

FIRST REGULAR SESSION

HOUSE BILL NO. 979

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOUGH (Sponsor), LAFAVER,
SCHARNHORST AND HINSON (Co-sponsors).

1961L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 301.112, 301.114, 301.116, 301.117, 301.119, 301.210, 301.280, 301.550, 301.560, 301.562, 301.566, 301.570, and 306.015, RSMo, and to enact in lieu thereof thirteen new sections relating to motor vehicle, trailer, and boat dealers, with penalty provisions.

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

Section A. Sections 301.112, 301.114, 301.116, 301.117, 301.119, 301.210, 301.280, 2 301.550, 301.560, 301.562, 301.566, 301.570, and 306.015, RSMo, are repealed and thirteen 3 new sections enacted in lieu thereof, to be known as sections 301.112, 301.114, 301.116, 4 301.117, 301.119, 301.210, 301.280, 301.550, 301.560, 301.562, 301.566, 301.570, and 306.015, 5 to read as follows:

301.112. For the purpose of sections 301.112 to 301.119, "[motor vehicle] title service 2 agent" shall be deemed to mean any person who acts as an agent for a fee in obtaining a 3 certificate of ownership **or registration** of a motor vehicle, **all-terrain vehicle or trailer as** 4 **defined in section 301.010, or watercraft as defined in section 306.010.**

301.114. 1. No person shall carry on or conduct a business, the purpose of which is to 2 act as an agent for a fee in obtaining a certificate of ownership **or registration** of a motor 3 vehicle, **all-terrain vehicle or trailer as defined in section 301.010, or watercraft as defined** 4 **in section 306.010**, unless licensed to do so by the department of revenue.

2. Application for license shall be submitted by July first of each year and shall be made 6 on the form the department prescribes, containing the name of the applicant, the address where 7 business is to be conducted, the resident's address, if the applicant is an individual, the names and

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.

8 residents' addresses of the partners of the applicant, if a partnership, the names and residents'
9 addresses of the principal officers of the applicant and the state of its incorporation, if a
10 corporation. The application shall be verified by the oath or affirmation of the applicant, or if
11 the applicant is a partnership or a corporation, by a partner or officer of the applicant and shall
12 be accompanied by a fee of fifty dollars.

13 3. The department shall file each application received by it with the required fee, and
14 when satisfied that the applicant, if an individual, or each of the partners or principal officers of
15 the applicant, if a partnership or a corporation, is of good moral character and that the applicant,
16 so far as can be ascertained, has complied and will comply with the laws of this state relating to
17 certificates of title **or registration** of vehicles, **all-terrain vehicles or trailers as defined in**
18 **section 301.010, or watercraft as defined in section 306.010** shall issue to the applicant a
19 license to carry on and conduct business at the address specified in the application until July first
20 next following the date on which the license is issued.

301.116. 1. Every licensee shall maintain for three years a record of:

- 2 (1) Date of application of certificate of title **or registration** of **motor** vehicles, **all-**
3 **terrain vehicles or trailers as defined in section 301.010, or watercraft as defined in section**
4 **306.010;**
- 5 (2) Name and address of the owner;
- 6 (3) Name of the manufacturer;
- 7 (4) Vehicle **or hull** identification number and year of manufacture;
- 8 (5) Style of vehicle **or watercraft;**
- 9 (6) Odometer setting;
- 10 (7) **Copy of the state identification of the title service agent's principal.**

11 2. Any record kept pursuant to subsection 1 of this section shall be open to inspection
12 by any authorized representative of the department, member of the Missouri highway patrol or
13 any authorized peace officer during reasonable business hours.

301.117. 1. The application for licensure shall be accompanied by a corporate surety
2 bond in the amount of twenty-five thousand dollars and conditioned on the faithful performance
3 of all requirements for the lawful obtaining or receiving of certificates of ownership **or**
4 **registration** for motor vehicles, **all-terrain vehicles or trailers as defined in section 301.010,**
5 **or watercraft as defined in section 306.010.**

6 2. The bond shall be an indemnity for any loss sustained by reason of the acts of the
7 person bonded when such acts constitute grounds for the suspension or revocation of his license.
8 The bonds shall be executed in the name of Missouri for the benefit of any aggrieved party;
9 except, that the aggregate liability to all aggrieved parties shall, in no event, exceed the amount
10 of the bond. The proceeds of the bond shall be paid upon receipt by the director of a final

11 judgment from a court of competent jurisdiction against the principal and in favor of an
12 aggrieved party.

