

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 780**  
100TH GENERAL ASSEMBLY

---

Reported from the Committee on Transportation, Infrastructure and Public Safety, March 12, 2020, with recommendation that the Senate Committee Substitute do pass.

4014S.03C

ADRIANE D. CROUSE, Secretary.

---

**AN ACT**

To repeal sections 301.010, 301.140, 301.190, 301.210, 301.213, 301.280, and 301.560, RSMo, and to enact in lieu thereof seven new sections relating to transportation, with existing penalty provisions.

---

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

Section A. Sections 301.010, 301.140, 301.190, 301.210, 301.213, 301.280, 2 and 301.560, RSMo, are repealed and seven new sections enacted in lieu thereof, 3 to be known as sections 301.010, 301.140, 301.190, 301.210, 301.213, 301.280, and 4 301.560, to read as follows:

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

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used 4 exclusively for off-highway use which is fifty inches or less in width, with an 5 unladen dry weight of one thousand five hundred pounds or less, traveling on 6 three, four or more nonhighway tires;

7 (2) "Autocycle", a three-wheeled motor vehicle which the drivers and 8 passengers ride in a partially or completely enclosed nonstraddle seating area, 9 that is designed to be controlled with a steering wheel and pedals, and that has 10 met applicable Department of Transportation National Highway Traffic Safety 11 Administration requirements or federal motorcycle safety standards;

12 (3) "Automobile transporter", any vehicle combination capable of carrying 13 cargo on the power unit and designed and used for the transport of assembled 14 motor vehicles, including truck camper units;

15 (4) "Axle load", the total load transmitted to the road by all wheels whose

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

16 centers are included between two parallel transverse vertical planes forty inches  
17 apart, extending across the full width of the vehicle;

18 (5) "Backhaul", the return trip of a vehicle transporting cargo or general  
19 freight, especially when carrying goods back over all or part of the same route;

20 (6) "Boat transporter", any vehicle combination capable of carrying cargo  
21 on the power unit and designed and used specifically to transport assembled  
22 boats and boat hulls. Boats may be partially disassembled to facilitate  
23 transporting;

24 (7) "Body shop", a business that repairs physical damage on motor  
25 vehicles that are not owned by the shop or its officers or employees by mending,  
26 straightening, replacing body parts, or painting;

27 (8) "Bus", a motor vehicle primarily for the transportation of a driver and  
28 eight or more passengers but not including shuttle buses;

29 (9) "Commercial motor vehicle", a motor vehicle designed or regularly used  
30 for carrying freight and merchandise, or more than eight passengers but not  
31 including vanpools or shuttle buses;

32 (10) "Cotton trailer", a trailer designed and used exclusively for  
33 transporting cotton at speeds less than forty miles per hour from field to field or  
34 from field to market and return;

35 (11) "Dealer", any person, firm, corporation, association, agent or subagent  
36 engaged in the sale or exchange of new, used or reconstructed motor vehicles or  
37 trailers;

38 (12) "Director" or "director of revenue", the director of the department of  
39 revenue;

40 (13) "Driveaway operation":

41 (a) The movement of a motor vehicle or trailer by any person or motor  
42 carrier other than a dealer over any public highway, under its own power singly,  
43 or in a fixed combination of two or more vehicles, for the purpose of delivery for  
44 sale or for delivery either before or after sale;

45 (b) The movement of any vehicle or vehicles, not owned by the transporter,  
46 constituting the commodity being transported, by a person engaged in the  
47 business of furnishing drivers and operators for the purpose of transporting  
48 vehicles in transit from one place to another by the driveaway or towaway  
49 methods; or

50 (c) The movement of a motor vehicle by any person who is lawfully  
51 engaged in the business of transporting or delivering vehicles that are not the

52 person's own and vehicles of a type otherwise required to be registered, by the  
53 driveaway or towaway methods, from a point of manufacture, assembly or  
54 distribution or from the owner of the vehicles to a dealer or sales agent of a  
55 manufacturer or to any consignee designated by the shipper or consignor;

56 (14) "Dromedary", a box, deck, or plate mounted behind the cab and  
57 forward of the fifth wheel on the frame of the power unit of a truck  
58 tractor-semitrailer combination. A truck tractor equipped with a dromedary may  
59 carry part of a load when operating independently or in a combination with a  
60 semitrailer;

61 (15) "Farm tractor", a tractor used exclusively for agricultural purposes;

62 (16) "Fleet", any group of ten or more motor vehicles owned by the same  
63 owner;

64 (17) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

65 (18) "Fullmount", a vehicle mounted completely on the frame of either the  
66 first or last vehicle in a saddlemount combination;

67 (19) "Gross weight", the weight of vehicle and/or vehicle combination  
68 without load, plus the weight of any load thereon;

69 (20) "Hail-damaged vehicle", any vehicle, the body of which has become  
70 dented as the result of the impact of hail;

71 (21) "Highway", any public thoroughfare for vehicles, including state  
72 roads, county roads and public streets, avenues, boulevards, parkways or alleys  
73 in any municipality;

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

77 (23) "Intersecting highway", any highway which joins another, whether  
78 or not it crosses the same;

79 (24) "Junk vehicle", a vehicle which:

80 (a) Is incapable of operation or use upon the highways and has no resale  
81 value except as a source of parts or scrap; or

82 (b) Has been designated as junk or a substantially equivalent designation  
83 by this state or any other state;

84 (25) "Kit vehicle", a motor vehicle assembled by a person other than a  
85 generally recognized manufacturer of motor vehicles by the use of a glider kit or  
86 replica purchased from an authorized manufacturer and accompanied by a  
87 manufacturer's statement of origin;

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

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

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

100          (27) "Local commercial motor vehicle", a commercial motor vehicle whose  
101 operations are confined to a municipality and that area extending not more than  
102 fifty miles therefrom, or a commercial motor vehicle whose property-carrying  
103 operations are confined solely to the transportation of property owned by any  
104 person who is the owner or operator of such vehicle to or from a farm owned by  
105 such person or under the person's control by virtue of a landlord and tenant lease;  
106 provided that any such property transported to any such farm is for use in the  
107 operation of such farm;

108          (28) "Local log truck", a commercial motor vehicle which is registered  
109 pursuant to this chapter to operate as a motor vehicle on the public highways of  
110 this state, used exclusively in this state, used to transport harvested forest  
111 products, operated solely at a forested site and in an area extending not more  
112 than a one hundred mile radius from such site, carries a load with dimensions not  
113 in excess of twenty-five cubic yards per two axles with dual wheels, and when  
114 operated on the national system of interstate and defense highways described in  
115 23 U.S.C. Section 103, as amended, or outside the one hundred mile radius from  
116 such site with an extended distance local log truck permit, such vehicle shall not  
117 exceed the weight limits of section 304.180, does not have more than four axles,  
118 and does not pull a trailer which has more than three axles. Harvesting  
119 equipment which is used specifically for cutting, felling, trimming, delimiting,  
120 debarking, chipping, skidding, loading, unloading, and stacking may be  
121 transported on a local log truck. A local log truck may not exceed the limits  
122 required by law, however, if the truck does exceed such limits as determined by  
123 the inspecting officer, then notwithstanding any other provisions of law to the

124 contrary, such truck shall be subject to the weight limits required by such  
125 sections as licensed for eighty thousand pounds;

126 (29) "Local log truck tractor", a commercial motor vehicle which is  
127 registered under this chapter to operate as a motor vehicle on the public  
128 highways of this state, used exclusively in this state, used to transport harvested  
129 forest products, operated at a forested site and in an area extending not more  
130 than a one hundred mile radius from such site, operates with a weight not  
131 exceeding twenty-two thousand four hundred pounds on one axle or with a weight  
132 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and  
133 when operated on the national system of interstate and defense highways  
134 described in 23 U.S.C. Section 103, as amended, or outside the one hundred mile  
135 radius from such site with an extended distance local log truck permit, such  
136 vehicle does not exceed the weight limits contained in section 304.180, and does  
137 not have more than three axles and does not pull a trailer which has more than  
138 three axles. Violations of axle weight limitations shall be subject to the load limit  
139 penalty as described for in sections 304.180 to 304.220;

