 through DM-999
- 118 Public motor vehicle
- 119 auctions A-0 through A-1999
- 120 Boat dealers M-0 through M-9999
- 121 New and used recreational motor vehicle
- 122 dealers RV-0 through RV-999

123

124 For purposes of this subsection, qualified transactions shall include the purchase of salvage titled
 125 vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage
 126 dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified
 127 transactions annually. In order for salvage dealers to obtain number plates or certificates under
 128 this section, dealers shall submit to the department of revenue on August first of each year a
 129 statement certifying, under penalty of perjury, the dealer's number of purchases during the
 130 reporting period of July first of the immediately preceding year to June thirtieth of the present
 131 year. The provisions of this subsection shall become effective on the date the director of the
 132 department of revenue begins to reissue new license plates under section 301.130, or on
 133 December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new
 134 license plates under the authority granted under section 301.130 prior to December 1, 2008, the
 135 director of the department of revenue shall notify the revisor of statutes of such fact.

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

139 6. In the case of new motor vehicle manufacturers, motor vehicle dealers, powersport
140 dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one
141 number plate bearing the distinctive dealer license number and may issue two additional number
142 plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the
143 number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each
144 additional number plate. Such license plates shall be made with fully reflective material with
145 a common color scheme and design, shall be clearly visible at night, and shall be aesthetically
146 attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be
147 entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee.
148 Additional number plates and as many additional certificates of number may be obtained upon
149 payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor
150 vehicle manufacturers shall not be issued or possess more than three hundred forty-seven
151 additional number plates or certificates of number annually. New and used motor vehicle
152 dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are
153 limited to one additional plate or certificate of number per ten-unit qualified transactions
154 annually. New and used recreational motor vehicle dealers are limited to two additional plates
155 or certificate of number per ten-unit qualified transactions annually for their first fifty
156 transactions and one additional plate or certificate of number per ten-unit qualified transactions
157 thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her
158 initial application the applicant's proposed annual number of sales in order for the director to
159 issue the appropriate number of additional plates or certificates of number. A motor vehicle
160 dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor
161 vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a
162 distinctive dealer license plate or certificate of number or additional license plate or additional
163 certificate of number, throughout the calendar year, shall be required to pay a fee for such license
164 plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed
165 for the original and duplicate number plates or certificates of number for such dealers' licenses,
166 multiplied by the number of months remaining in the licensing period for which the dealer or
167 manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at
168 the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a
169 certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain
170 number plates or certificates under this section, dealers shall submit to the department of revenue
171 on August first of each year a statement certifying, under penalty of perjury, the dealer's number

172 of sales during the reporting period of July first of the immediately preceding year to June
173 thirtieth of the present year.

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

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

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

196 10. (1) Every application for the issuance of a used motor vehicle dealer's license shall
197 be accompanied by proof that the applicant, within the last twelve months, has completed an
198 educational seminar course approved by the department as prescribed by subdivision (2) of this
199 subsection. Wholesale and public auto auctions and applicants currently holding a new or used
200 license for a separate dealership shall be exempt from the requirements of this subsection. The
201 provisions of this subsection shall not apply to current new motor vehicle franchise dealers or
202 motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle
203 leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers
204 who were licensed prior to August 28, 2006.

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

301.562. 1. The department may refuse to issue or renew any license required pursuant to sections 301.550 to 301.573 for any one or any combination of causes stated in subsection 2 of this section. The department shall notify the applicant or licensee in writing at his or her last known address of the reasons for the refusal to issue or renew the license and shall advise the applicant or licensee of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license issued under sections 301.550 to 301.573 for any one or any combination of the following causes:

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

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

(3) The applicant or license holder has, within ten years prior to the date of the application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any business licensed under sections 301.550 to 301.573; for any offense, an essential element of which is fraud, dishonesty, or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

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

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

(6) Violation of, or assisting or enabling any person to violate any provisions of this chapter and chapters **143**, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation adopted pursuant to this chapter and chapters **143**, **144**, 306, 307, 407, 578, and 643;