301.119. 1. The department shall suspend or revoke a license, upon notice and
2 reasonable opportunity to be heard, as otherwise provided by law if it finds:

3 (1) The license was fraudulently procured or erroneously issued; or

4 (2) The applicant, or any partner or principal officer of the applicant, if a partnership or
5 corporation, has failed to comply with the laws of this state relating to certificate of title **or**
6 **registration** of vehicles, **all-terrain vehicles or trailers as defined in section 301.010, or**
7 **watercraft as defined in section 306.010**; or

8 (3) The license is not prominently displayed.

9 2. Any person who violates any provision of sections 301.112 to 301.119 is guilty of a
10 class A misdemeanor **and is subject to a penalty assessed by the director not to exceed one**
11 **thousand dollars per violation.**

301.210. 1. In the event of a sale or transfer of ownership of a motor vehicle or trailer
2 for which a certificate of ownership has been issued, the holder of such certificate shall endorse
3 on the same an assignment thereof, with warranty of title in form printed thereon, and prescribed
4 by the director of revenue, **and shall record the sale price, trade-in amount if applicable, and**
5 **net price on the title assignment**, with a statement of all liens or encumbrances on such motor
6 vehicle or trailer, and deliver the same to the buyer at the time of the delivery to him of such
7 motor vehicle or trailer; provided that, when the transfer of a motor vehicle, trailer, boat or
8 outboard motor occurs within a corporation which holds a license to operate as a motor vehicle
9 or boat dealer pursuant to sections 301.550 to 301.575, the provisions of subdivision (3) of
10 subsection 6 of section 144.070 shall not apply.

11 2. The buyer shall then present such certificate, assigned as aforesaid, to the director of
12 revenue, at the time of making application for the registration of such motor vehicle or trailer,
13 whereupon a new certificate of ownership shall be issued to the buyer, the fee therefor being that
14 prescribed in subsection 5 of section 301.190.

15 3. If such motor vehicle or trailer is sold to a resident of another state or country, or if
16 such motor vehicle or trailer is destroyed or dismantled, the owner thereof shall immediately
17 notify the director of revenue. Certificates when so signed and returned to the director of
18 revenue shall be retained by the director of revenue and all certificates shall be appropriately
19 indexed so that at all times it will be possible for him to expeditiously trace the ownership of the
20 motor vehicle or trailer designated therein.

21 4. It shall be unlawful for any person to buy or sell in this state any motor vehicle or
22 trailer registered under the laws of this state, unless, at the time of the delivery thereof, there shall
23 pass between the parties such certificates of ownership with an assignment thereof, as provided

24 in this section, and the sale of any motor vehicle or trailer registered under the laws of this state,
25 without the assignment of such certificate of ownership, shall be fraudulent and void.