140 (30) "Local transit bus", a bus whose operations are confined wholly  
141 within a municipal corporation, or wholly within a municipal corporation and a  
142 commercial zone, as defined in section 390.020, adjacent thereto, forming a part  
143 of a public transportation system within such municipal corporation and such  
144 municipal corporation and adjacent commercial zone;

145 (31) "Log truck", a vehicle which is not a local log truck or local log truck  
146 tractor and is used exclusively to transport harvested forest products to and from  
147 forested sites which is registered pursuant to this chapter to operate as a motor  
148 vehicle on the public highways of this state for the transportation of harvested  
149 forest products;

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

153 (33) "Manufacturer", any person, firm, corporation or association engaged  
154 in the business of manufacturing or assembling motor vehicles, trailers or vessels  
155 for sale;

156 (34) "Motor change vehicle", a vehicle manufactured prior to August, 1957,  
157 which receives a new, rebuilt or used engine, and which used the number  
158 stamped on the original engine as the vehicle identification number;

159 (35) "Motor vehicle", any self-propelled vehicle not operated exclusively

160 upon tracks, except farm tractors;

161 (36) "Motor vehicle primarily for business use", any vehicle other than a  
162 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor  
163 vehicle licensed for over twelve thousand pounds:

164 (a) Offered for hire or lease; or

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

166 (37) "Motorcycle", a motor vehicle operated on two wheels;

167 (38) "Motorized bicycle", any two-wheeled or three-wheeled device having  
168 an automatic transmission and a motor with a cylinder capacity of not more than  
169 fifty cubic centimeters, which produces less than three gross brake horsepower,  
170 and is capable of propelling the device at a maximum speed of not more than  
171 thirty miles per hour on level ground;

172 (39) "Motortricycle", a motor vehicle upon which the operator straddles or  
173 sits astride that is designed to be controlled by handle bars and is operated on  
174 three wheels, including a motorcycle while operated with any conveyance,  
175 temporary or otherwise, requiring the use of a third wheel. A motortricycle shall  
176 not be included in the definition of all-terrain vehicle;

177 (40) "Municipality", any city, town or village, whether incorporated or not;

178 (41) "Nonresident", a resident of a state or country other than the state  
179 of Missouri;

180 (42) "Non-USA-std motor vehicle", a motor vehicle not originally  
181 manufactured in compliance with United States emissions or safety standards;

182 (43) "Operator", any person who operates or drives a motor vehicle;

183 (44) "Owner", any person, firm, corporation or association, who holds the  
184 legal title to a vehicle **or who has executed a buyer's order or retail**  
185 **installment sales contract with a motor vehicle dealer licensed under**  
186 **sections 301.550 to 301.580 for the purchase of a vehicle with an**  
187 **immediate right of possession vested in the transferee**, or in the event a  
188 vehicle is the subject of an agreement for the conditional sale or lease thereof  
189 with the right of purchase upon performance of the conditions stated in the  
190 agreement and with an immediate right of possession vested in the conditional  
191 vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession,  
192 then such conditional vendee or lessee or mortgagor shall be deemed the owner;

193 (45) "Public garage", a place of business where motor vehicles are housed,  
194 stored, repaired, reconstructed or repainted for persons other than the owners or  
195 operators of such place of business;

196 (46) "Rebuilder", a business that repairs or rebuilds motor vehicles owned  
197 by the rebuilder, but does not include certificated common or contract carriers of  
198 persons or property;

199 (47) "Reconstructed motor vehicle", a vehicle that is altered from its  
200 original construction by the addition or substitution of two or more new or used  
201 major component parts, excluding motor vehicles made from all new parts, and  
202 new multistage manufactured vehicles;

203 (48) "Recreational motor vehicle", any motor vehicle designed, constructed  
204 or substantially modified so that it may be used and is used for the purposes of  
205 temporary housing quarters, including therein sleeping and eating facilities  
206 which are either permanently attached to the motor vehicle or attached to a unit  
207 which is securely attached to the motor vehicle. Nothing herein shall prevent any  
208 motor vehicle from being registered as a commercial motor vehicle if the motor  
209 vehicle could otherwise be so registered;

210 (49) "Recreational off-highway vehicle", any motorized vehicle  
211 manufactured and used exclusively for off-highway use which is more than fifty  
212 inches but no more than sixty-seven inches in width, with an unladen dry weight  
213 of two thousand pounds or less, traveling on four or more nonhighway tires and  
214 which may have access to ATV trails;

215 (50) "Recreational trailer", any trailer designed, constructed, or  
216 substantially modified so that it may be used and is used for the purpose of  
217 temporary housing quarters, including therein sleeping or eating facilities, which  
218 can be temporarily attached to a motor vehicle or attached to a unit which is  
219 securely attached to a motor vehicle;

220 (51) "Rollback or car carrier", any vehicle specifically designed to  
221 transport wrecked, disabled or otherwise inoperable vehicles, when the  
222 transportation is directly connected to a wrecker or towing service;

223 (52) "Saddlemount combination", a combination of vehicles in which a  
224 truck or truck tractor tows one or more trucks or truck tractors, each connected  
225 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"  
226 is a mechanism that connects the front axle of the towed vehicle to the frame or  
227 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin  
228 connection. When two vehicles are towed in this manner the combination is  
229 called a "double saddlemount combination". When three vehicles are towed in  
230 this manner, the combination is called a "triple saddlemount combination";

231 (53) "Salvage dealer and dismantler", a business that dismantles used

232 motor vehicles for the sale of the parts thereof, and buys and sells used motor  
233 vehicle parts and accessories;

234 (54) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

235 (a) Was damaged during a year that is no more than six years after the  
236 manufacturer's model year designation for such vehicle to the extent that the  
237 total cost of repairs to rebuild or reconstruct the vehicle to its condition  
238 immediately before it was damaged for legal operation on the roads or highways  
239 exceeds eighty percent of the fair market value of the vehicle immediately  
240 preceding the time it was damaged;

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

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

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

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

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

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

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

263 (55) "School bus", any motor vehicle used solely to transport students to  
264 or from school or to transport students to or from any place for educational  
265 purposes;

266 (56) "Scrap processor", a business that, through the use of fixed or mobile  
267 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle



268 parts for processing or transportation to a shredder or scrap metal operator for  
269 recycling;

270 (57) "Shuttle bus", a motor vehicle used or maintained by any person,  
271 firm, or corporation as an incidental service to transport patrons or customers of  
272 the regular business of such person, firm, or corporation to and from the place of  
273 business of the person, firm, or corporation providing the service at no fee or  
274 charge. Shuttle buses shall not be registered as buses or as commercial motor  
275 vehicles;

276 (58) "Special mobile equipment", every self-propelled vehicle not designed  
277 or used primarily for the transportation of persons or property and incidentally  
278 operated or moved over the highways, including farm equipment, implements of  
279 husbandry, road construction or maintenance machinery, ditch-digging apparatus,  
280 stone crushers, air compressors, power shovels, cranes, graders, rollers,  
281 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,  
282 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,  
283 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag  
284 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This  
285 enumeration shall be deemed partial and shall not operate to exclude other such  
286 vehicles which are within the general terms of this section;

287 (59) "Specially constructed motor vehicle", a motor vehicle which shall not  
288 have been originally constructed under a distinctive name, make, model or type  
289 by a manufacturer of motor vehicles. The term specially constructed motor  
290 vehicle includes kit vehicles;

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

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

297 (62) "Towaway trailer transporter combination", a combination of vehicles  
298 consisting of a trailer transporter towing unit and two trailers or semitrailers,  
299 with a total weight that does not exceed twenty-six thousand pounds; and in  
300 which the trailers or semitrailers carry no property and constitute inventory  
301 property of a manufacturer, distributor, or dealer of such trailers or semitrailers;