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

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

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

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

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

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

47 3. Any such complaint shall be filed within one year of the date upon which the
48 department receives notice of an alleged violation of an applicable statute or regulation. After
49 the filing of such complaint, the proceedings shall, **except for the matters set forth in**
50 **subsection 5 of this section**, be conducted in accordance with the provisions of chapter 621.
51 Upon a finding by the administrative hearing commission that the grounds, provided in
52 subsection 2 of this section, for disciplinary action are met, the department may, singly or in
53 combination, refuse to issue the person a license, **issue a license for a period of less than two**
54 **years**, issue a private reprimand, place the person on probation on such terms and conditions as
55 the department deems appropriate for a period of one day to five years, suspend the person's
56 license from one day to six days, or revoke the person's license for such period as the department
57 deems appropriate. The applicant or licensee shall have the right to appeal the decision of the
58 administrative hearing commission and department in the manner provided in chapter 536.

59 4. Upon the suspension or revocation of any person's license issued under sections
60 301.550 to 301.573, the department shall recall any distinctive number plates that were issued
61 to that licensee. **If any licensee who has been suspended or revoked shall neglect or refuse**
62 **to surrender his or her license or distinctive number license plates issued under sections**
63 **301.550 to 301.580, the director shall direct any agent or employee of the department or**
64 **any law enforcement officer, to secure possession thereof and return such items to the**
65 **director. For purposes of this subsection, a "law enforcement officer" means any member**
66 **of the highway patrol, any sheriff or deputy sheriff, or any peace officer certified under**
67 **chapter 590 acting in his or her official capacity. Failure of the licensee to surrender his**
68 **or her license or distinctive number license plates upon demand by the director, any agent**
69 **or employee of the department, or any law enforcement officer shall be a class A**
70 **misdemeanor.**

71 **5. Notwithstanding the foregoing provisions of this section, the following events or**
72 **acts by the holder of any license issued under sections 301.550 to 301.580 are deemed to**
73 **present a clear and present danger to the public welfare and shall be considered cause for**
74 **suspension or revocation of such license under the procedure set forth in subsection 6 of**
75 **this section, at the discretion of the director:**

76 **(1) The expiration or revocation of any corporate surety bond or irrevocable letter**
77 **of credit, as required by section 301.560, without submission of a replacement bond or**
78 **letter of credit which provides coverage for the entire period of licensure;**

79 **(2) The failure to maintain a bona fide established place of business as required by**
80 **section 301.560;**

81 **(3) Criminal convictions as set forth in subdivision (3) of subsection 2 of section**
82 **301.562; or**

83 **(4) Three or more occurrences of violations, which have been established following**
84 **proceedings before the administrative hearing commission under subsection 3 of this**
85 **section, or which have been established following proceedings before the director under**
86 **subsection 6 of this section, of this chapter and chapters 143, 144, 306, 307, 578, and 643**
87 **or of any lawful rule or regulation adopted under this chapter and chapters 143, 144, 306,**
88 **307, 578, and 643, not previously set forth herein.**

89 **6. (1) Any license issued under sections 301.550 to 301.580 shall be suspended or**
90 **revoked, following an evidentiary hearing before the director or his or her designated**
91 **hearing officer, if affidavits or sworn testimony by an authorized agent of the department**
92 **alleges the occurrence of any of the events or acts described in subsection 5 of this section.**

93 **(2) For any license which the department believes may be subject to suspension or**
94 **revocation under this subsection, the director shall immediately issue a notice of hearing**
95 **to the licensee of record. The director's notice of hearing:**

96 **(a) Shall be served upon the licensee personally or by first class mail to the dealer's**
97 **last known address, as registered with the director;**

98 **(b) Shall be based on affidavits or sworn testimony presented to the director, and**
99 **shall notify the licensee that such information presented therein constitutes cause to**
100 **suspend or revoke the licensee's license;**

101 **(c) Shall provide the licensee with a minimum of ten days' notice prior to hearing;**

102 **(d) Shall specify the events or acts which may provide cause for suspension or**
103 **revocation of the license, and shall include with the notice a copy of all affidavits, sworn**
104 **testimony or other information presented to the director which support discipline of the**
105 **license; and**

106 (e) Shall inform the licensee that he or she has the right to attend the hearing and
107 present any evidence in his or her defense, including evidence to show that the event or act
108 which may result in suspension or revocation has been corrected to the director's
109 satisfaction, and that he or she may be represented by counsel at the hearing.