301.280. 1. Every motor vehicle [dealer] , **trailer**, and boat dealer shall [make a
2 monthly] **file with the department of revenue, in an electronic format prescribed by the**
3 **director, a weekly** report to the department of revenue, [on blanks to be prescribed by the
4 department of revenue,] giving the following information: date of the sale of each motor vehicle,
5 boat, trailer, and all-terrain vehicle sold; the name and address of the buyer; the name of the
6 manufacturer; year of manufacture; model of vehicle; vehicle identification number; style of
7 vehicle; odometer setting; and it shall also state whether the motor vehicle, boat, trailer, or
8 all-terrain vehicle is new or [secondhand] **used**. Each [monthly] sales report filed by a motor
9 vehicle dealer who collects sales tax under subsection 8 of section 144.070 shall also include the
10 amount of state and local sales tax collected for each motor vehicle sold if sales tax was due.
11 The odometer reading is not required when reporting the sale of any motor vehicle that is ten
12 years old or older, any motor vehicle having a gross vehicle weight rating of more than sixteen
13 thousand pounds, new vehicles that are transferred on a manufacturer's statement of origin
14 between one franchised motor vehicle dealer and another, or boats, all-terrain vehicles or trailers.
15 The sale of all thirty-day temporary permits, without exception, shall be recorded in the
16 appropriate [space] **electronic field** on the dealer's [monthly] sales report by recording the
17 complete permit number issued on the motor vehicle or trailer sale listed. The [monthly] sales
18 report shall be completed in full [and signed by an officer, partner, or owner of the dealership],
19 **electronically submitted**, and actually received by the department of revenue on or before the
20 [fifteenth day of the month succeeding the month] **Thursday succeeding the week** for which
21 the sales are being reported. If no sales occur in any given [month] **week**, a report shall be
22 submitted for that [month] **week** indicating no sales. Any vehicle dealer who fails to file a
23 [monthly] **weekly** report or who fails to file a timely report shall be subject to disciplinary action
24 as prescribed in section 301.562 or a penalty assessed by the director not to exceed three hundred
25 dollars per violation. Every motor vehicle and boat dealer shall [retain copies of the monthly
26 sales report as part of the records to be maintained at the dealership location and shall hold them]
27 **make copies of the weekly sales reports** available for inspection by appropriate law
28 enforcement officials and officials of the department of revenue. Every vehicle, **trailer, and**
29 **boat** dealer [selling twenty or more vehicles a month shall file the monthly sales report with the
30 department in an electronic format. Any dealer] filing a [monthly] sales report [in an electronic
31 format] **as provided in this subsection** shall be exempt from filing the notice of transfer
32 required by section 301.196. [For any dealer not filing electronically, the notice of transfer
33 required by section 301.196 shall be submitted with the monthly sales report as prescribed by the
34 director.]

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

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

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

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

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

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

3 (1) "Boat dealer", any natural person, partnership, or corporation who, for a commission
4 or with an intent to make a profit or gain of money or other thing of value, sells, barter,
5 exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the
6 sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such
7 person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be

8 required as evidence that such person is eligible for licensure as a boat dealer under sections
9 301.550 to 301.573. The boat dealer shall demonstrate eligibility for renewal of his license by
10 selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as
11 a boat dealer pursuant to sections 301.550 to 301.573;

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

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

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

18 (5) "Emergency vehicles", motor vehicles used as ambulances, law enforcement vehicles,
19 and fire fighting and assistance vehicles;

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

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

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

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

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

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

33 (8) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent
34 to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents
35 with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor
36 vehicles or trailers whether or not the motor vehicles or trailers are owned by such person;
37 provided, however, an individual auctioneer or auction conducted by an auctioneer licensed
38 pursuant to chapter 343 shall not be included within the definition of a motor vehicle dealer. The
39 sale of [six] **twelve** or more motor vehicles or trailers in any calendar year shall be required as
40 evidence that such person is engaged in the motor vehicle business and is eligible for licensure
41 as a motor vehicle dealer under sections 301.550 to 301.573. **On or after January 1, 2014**, any
42 **licensed** motor vehicle dealer licensed [before August 28, 2007,] shall be required to meet the
43 minimum calendar year sales of [six] **twelve** or more motor vehicles [provided the dealer can

44 prove the business achieved, cumulatively, six or more sales per year for the preceding
45 twenty-four months in business; or if the dealer has not been in business for twenty-four months,]
46 **per calendar year, or if licensed for less than the full calendar year** the cumulative equivalent
47 of one sale every [two months] **month** for the months the dealer [has been] **was** in business
48 [before August 28, 2007]. Any licensed motor vehicle dealer failing to meet the minimum
49 vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or
50 her license for one year. Applicants who reapply after the one-year period shall meet the
51 requirement of [six] **twelve** sales per year;

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

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

61 (11) "Person" includes an individual, a partnership, corporation, an unincorporated
62 society or association, joint venture or any other entity;

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

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

71 (14) "Recreational motor vehicle dealer", a dealer of new or used motor vehicles
72 designed, constructed or substantially modified for use as temporary housing quarters, including
73 sleeping and eating facilities which are either permanently attached to the motor vehicle or
74 attached to a unit which is securely attached to the motor vehicle;

75 (15) "Storage lot", an area within the same city or county where a dealer may store
76 excess vehicle inventory;

77 (16) "Trailer dealer", any person selling, either exclusively or otherwise, trailers as
78 defined in subdivision (59) of section 301.010. A trailer dealer may acquire a motor vehicle for
79 resale only as a trade-in for a trailer. Notwithstanding the provisions of subdivision (11) of