302 (63) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor  
303 vehicle designed for drawing other vehicles, but not for the carriage of any load

304 when operating independently. When attached to a semitrailer, it supports a part  
305 of the weight thereof;

306 (64) "Trailer", any vehicle without motive power designed for carrying  
307 property or passengers on its own structure and for being drawn by a  
308 self-propelled vehicle, except those running exclusively on tracks, including a  
309 semitrailer or vehicle of the trailer type so designed and used in conjunction with  
310 a self-propelled vehicle that a considerable part of its own weight rests upon and  
311 is carried by the towing vehicle. The term trailer shall not include cotton trailers  
312 as defined in this section and shall not include manufactured homes as defined  
313 in section 700.010;

314 (65) "Trailer transporter towing unit", a power unit that is not used to  
315 carry property when operating in a towaway trailer transporter combination;

316 (66) "Truck", a motor vehicle designed, used, or maintained for the  
317 transportation of property;

318 (67) "Truck-tractor semitrailer-semitrailer", a combination vehicle in  
319 which the two trailing units are connected with a B-train assembly which is a  
320 rigid frame extension attached to the rear frame of a first semitrailer which  
321 allows for a fifth-wheel connection point for the second semitrailer and has one  
322 less articulation point than the conventional A-dolly connected truck-tractor  
323 semitrailer-trailer combination;

324 (68) "Truck-trailer boat transporter combination", a boat transporter  
325 combination consisting of a straight truck towing a trailer using typically a ball  
326 and socket connection with the trailer axle located substantially at the trailer  
327 center of gravity rather than the rear of the trailer but so as to maintain a  
328 downward force on the trailer tongue;

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

333 (70) "Utility vehicle", any motorized vehicle manufactured and used  
334 exclusively for off-highway use which is more than fifty inches but no more than  
335 sixty-seven inches in width, with an unladen dry weight of two thousand pounds  
336 or less, traveling on four or six wheels, to be used primarily for landscaping, lawn  
337 care, or maintenance purposes;

338 (71) "Vanpool", any van or other motor vehicle used or maintained by any  
339 person, group, firm, corporation, association, city, county or state agency, or any

340 member thereof, for the transportation of not less than eight nor more than  
341 forty-eight employees, per motor vehicle, to and from their place of employment;  
342 however, a vanpool shall not be included in the definition of the term bus or  
343 commercial motor vehicle as defined in this section, nor shall a vanpool driver be  
344 deemed a chauffeur as that term is defined by section 303.020; nor shall use of  
345 a vanpool vehicle for ride-sharing arrangements, recreational, personal, or  
346 maintenance uses constitute an unlicensed use of the motor vehicle, unless used  
347 for monetary profit other than for use in a ride-sharing arrangement;

348 (72) "Vehicle", any mechanical device on wheels, designed primarily for  
349 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn  
350 by horses or human power, or vehicles used exclusively on fixed rails or tracks,  
351 or cotton trailers or motorized wheelchairs operated by handicapped persons;

352 (73) "Wrecker" or "tow truck", any emergency commercial vehicle  
353 equipped, designed and used to assist or render aid and transport or tow disabled  
354 or wrecked vehicles from a highway, road, street or highway rights-of-way to a  
355 point of storage or repair, including towing a replacement vehicle to replace a  
356 disabled or wrecked vehicle;

357 (74) "Wrecker or towing service", the act of transporting, towing or  
358 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not  
359 owned by the operator of the wrecker, tow truck, rollback or car carrier for which  
360 the operator directly or indirectly receives compensation or other personal gain.

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer,  
2 the certificate of registration and the right to use the number plates shall expire  
3 and the number plates shall be removed by the owner at the time of the transfer  
4 of possession, and it shall be unlawful for any person other than the person to  
5 whom such number plates were originally issued to have the same in his or her  
6 possession whether in use or not, unless such possession is solely for charitable  
7 purposes; except that the buyer of a motor vehicle or trailer who trades in a motor  
8 vehicle or trailer may attach the license plates from the traded-in motor vehicle  
9 or trailer to the newly purchased motor vehicle or trailer. The operation of a  
10 motor vehicle with such transferred plates shall be lawful for no more than thirty  
11 days, or no more than ninety days if the dealer is selling the motor vehicle under  
12 the provisions of section 301.213, **or no more than sixty days if the dealer**  
13 **is selling the motor vehicle under the provisions of subsection 5 of**  
14 **section 301.210.** As used in this subsection, the term "trade-in motor vehicle or  
15 trailer" shall include any single motor vehicle or trailer sold by the buyer of the

16 newly purchased vehicle or trailer, as long as the license plates for the trade-in  
17 motor vehicle or trailer are still valid.

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

29           3. License plates may be transferred from a motor vehicle which will no  
30 longer be operated to a newly purchased motor vehicle by the owner of such  
31 vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased  
32 vehicle is of horsepower, gross weight or (in the case of a passenger-carrying  
33 commercial motor vehicle) seating capacity, not in excess of that of the vehicle  
34 which will no longer be operated. When the newly purchased motor vehicle is of  
35 greater horsepower, gross weight or (in the case of a passenger-carrying  
36 commercial motor vehicle) seating capacity, for which a greater fee is prescribed,  
37 the applicant shall pay a transfer fee of two dollars and a pro rata portion of the  
38 difference in fees. When the newly purchased vehicle is of less horsepower, gross  
39 weight or (in the case of a passenger-carrying commercial motor vehicle) seating  
40 capacity, for which a lesser fee is prescribed, the applicant shall not be entitled  
41 to a refund.

42           4. The director of the department of revenue shall have authority to  
43 produce or allow others to produce a weather resistant, nontearing temporary  
44 permit authorizing the operation of a motor vehicle or trailer by a buyer for not  
45 more than thirty days, or no more than ninety days if issued by a dealer selling  
46 the motor vehicle under the provisions of section 301.213, **or no more than**  
47 **sixty days if issued by a dealer selling the motor vehicle under the**  
48 **provisions of subsection 5 of section 301.210**, from the date of  
49 purchase. The temporary permit authorized under this section may be purchased  
50 by the purchaser of a motor vehicle or trailer from the central office of the  
51 department of revenue or from an authorized agent of the department of revenue

52 upon proof of purchase of a motor vehicle or trailer for which the buyer has no  
53 registration plate available for transfer and upon proof of financial responsibility,  
54 or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for  
55 which the buyer has no registration plate available for transfer, or from a motor  
56 vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has  
57 registered and is awaiting receipt of registration plates. The director of the  
58 department of revenue or a producer authorized by the director of the department  
59 of revenue may make temporary permits available to registered dealers in this  
60 state, authorized agents of the department of revenue or the department of  
61 revenue. The price paid by a motor vehicle dealer, an authorized agent of the  
62 department of revenue or the department of revenue for a temporary permit shall  
63 not exceed five dollars for each permit. The director of the department of revenue  
64 shall direct motor vehicle dealers and authorized agents to obtain temporary  
65 permits from an authorized producer. Amounts received by the director of the  
66 department of revenue for temporary permits shall constitute state revenue;  
67 however, amounts received by an authorized producer other than the director of  
68 the department of revenue shall not constitute state revenue and any amounts  
69 received by motor vehicle dealers or authorized agents for temporary permits  
70 purchased from a producer other than the director of the department of revenue  
71 shall not constitute state revenue. In no event shall revenues from the general  
72 revenue fund or any other state fund be utilized to compensate motor vehicle  
73 dealers or other producers for their role in producing temporary permits as  
74 authorized under this section. Amounts that do not constitute state revenue  
75 under this section shall also not constitute fees for registration or certificates of  
76 title to be collected by the director of the department of revenue under section  
77 301.190. No motor vehicle dealer, authorized agent or the department of revenue  
78 shall charge more than five dollars for each permit issued. The permit shall be  
79 valid for a period of thirty days, or no more than ninety days if issued by a dealer  
80 selling the motor vehicle under the provisions of section 301.213, **or no more**  
81 **than sixty days if issued by a dealer selling the motor vehicle under the**  
82 **provisions of subsection 5 of section 301.210**, from the date of purchase of  
83 a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer  
84 by a motor vehicle dealer for which the purchaser obtains a permit as set out  
85 above. No permit shall be issued for a vehicle under this section unless the buyer  
86 shows proof of financial responsibility. Each temporary permit issued shall be  
87 securely fastened to the back or rear of the motor vehicle in a manner and place

88 on the motor vehicle consistent with registration plates so that all parts and  
89 qualities of the temporary permit thereof shall be plainly and clearly visible,  
90 reasonably clean and are not impaired in any way.