110 (3) At any hearing before the director conducted under this subsection, the director
111 or his or her designated hearing officer shall consider all evidence relevant to the issue of
112 whether the license should be suspended or revoked due to the occurrence of any of the
113 acts set forth in subsection 5 herein. Within twenty business days after such hearing, the
114 director or his or her designated hearing officer shall issue a written order, with findings
115 of fact and conclusions of law, which either grants or denies the issuance of an order of
116 suspension or revocation. The suspension or revocation shall be effective ten days after the
117 date of the order. The written order of the director or his or her hearing officer shall be
118 the final decision of the director and shall be subject to judicial review under the provisions
119 of chapter 536.

120 (4) Notwithstanding the provisions of this chapter or chapter 610 or 621, to the
121 contrary, the proceedings under this section shall be closed and no order shall be made
122 public until it is final, for purposes of appeal.

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 to obtain a fee or other
3 compensation by fraud, deception or misrepresentation in violation of section 301.562:

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

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

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

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

18 (5) The terms "list price", "sticker price", or "suggested retail price" shall be used only
19 in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used,

20 shall be accompanied by a clear and conspicuous disclosure that such terms represent the
21 manufacturer's suggested retail price of the advertised vehicle;

22 (6) Terms such as "at cost", "\$..... above cost", "invoice price", and "\$ below/over
23 invoice" shall not be used in advertisements because of the difficulty in determining a dealer's
24 actual net cost at the time of the sale;

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

32 (8) Advertisements of dealer rebates shall not be used, however, this shall not be deemed
33 to prohibit the advertising of manufacturer rebates, so long as all material terms of such rebates
34 are clearly and conspicuously disclosed;

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

37 (10) Bait advertising, in which an advertiser may have no intention to sell at the prices
38 or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the
39 following examples:

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

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

47 (11) Any reference to monthly payments, down payments, or other reference to financing
48 or leasing information shall be accompanied by a clear and conspicuous disclosure of the
49 following:

50 (a) Whether the payment or other information relates to a financing or a lease
51 transaction;

52 (b) If the payment or other information relates to a financing transaction, the minimum
53 down payment, annual percentage interest rate, and number of payments necessary to obtain the
54 advertised payment amount must be disclosed, in addition to any special qualifications required
55 for obtaining the advertised terms including, but not limited to, first-time buyer discounts,

56 college graduate discounts, and a statement concerning whether the advertised terms are subject
57 to credit approval;

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

62 (12) Any advertisement which states or implies that the advertising dealer has a special
63 arrangement or relationship with the distributor or manufacturer, as compared to similarly
64 situated dealers, shall not be used;

65 (13) Any advertisement which, in the circumstances under which it is made or applied,
66 is false, deceptive, or misleading shall not be used;

67 (14) No abbreviations for industry words or phrases shall be used in any advertisement
68 unless such abbreviations are accompanied by the fully spelled or spoken words or phrases.

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

74 3. Dealers shall clearly and conspicuously identify themselves in each advertisement by
75 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 six or more motor vehicles in
5 a calendar year, except when such motor vehicles are registered in the name of the seller, unless
6 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 six or more motor vehicles in a calendar year by any person,
21 partnership, corporation, company or association, whether or not the motor vehicles are owned
22 by them, shall be prima facie evidence of intent to make a profit or gain of money and such
23 person, partnership, corporation, company or association shall be deemed to be acting as a motor
24 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. **A second or subsequent conviction shall**
27 **be deemed a class D felony.**