80 section 301.010 and section 301.069, trailer dealers may purchase one driveaway license plate
81 to display such motor vehicle for demonstration purposes. The sale of six or more trailers in any
82 calendar year shall be required as evidence that such person is engaged in the trailer business and
83 is eligible for licensure as a trailer dealer under sections 301.550 to 301.573. Any trailer dealer
84 licensed before August 28, 2007, shall be required to meet the minimum calendar year sales of
85 six or more trailers provided the dealer can prove the business achieved, cumulatively, six or
86 more sales per year for the preceding twenty-four months in business; or if the dealer has not
87 been in business for twenty-four months, the cumulative equivalent of one sale every two months
88 for the months the dealer has been in business before August 28, 2007. Any licensed trailer
89 dealer failing to meet the minimum trailer and vehicle sales requirements as referenced in this
90 subsection shall not be qualified to renew his or her license for one year. Applicants who reapply
91 after the one-year period shall meet the requirement of six sales per year;

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

101 (18) "Used motor vehicle dealer", any motor vehicle dealer who is not a new motor
102 vehicle franchise dealer;

103 (19) "Vessel", every boat and watercraft defined as a vessel in section 306.010;

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

106 (21) "Wholesale motor vehicle auction", any person, firm or corporation in the business
107 of providing auction services solely in wholesale transactions at its established place of business
108 in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and
109 which neither buys, sells nor owns the motor vehicles it auctions in the ordinary course of its
110 business. Except as required by law with regard to the auction sale of a government-owned
111 motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection
112 with the retail sale of a motor vehicle;

113 (22) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor vehicles
114 only to other new motor vehicle franchise dealers or used motor vehicle dealers or via auctions
115 limited to other dealers of any class.

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

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

- 119 (1) Boat dealers;
- 120 (2) Franchised new motor vehicle dealers;
- 121 (3) Used motor vehicle dealers;
- 122 (4) Wholesale motor vehicle dealers;
- 123 (5) Recreational motor vehicle dealers;
- 124 (6) Historic motor vehicle dealers;
- 125 (7) Classic motor vehicle dealers;
- 126 (8) Powersport dealers; and
- 127 (9) Trailer dealers.

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] **upon renewal** unless the
47 business has moved from its previously licensed location, or unless the name of the business or
48 address has changed, 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
52 400.5-102, issued by any state or federal financial institution in the penal sum of [twenty-five]
53 **fifty** thousand dollars on a form approved by the department. The bond or irrevocable letter of
54 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 301.580. All fees payable pursuant to the provisions of
73 sections 301.550 to 301.580[, other than those fees collected for the issuance of dealer plates or
74 certificates of number collected pursuant to subsection 6 of this section,] shall be collected by
75 the department for deposit in the state treasury to the credit of the "Motor Vehicle Commission
76 Fund", which is hereby created. The motor vehicle commission fund shall be administered by
77 the Missouri department of revenue. The provisions of section 33.080 to the contrary
78 notwithstanding, money in such fund shall not be transferred and placed to the credit of the
79 general revenue fund until the amount in the motor vehicle commission fund at the end of the
80 biennium exceeds two times the amount of the appropriation from such fund for the preceding
81 fiscal year or, if the department requires permit renewal less frequently than yearly, then three
82 times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the
83 fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation
84 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

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

105 New powersport dealers and motorcycle franchise dealers..... D-1000 through D-1999

106 Used motor vehicle, used powersport, and used motorcycle dealers.. D-2000 through D-9999

107 Wholesale motor vehicle dealers..... W-0 through W-1999

108 Wholesale motor vehicle auctions..... WA-0 through WA-999

109 New and used trailer dealers. T-0 through T-9999

110 Motor vehicle, trailer, and boat manufacturers. DM-0 through DM-999

111 Public motor vehicle auctions. A-0 through A-1999

112 Boat dealers. M-0 through M-9999

113 New and used recreational motor vehicle dealers. RV-0 through RV-999

114

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

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

130 6. In the case of new motor vehicle manufacturers, motor vehicle dealers, powersport
131 dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one
132 number plate bearing the distinctive dealer license number and may issue two additional number

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

165 7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any
166 motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to
167 subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held
168 for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle,

169 for use and display purposes during, but not limited to, parades, private events, charitable events,
170 or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer
171 hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle
172 dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under
173 a loaded condition, **or on any vehicle owned by a motor vehicle dealer while hauling any**
174 **vehicle owned by the motor vehicle dealer.** Trailer dealers may display their dealer license
175 plates in like manner, except such plates may only be displayed on trailers owned and held for
176 resale by the trailer dealer.