91         5. The permit shall be issued on a form prescribed by the director of the  
92 department of revenue and issued only for the applicant's temporary operation  
93 of the motor vehicle or trailer purchased to enable the applicant to temporarily  
94 operate the motor vehicle while proper title and registration plates are being  
95 obtained, or while awaiting receipt of registration plates, and shall be displayed  
96 on no other motor vehicle. Temporary permits issued pursuant to this section  
97 shall not be transferable or renewable, shall not be valid upon issuance of proper  
98 registration plates for the motor vehicle or trailer, and shall be returned to the  
99 department or to the department's agent upon the issuance of such proper  
100 registration plates. Any temporary permit returned to the department or to the  
101 department's agent shall be immediately destroyed. The provisions of this  
102 subsection shall not apply to temporary permits issued for commercial motor  
103 vehicles licensed in excess of twenty-four thousand pounds gross weight. The  
104 director of the department of revenue shall determine the size, material, design,  
105 numbering configuration, construction, and color of the permit. The director of  
106 the department of revenue, at his or her discretion, shall have the authority to  
107 reissue, and thereby extend the use of, a temporary permit previously and legally  
108 issued for a motor vehicle or trailer while proper title and registration are being  
109 obtained.

110         6. Every motor vehicle dealer that issues temporary permits shall keep,  
111 for inspection by proper officers, an accurate record of each permit issued by  
112 recording the permit number, the motor vehicle dealer's number, buyer's name  
113 and address, the motor vehicle's year, make, and manufacturer's vehicle  
114 identification number, and the permit's date of issuance and expiration  
115 date. Upon the issuance of a temporary permit by either the central office of the  
116 department of revenue, a motor vehicle dealer or an authorized agent of the  
117 department of revenue, the director of the department of revenue shall make the  
118 information associated with the issued temporary permit immediately available  
119 to the law enforcement community of the state of Missouri.

120         7. Upon the transfer of ownership of any currently registered motor  
121 vehicle wherein the owner cannot transfer the license plates due to a change of  
122 motor vehicle category, the owner may surrender the license plates issued to the  
123 motor vehicle and receive credit for any unused portion of the original

124 registration fee against the registration fee of another motor vehicle. Such credit  
125 shall be granted based upon the date the license plates are surrendered. No  
126 refunds shall be made on the unused portion of any license plates surrendered for  
127 such credit.

128           8. An additional temporary license plate produced in a manner and of  
129 materials determined by the director to be the most cost-effective means of  
130 production with a configuration that matches an existing or newly issued plate  
131 may be purchased by a motor vehicle owner to be placed in the interior of the  
132 vehicle's rear window such that the driver's view out of the rear window is not  
133 obstructed and the plate configuration is clearly visible from the outside of the  
134 vehicle to serve as the visible plate when a bicycle rack or other item obstructs  
135 the view of the actual plate. Such temporary plate is only authorized for use  
136 when the matching actual plate is affixed to the vehicle in the manner prescribed  
137 in subsection 5 of section 301.130. The fee charged for the temporary plate shall  
138 be equal to the fee charged for a temporary permit issued under subsection 4 of  
139 this section. Replacement temporary plates authorized in this subsection may be  
140 issued as needed upon the payment of a fee equal to the fee charged for a  
141 temporary permit under subsection 4 of this section. The newly produced third  
142 plate may only be used on the vehicle with the matching plate, and the additional  
143 plate shall be clearly recognizable as a third plate and only used for the purpose  
144 specified in this subsection.

145           9. Notwithstanding the provisions of section 301.217, the director may  
146 issue a temporary permit to an individual who possesses a salvage motor vehicle  
147 which requires an inspection under subsection 9 of section 301.190. The  
148 operation of a salvage motor vehicle for which the permit has been issued shall  
149 be limited to the most direct route from the residence, maintenance, or storage  
150 facility of the individual in possession of such motor vehicle to the nearest  
151 authorized inspection facility and return to the originating  
152 location. Notwithstanding any other requirements for the issuance of a  
153 temporary permit under this section, an individual obtaining a temporary permit  
154 for the purpose of operating a motor vehicle to and from an examination facility  
155 as prescribed in this subsection shall also purchase the required motor vehicle  
156 examination form which is required to be completed for an examination under  
157 subsection 9 of section 301.190 and provide satisfactory evidence that such vehicle  
158 has passed a motor vehicle safety inspection for such vehicle as required in  
159 section 307.350.

160           10. The director of the department of revenue may promulgate all  
161 necessary rules and regulations for the administration of this section. Any rule  
162 or portion of a rule, as that term is defined in section 536.010, that is created  
163 under the authority delegated in this section shall become effective only if it  
164 complies with and is subject to all of the provisions of chapter 536 and, if  
165 applicable, section 536.028. This section and chapter 536 are nonseverable and  
166 if any of the powers vested with the general assembly pursuant to chapter 536 to  
167 review, to delay the effective date, or to disapprove and annul a rule are  
168 subsequently held unconstitutional, then the grant of rulemaking authority and  
169 any rule proposed or adopted after August 28, 2012, shall be invalid and void.

170           11. The repeal and reenactment of this section shall become effective on  
171 the date the department of revenue or a producer authorized by the director of  
172 the department of revenue begins producing temporary permits described in  
173 subsection 4 of such section, or on July 1, 2013, whichever occurs first. If the  
174 director of revenue or a producer authorized by the director of the department of  
175 revenue begins producing temporary permits prior to July 1, 2013, the director  
176 of the department of revenue shall notify the revisor of statutes of such fact.

301.190. 1. No certificate of registration of any motor vehicle or trailer,  
2 or number plate therefor, shall be issued by the director of revenue unless the  
3 applicant therefor shall make application for and be granted a certificate of  
4 ownership of such motor vehicle or trailer, or shall present satisfactory evidence  
5 that such certificate has been previously issued to the applicant for such motor  
6 vehicle or trailer. Application shall be made within thirty days after the  
7 applicant acquires the motor vehicle or trailer, unless the motor vehicle was  
8 acquired under section 301.213 **or subsection 5 of section 301.210** in which  
9 case the applicant shall make application within thirty days after receiving title  
10 from the dealer, upon a blank form furnished by the director of revenue and shall  
11 contain the applicant's identification number, a full description of the motor  
12 vehicle or trailer, the vehicle identification number, and the mileage registered  
13 on the odometer at the time of transfer of ownership, as required by section  
14 407.536, together with a statement of the applicant's source of title and of any  
15 liens or encumbrances on the motor vehicle or trailer, provided that for good  
16 cause shown the director of revenue may extend the period of time for making  
17 such application. When an owner wants to add or delete a name or names on an  
18 application for certificate of ownership of a motor vehicle or trailer that would  
19 cause it to be inconsistent with the name or names listed on the notice of lien, the



20 owner shall provide the director with documentation evidencing the lienholder's  
21 authorization to add or delete a name or names on an application for certificate  
22 of ownership.