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

301.580. 1. The department of revenue may issue special event motor vehicle
2 **auction licenses under the provisions of this section. For purposes of this section, a "special**
3 **event motor vehicle auction" is a motor vehicle auction which:**

4 (1) **Ninety percent of the vehicles being auctioned are at least ten years old or older;**

5 (2) **The licensee shall auction no more than three percent of the total number of**
6 **vehicles presented for auction which are owned and titled in the name of the licensee or its**
7 **owners; and**

8 (3) **The duration if no more than three consecutive calendar days and is held no**
9 **more than two times in a calendar year by a licensee.**

10 **2. A special event motor vehicle auction shall be considered a public motor vehicle**
11 **auction for purposes of sections 301.559 and 301.564.**

12 **3. Special event motor vehicle auction licensees shall be exempt from the**
13 **requirements of section 301.560, with the exception of subdivision (4) of subsection 1 of**
14 **section 301.560.**

15 **4. An application for a special event motor vehicle auction license must be received**
16 **by the department at least ninety days prior to the beginning of the special event auction.**

17 **5. Applicants for a special motor vehicle auction are limited to no more than two**
18 **special event auctions in any calendar year. A separate application is required for each**
19 **special event motor vehicle auction.**

20 **6. At least ninety percent of the vehicles being auctioned at a special event motor**
21 **vehicle auction shall be ten years old or older. The licensee shall, within ten days of the**
22 **conclusion of a special event motor vehicle auction, submit a report in the form approved**
23 **by the director to the department that includes the make, model, year, and vehicle**
24 **identification number of each vehicle included in the auction. Every vehicle included in**

25 the special event auction shall be listed, including those vehicles that were auctioned and
26 sold and those vehicles that were auctioned but did not sell. Violation of this subsection
27 is a class A misdemeanor.

28 7. The applicant for the special event motor vehicle auction shall be responsible for
29 ensuring that a sales tax license or special event sales tax license is obtained for the event
30 if one is required.

31 8. The fee for a special event motor vehicle auction license shall be one thousand
32 dollars. For every vehicle auctioned in violation of subsection 6 of this section, an
33 administrative fee of five hundred dollars shall be paid to the department. Such fees shall
34 be deposited in like manner as other license fees of this section.

35 9. In addition to the causes set forth in section 301.562, the department may
36 promulgate rules that establish additional causes to refuse to issue or to revoke a special
37 event license.

38 10. A special motor vehicle auction shall last no more than three consecutive days.

39 11. The applicant for a special event motor vehicle auction shall be registered to
40 conduct business in this state.

41 12. Every applicant for a special event motor vehicle auction license shall furnish
42 with the application a corporate surety bond or an irrevocable letter of credit as defined
43 in section 400.5-102 issued by any state or federal financial institution in the penal sum of
44 one hundred thousand dollars on a form approved by the department. The bond or
45 irrevocable letter of credit shall be conditioned upon the applicant complying with the
46 provisions of the statutes applicable to a special event auction license holder and the bond
47 shall be an indemnity for any loss sustained by reason of the acts of the person bonded
48 when such acts constitute grounds for the revocation or denial of a special event auction
49 license. The bond shall be executed in the name of the state of Missouri for the benefit of
50 all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as
51 the beneficiary. The aggregate liability of the surety or financial institution to the
52 aggrieved parties shall not exceed the amount of the bond or irrevocable letter of credit.
53 The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the
54 department of a final judgment from a Missouri court of competent jurisdiction against
55 the principal and in favor of an aggrieved party.

56 13. No dealer, driveaway, auction, or wholesale plates, or temporary permit
57 booklets, shall be issued in conjunction with a special event motor vehicle auction license.

58 14. Any person or entity who sells a vehicle at a special event motor vehicle auction
59 shall provide, to the buyer, current contact information including, but not limited to, name,
60 address, and telephone number.

61 **15. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
62 **created under the authority delegated in this section shall become effective only if it**
63 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
64 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
65 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
66 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
67 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2012,**
68 **shall be invalid and void.**

✓