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

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

189 10. (1) Every application for the issuance of a used motor vehicle dealer's license shall
190 be accompanied by proof that the applicant, within the last twelve months, has completed an
191 educational seminar course approved by the department as prescribed by subdivision (2) of this
192 subsection. Wholesale and public auto auctions and applicants currently holding a new or used
193 license for a separate dealership shall be exempt from the requirements of this subsection. The
194 provisions of this subsection shall not apply to current new motor vehicle franchise dealers or
195 motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle
196 leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers
197 who were licensed prior to August 28, 2006.

198 (2) The educational seminar shall include, but is not limited to, the dealer requirements
199 of sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer
200 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
2 to sections 301.550 to 301.573 for any one or any combination of causes stated in subsection 2
3 of this section. The department shall notify the applicant or licensee in writing at his or her last
4 known address of the reasons for the refusal to issue or renew the license and shall advise the

5 applicant or licensee of his or her right to file a complaint with the administrative hearing
6 commission as provided by chapter 621.

7 2. The department may cause a complaint to be filed with the administrative hearing
8 commission as provided by chapter 621 against any holder of any license issued under sections
9 301.550 to 301.573 for any one or any combination of the following causes:

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

14 (2) The applicant or license holder was previously a partner, stockholder, director or
15 officer controlling or managing a partnership or corporation whose license issued under sections
16 301.550 to 301.573 was revoked for cause and never reissued or was suspended for cause and
17 the terms of suspension have not been fulfilled;

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

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

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

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

32 (7) The applicant or license holder has filed an application for a license which, as of its
33 effective date, was incomplete in any material respect or contained any statement which was, in
34 light of the circumstances under which it was made, false or misleading with respect to any
35 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 subsection
50 5 of this section, be conducted in accordance with the provisions of chapter 621. Upon a finding
51 by the administrative hearing commission that the grounds, provided in subsection 2 of this
52 section, for disciplinary action are met, the department may, singly or in combination, refuse to
53 issue the person a license, issue a license for a period of less than two years, issue a private
54 reprimand, place the person on probation on such terms and conditions as the department deems
55 appropriate for a period of one day to five years, suspend the person's license from one day to
56 six days, or revoke the person's license for such period as the department deems appropriate. The
57 applicant or licensee shall have the right to appeal the decision of the administrative hearing
58 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 to
62 surrender his or her license or distinctive number license plates issued under sections 301.550
63 to 301.580, the director shall direct any agent or employee of the department or any law
64 enforcement officer, to secure possession thereof and return such items to the director. For
65 purposes of this subsection, a "law enforcement officer" means any member of the highway
66 patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter 590 acting in his
67 or her official capacity. Failure of the licensee to surrender his or her license or distinctive
68 number license plates upon demand by the director, any agent or employee of the department,
69 or any law enforcement officer shall be a class A misdemeanor.

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

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

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

80 (3) Criminal convictions as set forth in subdivision (3) of subsection 2 of this section;
81 or

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

88 6. (1) Any license issued under sections 301.550 to 301.580 shall be suspended or
89 revoked, following an evidentiary hearing before the director or his or her designated hearing
90 officer, if affidavits or sworn testimony by an authorized agent of the department alleges the
91 occurrence of any of the events or acts described in subsection 5 of this section.

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

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

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

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

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

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

108 (3) At any hearing before the director conducted under this subsection, the director or
109 his or her designated hearing officer shall consider all evidence relevant to the issue of whether
110 the license should be suspended or revoked due to the occurrence of any of the acts set forth in

111 subsection 5 herein. Within twenty business days after such hearing, the director or his or her
112 designated hearing officer shall issue a written order, with findings of fact and conclusions of
113 law, which either grants or denies the issuance of an order of suspension or revocation. The
114 suspension or revocation shall be effective ten days after the date of the order. The written order
115 of the director or his or her hearing officer shall be the final decision of the director and shall be
116 subject to judicial review under the provisions of chapter 536.