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

41         3. The director of revenue shall appropriately designate on the current  
42 and all subsequent issues of the certificate the words "Reconstructed Motor  
43 Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or  
44 "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1,  
45 1990, on all original and all subsequent issues of the certificate for motor vehicles  
46 as referenced in subsections 2 and 3 of section 301.020, the director shall print  
47 on the face thereof the following designation: "Annual odometer updates may be  
48 available from the department of revenue.". On any duplicate certificate, the  
49 director of revenue shall reprint on the face thereof the most recent of either:

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

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

55         4. The certificate of ownership issued by the director of revenue shall be

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

62         5. The fee for each original certificate so issued shall be eight dollars and  
63 fifty cents, in addition to the fee for registration of such motor vehicle or trailer.  
64 If application for the certificate is not made within thirty days after the vehicle  
65 is acquired by the applicant, or where the motor vehicle was acquired under  
66 section 301.213 **or subsection 5 of section 301.210** and the applicant fails to  
67 make application within thirty days after receiving title from the dealer, a  
68 delinquency penalty fee of twenty-five dollars for the first thirty days of  
69 delinquency and twenty-five dollars for each thirty days of delinquency thereafter,  
70 not to exceed a total of two hundred dollars, but such penalty may be waived by  
71 the director for a good cause shown. If the director of revenue learns that any  
72 person has failed to obtain a certificate within thirty days after acquiring a motor  
73 vehicle or trailer, or where the motor vehicle was acquired under section 301.213  
74 **or subsection 5 of section 301.210** and the applicant fails to make application  
75 within thirty days after receiving title from the dealer, or has sold a vehicle  
76 without obtaining a certificate, he shall cancel the registration of all vehicles  
77 registered in the name of the person, either as sole owner or as a co-owner, and  
78 shall notify the person that the cancellation will remain in force until the person  
79 pays the delinquency penalty fee provided in this section, together with all fees,  
80 charges and payments which the person should have paid in connection with the  
81 certificate of ownership and registration of the vehicle. The certificate shall be  
82 good for the life of the motor vehicle or trailer so long as the same is owned or  
83 held by the original holder of the certificate and shall not have to be renewed  
84 annually.

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

89         7. It is unlawful for any person to operate in this state a motor vehicle or  
90 trailer required to be registered under the provisions of the law unless a  
91 certificate of ownership has been applied for as provided in this section.

92           8. Before an original Missouri certificate of ownership is issued, an  
93 inspection of the vehicle and a verification of vehicle identification numbers shall  
94 be made by the Missouri state highway patrol on vehicles for which there is a  
95 current title issued by another state if a Missouri salvage certificate of title has  
96 been issued for the same vehicle but no prior inspection and verification has been  
97 made in this state, except that if such vehicle has been inspected in another state  
98 by a law enforcement officer in a manner comparable to the inspection process in  
99 this state and the vehicle identification numbers have been so verified, the  
100 applicant shall not be liable for the twenty-five dollar inspection fee if such  
101 applicant submits proof of inspection and vehicle identification number  
102 verification to the director of revenue at the time of the application. The  
103 applicant, who has such a title for a vehicle on which no prior inspection and  
104 verification have been made, shall pay a fee of twenty-five dollars for such  
105 verification and inspection, payable to the director of revenue at the time of the  
106 request for the application, which shall be deposited in the state treasury to the  
107 credit of the state highways and transportation department fund.

108           9. Each application for an original Missouri certificate of ownership for  
109 a vehicle which is classified as a reconstructed motor vehicle, specially  
110 constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor  
111 vehicle, or other vehicle as required by the director of revenue shall be  
112 accompanied by a vehicle examination certificate issued by the Missouri state  
113 highway patrol, or other law enforcement agency as authorized by the director of  
114 revenue. The vehicle examination shall include a verification of vehicle  
115 identification numbers and a determination of the classification of the  
116 vehicle. The owner of a vehicle which requires a vehicle examination certificate  
117 shall present the vehicle for examination and obtain a completed vehicle  
118 examination certificate prior to submitting an application for a certificate of  
119 ownership to the director of revenue. Notwithstanding any provision of the law  
120 to the contrary, an owner presenting a motor vehicle which has been issued a  
121 salvage title and which is ten years of age or older to a vehicle examination  
122 described in this subsection in order to obtain a certificate of ownership with the  
123 designation prior salvage motor vehicle shall not be required to repair or restore  
124 the vehicle to its original appearance in order to pass or complete the vehicle  
125 examination. The fee for the vehicle examination application shall be twenty-five  
126 dollars and shall be collected by the director of revenue at the time of the request  
127 for the application and shall be deposited in the state treasury to the credit of the

128 state highways and transportation department fund. If the vehicle is also to be  
129 registered in Missouri, the safety inspection required in chapter 307 and the  
130 emissions inspection required under chapter 643 shall be completed and the fees  
131 required by section 307.365 and section 643.315 shall be charged to the owner.

132         10. When an application is made for an original Missouri certificate of  
133 ownership for a motor vehicle previously registered or titled in a state other than  
134 Missouri or as required by section 301.020, it shall be accompanied by a current  
135 inspection form certified by a duly authorized official inspection station as  
136 described in chapter 307. The completed form shall certify that the  
137 manufacturer's identification number for the vehicle has been inspected, that it  
138 is correctly displayed on the vehicle and shall certify the reading shown on the  
139 odometer at the time of inspection. The inspection station shall collect the same  
140 fee as authorized in section 307.365 for making the inspection, and the fee shall  
141 be deposited in the same manner as provided in section 307.365. If the vehicle  
142 is also to be registered in Missouri, the safety inspection required in chapter 307  
143 and the emissions inspection required under chapter 643 shall be completed and  
144 only the fees required by section 307.365 and section 643.315 shall be charged to  
145 the owner. This section shall not apply to vehicles being transferred on a  
146 manufacturer's statement of origin.

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

156         12. When an application is made for an original Missouri certificate of  
157 ownership for a motor vehicle previously registered or titled in a state other than  
158 Missouri, and the certificate of ownership has been appropriately designated by  
159 the issuing state as a reconstructed motor vehicle, motor change vehicle, specially  
160 constructed motor vehicle, or prior salvage vehicle, the director of revenue shall  
161 appropriately designate on the current Missouri and all subsequent issues of the  
162 certificate of ownership the name of the issuing state and such prior  
163 designation. The absence of any prior designation shall not relieve a transferor

164 of the duty to exercise due diligence with regard to such certificate of ownership  
165 prior to the transfer of a certificate. If a transferor exercises any due diligence  
166 with regard to a certificate of ownership, the legal transfer of a certificate of  
167 ownership without any designation that is subsequently discovered to have or  
168 should have had a designation shall be a transfer free and clear of any liabilities  
169 of the transferor associated with the missing designation.

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

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

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

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

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

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

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

197 The department of revenue shall issue the owner a certificate of ownership  
198 designated with the words "Reconstructed Motor Vehicle" and deliver such  
199 certificate of ownership in accordance with the provisions of this

200 chapter. Notwithstanding subsection 9 of this section, no owner of a  
201 reconstructed motor vehicle described in this subsection shall be required to  
202 obtain a vehicle examination certificate issued by the Missouri state highway  
203 patrol.

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

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

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

24 4. It shall be unlawful for any person to buy or sell in this state any motor  
25 vehicle or trailer registered under the laws of this state, unless, at the time of the  
26 delivery thereof, there shall pass between the parties such certificates of  
27 ownership with an assignment thereof, as provided in this section, and the sale  
28 of any motor vehicle or trailer registered under the laws of this state, without the  
29 assignment of such certificate of ownership, shall be **presumed** fraudulent and  
30 void **unless the parties have executed a written agreement for delayed**  
31 **delivery of certificate of ownership as provided in subsection 5 of this**  
32 **section.**

33           5. A motor vehicle dealer licensed under sections 301.550 to  
34 301.580 may deliver a motor vehicle or trailer to a purchaser with a  
35 written agreement to pass the certificate of ownership with an  
36 assignment to the purchaser within thirty days after delivery, inclusive  
37 of weekends and holidays.

38           (1) The form of the agreement shall be prescribed by the director  
39 of revenue. The agreement shall provide that if the motor vehicle  
40 dealer does not pass the certificate of ownership with an assignment to  
41 the purchaser within thirty days that the sale shall be voidable at  
42 purchaser's option and, in such case, dealer shall re-purchase the  
43 vehicle by paying and satisfying in full any purchase money lien  
44 against the vehicle, including accrued penalties and fees, with the  
45 remainder of one hundred percent of the sale price refunded and paid  
46 by the dealer to the buyer. As used in this subdivision, the term "sale  
47 price" shall include the negotiated price of the vehicle, the down  
48 payment, the trade-in allowance even if the allowance reflected  
49 negative equity, and the price of all optional services and products sold  
50 to the buyer under the sales and finance transaction.

51           (2) In the event a motor vehicle subject to this subsection has  
52 suffered physical damages covered by the purchaser's vehicle insurance  
53 policy, the purchaser may assign the purchaser's corresponding  
54 insurance benefits to the motor vehicle dealer, subject to the insurer's  
55 approval, in lieu of purchaser repairing the vehicle, or in lieu of  
56 purchaser returning the vehicle if the vehicle is determined by the  
57 insurance company to be a total loss.

58           (3) Notwithstanding any provision of law to the contrary,  
59 completion of the requirements of this subsection shall constitute  
60 prima facie evidence of an ownership interest vested in the purchaser  
61 of the vehicle for all purposes other than for a subsequent transfer of  
62 ownership of the vehicle by the purchaser, subject to the rights of any  
63 secured lienholder of record; however, the purchaser may use the  
64 dealer-supplied copy of the agreement to transfer his or her ownership  
65 of the vehicle to an insurance company in situations where the vehicle  
66 has been declared salvage or a total loss by the insurance company as  
67 a result of a settlement of a claim. Such insurance company may apply  
68 for a salvage certificate of title or junking certificate under subsection  
69 3 of section 301.193 in order to transfer its interest in such vehicle. The

70 purchaser may also use the dealer-supplied copy of the agreement on  
71 the form prescribed by the director of revenue as proof of ownership  
72 interest. Any lender or insurance company may rely upon a copy of the  
73 signed written agreement on the form prescribed by the director of  
74 revenue as proof of ownership interest. Any lien placed upon a vehicle  
75 based upon such signed written agreement shall be valid and  
76 enforceable, notwithstanding the absence of a certificate of ownership.

77 (4) No motor vehicle dealer shall be authorized under this  
78 subsection to enter and have outstanding any such written agreements  
79 until such dealer has provided to the director of revenue a surety bond  
80 or irrevocable letter of credit in amount not less than one hundred  
81 thousand dollars in a form which complies with the requirements of  
82 section 301.560 and in lieu of the fifty thousand dollar bond otherwise  
83 required for licensure as a motor vehicle dealer.

301.213. 1. Notwithstanding the provisions of sections 301.200 and  
2 301.210, any person licensed as a motor vehicle dealer under sections 301.550 to  
3 301.580 that has provided to the director of revenue a surety bond or irrevocable  
4 letter of credit in an amount not less than one hundred thousand dollars in a  
5 form which complies with the requirements of section 301.560 and in lieu of the  
6 fifty thousand dollar bond otherwise required for licensure as a motor vehicle  
7 dealer shall be authorized to purchase or accept in trade any motor vehicle for  
8 which there has been issued a certificate of ownership, and to receive such vehicle  
9 subject to any existing liens thereon created and perfected under sections 301.600  
10 to 301.660 provided the licensed dealer receives the following:

11 (1) A signed written contract between the licensed dealer and the owner  
12 of the vehicle outlining the terms of the sale or acceptance in trade of such motor  
13 vehicle without transfer of the certificate of ownership; and

14 (2) Physical delivery of the vehicle to the licensed dealer; and

15 (3) A power of attorney from the owner to the licensed dealer, in  
16 accordance with subsection 4 of section 301.300, authorizing the licensed dealer  
17 to obtain a duplicate or replacement title in the owner's name and sign any title  
18 assignments on the owner's behalf.

19 2. If the dealer complies with the requirements of subsection 1 of this  
20 section, the sale or trade of the vehicle to the dealer shall be considered final,  
21 subject to any existing liens created and perfected under sections 301.600 to  
22 301.660. Once the prior owner of the motor vehicle has physically delivered the



23 motor vehicle to the licensed dealer, the prior owners' insurable interest in such  
24 vehicle shall cease to exist.

25           3. If a licensed dealer complies with the requirements of subsection 1 of  
26 this section, and such dealer has provided to the director of revenue a surety bond  
27 or irrevocable letter of credit in amount not less than one hundred thousand  
28 dollars in a form which complies with the requirements of section 301.560 and in  
29 lieu of the fifty thousand dollar bond otherwise required for licensure as a motor  
30 vehicle dealer, such dealer may sell such vehicle prior to receiving and assigning  
31 to the purchaser the certificate of ownership, provided such dealer complies with  
32 the following:

33           (1) All outstanding liens created on the vehicle pursuant to sections  
34 301.600 to 301.660 have been paid in full, and the dealer provides a copy of proof  
35 or other evidence to the purchaser; and

36           (2) The dealer has obtained proof or other evidence from the department  
37 of revenue confirming that no outstanding child support liens exist upon the  
38 vehicle at the time of sale and provides a copy of said proof or other evidence to  
39 the purchaser; and

40           (3) The dealer has obtained proof or other evidence from the department  
41 of revenue confirming that all applicable state sales tax has been satisfied on the  
42 sale of the vehicle to the previous owner and provides a copy of said proof or other  
43 evidence to the purchaser; and

44           (4) The dealer has signed an application for duplicate or replacement title  
45 for the vehicle under subsection 4 of section 301.300 and provides a copy of the  
46 application to the purchaser, along with a copy of the power of attorney required  
47 by subsection 1 of this section, and the dealer has prepared and delivered to the  
48 purchaser an application for title for the vehicle in the purchaser's name; and

49           (5) The dealer and the purchaser have entered into a written agreement  
50 for the subsequent assignment and delivery of such certificate of ownership, on  
51 a form prescribed by the director of revenue, to take place at a time, not to exceed  
52 sixty calendar days, after the time of delivery of the motor vehicle to the  
53 purchaser. Such agreement shall require the purchaser to provide to the dealer  
54 proof of financial responsibility in accordance with chapter 303 and proof of  
55 comprehensive and collision coverage on the motor vehicle. Such dealer shall  
56 maintain the original or an electronic copy of the signed agreement and deliver  
57 a copy of the signed agreement to the purchaser. Such dealer shall also complete  
58 and deliver to the director of revenue such form as the director shall prescribe

59 demonstrating that the purchaser has purchased the vehicle without  
60 contemporaneous delivery of the title.

61 Notwithstanding any provision of law to the contrary, completion of the  
62 requirements of this subsection shall constitute prima facie evidence of an  
63 ownership interest vested in the purchaser of the vehicle for all purposes other  
64 than for a subsequent transfer of ownership of the vehicle by the purchaser,  
65 subject to the rights of any secured lienholder of record; however, the purchaser  
66 may use the dealer-supplied copy of the agreement to transfer his or her  
67 ownership of the vehicle to an insurance company in situations where the vehicle  
68 has been declared salvage or a total loss by the insurance company as a result of  
69 a settlement of a claim. Such insurance company may apply for a salvage  
70 certificate of title or junking certificate pursuant to the provisions of subsection  
71 3 of section 301.193 in order to transfer its interest in such vehicle. The  
72 purchaser may also use the dealer-supplied copy of the agreement on the form  
73 prescribed by the director of revenue as proof of ownership interest. Any lender  
74 or insurance company may rely upon a copy of the signed written agreement on  
75 the form prescribed by the director of revenue as proof of ownership interest. Any  
76 lien placed upon a vehicle based upon such signed written agreement shall be  
77 valid and enforceable, notwithstanding the absence of a certificate of ownership.