117 (4) Notwithstanding the provisions of this chapter or chapter 610 or 621 to the contrary,
118 the proceedings under this [section] **subsection** shall be closed and no order shall be made public
119 until it is final, for purposes of appeal.

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

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

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

27 (2) No off-site sale may exceed five days in duration, and only one sale **per person,**
28 **partnership, corporation, or association** may be held per year, per county;

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

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

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

37 (6) Off-site sales by a seller of vehicles used and titled solely in its ordinary course of
38 business may also be held in conjunction with other financial institutions provided that any such
39 sale event shall be held on the premises of the financial institution, and sales shall be limited to
40 persons who were customers of the financial institution prior to the date of the sale event.
41 Off-site sales held with such other financial institutions shall be limited to one sale per year per
42 institution] **Potential participants under subsection 1 of this section shall be invited at least**
43 **sixty days prior to the date of the show or sale;**

44 [(7)] (6) The sale of motor vehicles which have the designation of the current model
45 year, except discontinued models, is prohibited at off-site sales until subsequent model year
46 designated vehicles of the same manufacture and model are offered for sale to the public.

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

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

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

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

60 4. A recreational vehicle dealer licensed in another state may participate in a vehicle
61 show or exhibition in Missouri which has, when it opens to the public, at least fifty dealers
62 displaying recreational vehicles if the show or exhibition is trade-oriented and is predominantly

63 funded by recreational vehicle manufacturers. All of the participating dealers who are not
64 licensed in Missouri shall be licensed as recreational vehicle dealers by the state of their
65 residence.

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

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

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]~~ **twelve** or more motor
5 vehicles in a calendar year, except when such motor vehicles are registered in the name of the
6 seller, unless such person, partnership, corporation, company or association is:

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

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

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

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

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

19 3. For the purposes of sections 301.550 to 301.573, the sale, barter, exchange, lease or
20 rental with option to purchase of ~~[six]~~ **twelve** or more motor vehicles in a calendar year by any
21 person, partnership, corporation, company or association, whether or not the motor vehicles are
22 owned by them, shall be prima facie evidence of intent to make a profit or gain of money and

23 such person, partnership, corporation, company or association shall be deemed to be acting as
24 a motor vehicle dealer without a license.

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

306.015. 1. The owner of a vessel kept within this state shall cause it to be registered
2 in the office of the director of revenue who shall issue a certificate of title for the same.

3 2. The owner of any vessel acquired or brought into the state shall file his application
4 for title within sixty days after it is acquired or brought into this state. The director of revenue
5 may grant extensions of time for titling to any person in deserving cases.

6 3. The fee for the certificate of title shall be seven dollars **and** fifty cents and shall be
7 paid to the director of revenue at the time of making application. If application for certificate of
8 title is not made within sixty days after the vessel is acquired or brought into the state, a
9 delinquency penalty fee of ten dollars for each thirty days of delinquency, not to exceed a total
10 of thirty dollars, shall be imposed. If the director of revenue learns that any person has failed to
11 make application for certificate of title within sixty days after acquiring or bringing into the state
12 a vessel or has sold a vessel without obtaining a certificate of title, he shall cancel the registration
13 of all motorboats, vessels, and watercraft registered in the name of the person, either as sole
14 owner or as co-owner, and shall notify the person that the cancellation will remain in force until
15 the person pays the delinquency penalty fee provided in this section together with all fees,
16 charges, and payments which he should have paid in connection with the certificate of title of
17 the vessel.

18 4. In the event of a sale or transfer of ownership of a vessel or outboard motor for which
19 a certificate of ownership or manufacturer's statement of origin has been issued, the holder of
20 such certificate shall endorse on the same an assignment thereof, with warranty of title in form
21 printed thereon, and prescribed by the director of revenue, **and shall record the sale price,**
22 **trade-in amount if applicable, and net price on the title assignment,** with a statement of all
23 liens or encumbrances on such vessel or outboard motor, and deliver the same to the buyer at the
24 time of delivery to the buyer of such vessel or outboard motor; provided that, when the transfer
25 of a vessel or outboard motor occurs within a corporation which holds a license to operate as a
26 motor vehicle or boat dealer under sections 301.550 to 301.573 and this section, the provisions
27 of subdivision (3) of subsection 6 of section 144.070 shall not apply.

✓