78 4. Following a sale or other transaction in which a certificate of ownership  
79 has not been assigned from the owner to the licensed dealer, the dealer shall,  
80 within ten business days, apply for a duplicate or replacement certificate of  
81 ownership. Upon receipt of a duplicate or replacement certificate of ownership  
82 applied for under subsection 4 of section 301.300, the dealer shall assign and  
83 deliver said certificate of ownership to the purchaser of the vehicle within five  
84 business days. The dealer shall maintain proof of the assignment and delivery  
85 of the certificate of ownership to the purchaser. For purposes of this subsection,  
86 a dealer shall be deemed to have delivered the certificate of ownership to the  
87 purchaser upon either:

88 (1) Physical delivery of the certificate of ownership to any of the  
89 purchasers identified in the contract with such dealer; or

90 (2) Mailing of the certificate, postage prepaid, return receipt requested,  
91 to any of the purchasers at any of their addresses identified in the contract with  
92 such dealer.

93 5. If a licensed dealer fails to comply with subsection 3 of this section, and  
94 the purchaser of the vehicle is thereby damaged, then the dealer shall be liable

95 to the purchaser of the vehicle for actual damages, plus court costs and  
96 reasonable attorney fees.

97           6. If a licensed dealer fails or is unable to comply with subsection 4 of this  
98 section, and the purchaser of the vehicle is thereby damaged, then the dealer  
99 shall be liable to the purchaser of the vehicle for actual damages, plus court costs  
100 and reasonable attorney fees. If the dealer cannot be found by the purchaser  
101 after making reasonable attempts, or if the dealer fails to assign and deliver the  
102 duplicate or replacement certificate of ownership to the purchaser by the date  
103 agreed upon by the dealer and the purchaser, as required by subsection 4 of this  
104 section, then the purchaser may deliver to the director a copy of the contract for  
105 sale of the vehicle, a copy of the application for duplicate title provided by the  
106 dealer to the purchaser, a copy of the secure power of attorney allowing the dealer  
107 to assign the duplicate title, and the proof or other evidence obtained by the  
108 purchaser from the dealer under subsection 3 of this section. Thereafter, the  
109 director shall mail by certified mail, return receipt requested, a notice to the  
110 dealer at the last address given to the department by that dealer. That notice  
111 shall inform the dealer that the director intends to cancel any prior certificate of  
112 title which may have been issued to the dealer on the vehicle and issue to the  
113 purchaser a certificate of title in the name of the purchaser, subject to any liens  
114 incurred by the purchaser in connection with the purchase of the vehicle, unless  
115 the dealer, within ten business days from the date of the director's notice, files  
116 with the director a written objection to the director taking such action. If the  
117 dealer does file a timely, written objection with the director, then the director  
118 shall not take any further action without an order from a court of competent  
119 jurisdiction. However, if the dealer does not file a timely, written objection with  
120 the director, then the director shall cancel the prior certificate of title issued to  
121 the dealer on the vehicle and issue a certificate of title to the purchaser of the  
122 vehicle, subject to any liens incurred by the purchaser in connection with the  
123 purchase of the vehicle and subject to the purchaser satisfying all applicable  
124 taxes and fees associated with registering the vehicle.

125           7. If a seller misrepresents to a dealer that the seller is the owner of a  
126 vehicle and the dealer, the owner, any subsequent purchaser, or any prior or  
127 subsequent lienholder is thereby damaged, then the seller shall be liable to each  
128 such party for actual and punitive damages, plus court costs and reasonable  
129 attorney fees.

130           8. When a lienholder is damaged as a result of a licensed dealer's acts,

131 errors, omissions, or violations of this section, then the dealer shall be liable to  
132 the lienholder for actual damages, plus court costs and reasonable attorney fees.

133 9. No court costs or attorney fees shall be awarded under this section  
134 unless, prior to filing any such action, the following conditions have been met:

135 (1) The aggrieved party seeking damages has delivered an itemized  
136 written demand of the party's actual damages to the party from whom damages  
137 are sought; and

138 (2) The party from whom damages are sought has not satisfied the written  
139 demand within thirty days after receipt of the written demand.

140 10. The department of revenue may use a dealer's repeated or intentional  
141 violation of this section as a cause to suspend, revoke, or refuse to issue or renew  
142 any license required pursuant to sections 301.550 to 301.580, in addition to the  
143 causes set forth in section 301.562. The hearing process shall be the same as that  
144 established in subsection 6 of section 301.562.

145 **11. No dealer shall enter into a contract under this section after**  
146 **December 31, 2020. Any contract entered into prior to December 31,**  
147 **2020, shall be enforceable as provided in this section. This section shall**  
148 **be repealed effective December 31, 2020.**

301.280. 1. Every motor vehicle dealer and boat dealer shall make a  
2 monthly report to the department of revenue, on blanks to be prescribed by the  
3 department of revenue, giving the following information: date of the sale of each  
4 motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of  
5 the buyer; the name of the manufacturer; year of manufacture; model of vehicle;  
6 vehicle identification number; style of vehicle; odometer setting; and it shall also  
7 state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or  
8 secondhand. Each monthly sales report filed by a motor vehicle dealer who  
9 collects sales tax under subsection 10 of section 144.070 shall also include the  
10 amount of state and local sales tax collected for each motor vehicle sold if sales  
11 tax was due. The odometer reading is not required when reporting the sale of  
12 any motor vehicle that is ten years old or older, any motor vehicle having a gross  
13 vehicle weight rating of more than sixteen thousand pounds, new vehicles that  
14 are transferred on a manufacturer's statement of origin between one franchised  
15 motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The  
16 sale of all temporary permits shall be recorded in the appropriate space on the  
17 dealer's monthly sales report, unless the sale of the temporary permit is already  
18 recorded by electronic means as determined by the department. **The monthly**

19 **sales report shall include a statement of motor vehicles or trailers sold**  
20 **during the month under subsection 5 of section 301.210.** The monthly  
21 sales report shall be completed in full and signed by an officer, partner, or owner  
22 of the dealership, and actually received by the department of revenue on or before  
23 the fifteenth day of the month succeeding the month for which the sales are being  
24 reported. If no sales occur in any given month, a report shall be submitted for  
25 that month indicating no sales. Any vehicle dealer who fails to file a monthly  
26 report or who fails to file a timely report shall be subject to disciplinary action as  
27 prescribed in section 301.562 or a penalty assessed by the director not to exceed  
28 three hundred dollars per violation. Every motor vehicle and boat dealer shall  
29 retain copies of the monthly sales report as part of the records to be maintained  
30 at the dealership location and shall hold them available for inspection by  
31 appropriate law enforcement officials and officials of the department of  
32 revenue. Every vehicle dealer selling twenty or more vehicles a month shall file  
33 the monthly sales report with the department in an electronic format. Any dealer  
34 filing a monthly sales report in an electronic format shall be exempt from filing  
35 the notice of transfer required by section 301.196. For any dealer not filing  
36 electronically, the notice of transfer required by section 301.196 shall be  
37 submitted with the monthly sales report as prescribed by the director.

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

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

55 fails to report a motor vehicle as unclaimed as herein required forfeits all claims  
56 and liens for its garaging, parking or storing.

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

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

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

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

3 (1) Every application other than a renewal application for a motor vehicle  
4 franchise dealer shall include a certification that the applicant has a bona fide  
5 established place of business. Such application shall include an annual  
6 certification that the applicant has a bona fide established place of business for  
7 the first three years and only for every other year thereafter. The certification  
8 shall be performed by a uniformed member of the Missouri state highway patrol  
9 or authorized or designated employee stationed in the troop area in which the  
10 applicant's place of business is located; except that in counties of the first  
11 classification, certification may be performed by an officer of a metropolitan police  
12 department when the applicant's established place of business of distributing or  
13 selling motor vehicles or trailers is in the metropolitan area where the certifying  
14 metropolitan police officer is employed. When the application is being made for  
15 licensure as a boat manufacturer or boat dealer, certification shall be performed  
16 by a uniformed member of the Missouri state water patrol stationed in the  
17 district area in which the applicant's place of business is located or by a  
18 uniformed member of the Missouri state highway patrol stationed in the troop  
19 area in which the applicant's place of business is located or, if the applicant's  
20 place of business is located within the jurisdiction of a metropolitan police  
21 department in a first class county, by an officer of such metropolitan police

22 department. A bona fide established place of business for any new motor vehicle  
23 franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer,  
24 wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall  
25 be a permanent enclosed building or structure, either owned in fee or leased and  
26 actually occupied as a place of business by the applicant for the selling, bartering,  
27 trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or  
28 trailers and wherein the public may contact the owner or operator at any  
29 reasonable time, and wherein shall be kept and maintained the books, records,  
30 files and other matters required and necessary to conduct the business. The  
31 applicant shall maintain a working telephone number during the entire  
32 registration year which will allow the public, the department, and law  
33 enforcement to contact the applicant during regular business hours. The  
34 applicant shall also maintain an email address during the entire registration year  
35 which may be used for official correspondence with the department. In order to  
36 qualify as a bona fide established place of business for all applicants licensed  
37 pursuant to this section there shall be an exterior sign displayed carrying the  
38 name of the business set forth in letters at least six inches in height and clearly  
39 visible to the public and there shall be an area or lot which shall not be a public  
40 street on which multiple vehicles, boats, personal watercraft, or trailers may be  
41 displayed. The sign shall contain the name of the dealership by which it is  
42 known to the public through advertising or otherwise, which need not be identical  
43 to the name appearing on the dealership's license so long as such name is  
44 registered as a fictitious name with the secretary of state, has been approved by  
45 its line-make manufacturer in writing in the case of a new motor vehicle  
46 franchise dealer and a copy of such fictitious name registration has been provided  
47 to the department. Dealers who sell only emergency vehicles as defined in section  
48 301.550 are exempt from maintaining a bona fide place of business, including the  
49 related law enforcement certification requirements, and from meeting the  
50 minimum yearly sales;

51 (2) The initial application for licensure shall include a photograph, not to  
52 exceed eight inches by ten inches but no less than five inches by seven inches,  
53 showing the business building, lot, and sign. A new motor vehicle franchise  
54 dealer applicant who has purchased a currently licensed new motor vehicle  
55 franchised dealership shall be allowed to submit a photograph of the existing  
56 dealership building, lot and sign but shall be required to submit a new  
57 photograph upon the installation of the new dealership sign as required by

58 sections 301.550 to 301.580. Applicants shall not be required to submit a  
59 photograph annually unless the business has moved from its previously licensed  
60 location, or unless the name of the business or address has changed, or unless the  
61 class of business has changed;

62 (3) Every applicant as a new motor vehicle franchise dealer, a used motor  
63 vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer  
64 dealer, or boat dealer shall furnish with the application a corporate surety bond  
65 or an irrevocable letter of credit as defined in section 400.5-102, issued by any  
66 state or federal financial institution in the penal sum of fifty thousand dollars on  
67 a form approved by the department. The bond or irrevocable letter of credit shall  
68 be conditioned upon the dealer complying with the provisions of the statutes  
69 applicable to new motor vehicle franchise dealers, used motor vehicle dealers,  
70 powersport dealers, wholesale motor vehicle dealers, trailer dealers, and boat  
71 dealers, and the bond shall be an indemnity for any loss sustained by reason of  
72 the acts of the person bonded when such acts constitute grounds for the  
73 suspension or revocation of the dealer's license. The bond shall be executed in  
74 the name of the state of Missouri for the benefit of all aggrieved parties or the  
75 irrevocable letter of credit shall name the state of Missouri as the beneficiary;  
76 except, that the aggregate liability of the surety or financial institution to the  
77 aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable  
78 letter of credit. [The proceeds of the bond or irrevocable letter of credit shall be  
79 paid upon receipt by the department of a final judgment from a Missouri court of  
80 competent jurisdiction against the principal and in favor of an aggrieved party.]  
81 Additionally, every applicant as a new motor vehicle franchise dealer, a used  
82 motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, or  
83 boat dealer shall furnish with the application a copy of a current dealer garage  
84 policy bearing the policy number and name of the insurer and the insured. **The**  
85 **proceeds of the bond or irrevocable letter of credit furnished by an**  
86 **applicant shall be paid upon receipt by the department of a final**  
87 **judgment from a Missouri court of competent jurisdiction against the**  
88 **principal and in favor of an aggrieved party. The proceeds of the bond**  
89 **or irrevocable letter of credit furnished by an applicant shall be paid**  
90 **at the order of the department and in the amount determined by the**  
91 **department to any buyer or interested lienholder up to the greater of**  
92 **the amount required for the release of the purchase money lien or the**  
93 **sales price paid by the buyer where a dealer has failed to fulfill the**



94 dealer's obligations under an agreement to assign and deliver title to  
95 the buyer within thirty days under a contract entered into pursuant to  
96 subsection 5 of section 301.210. The department shall direct release of  
97 the bond or irrevocable letter of credit proceeds upon presentation of  
98 a written agreement entered into pursuant to subsection 5 of section  
99 301.210, copies of the associated sales and finance documents, and the  
100 affidavit or affidavits of the buyer or lienholder stating that the  
101 certificate of title with assignment thereof has not been passed to the  
102 buyer within thirty days of the date of the contract entered into under  
103 subsection 5 of section 301.210, that the dealer has not fulfilled the  
104 agreement under the contract to re-purchase the vehicle, that the buyer  
105 or the lienholder has notified the dealer of the claim on the bond or  
106 letter of credit, and the amount claimed by the purchaser or lienholder.  
107 In addition, prior to directing release and payment of the proceeds of  
108 a bond or irrevocable letter of credit, the department shall ensure that  
109 there is satisfactory evidence to establish that the vehicle which is  
110 subject to the written agreement has been returned by the buyer to the  
111 dealer or that the buyer has represented to the department that the  
112 buyer will surrender possession of the vehicle to the dealer upon  
113 payment of the proceeds of the bond or letter of credit directed by the  
114 department. Excepting ordinary wear and tear or mechanical failures  
115 not caused by the buyer, the amount of proceeds to be paid to the buyer  
116 under the bond or irrevocable letter of credit shall be reduced by an  
117 amount equivalent to any damage, abuse, or destruction incurred by  
118 the vehicle while the vehicle was in the buyer's possession as agreed  
119 between the buyer and the dealer. The dealer may apply to a court of  
120 competent jurisdiction to contest the claim on the bond or letter of  
121 credit, including the amount of the claim and the amount of any  
122 adjustment for any damage, abuse, or destruction, by filing a petition  
123 with the court within thirty days of the notification by the buyer or  
124 lienholder. If the dealer does not fulfill the agreement or file a petition  
125 to request judicial relief from the terms of the agreement or contest the  
126 amount of the claim, the bond or letter of credit shall be released by  
127 the department and directed paid in the amount or amounts presented  
128 by the lienholder or buyer;

129 (4) Payment of all necessary license fees as established by the  
130 department. In establishing the amount of the annual license fees, the

131 department shall, as near as possible, produce sufficient total income to offset  
132 operational expenses of the department relating to the administration of sections  
133 301.550 to 301.580. All fees payable pursuant to the provisions of sections  
134 301.550 to 301.580, other than those fees collected for the issuance of dealer  
135 plates or certificates of number collected pursuant to subsection 6 of this section,  
136 shall be collected by the department for deposit in the state treasury to the credit  
137 of the "Motor Vehicle Commission Fund", which is hereby created. The motor  
138 vehicle commission fund shall be administered by the Missouri department of  
139 revenue. The provisions of section 33.080 to the contrary notwithstanding, money  
140 in such fund shall not be transferred and placed to the credit of the general  
141 revenue fund until the amount in the motor vehicle commission fund at the end  
142 of the biennium exceeds two times the amount of the appropriation from such  
143 fund for the preceding fiscal year or, if the department requires permit renewal  
144 less frequently than yearly, then three times the appropriation from such fund  
145 for the preceding fiscal year. The amount, if any, in the fund which shall lapse  
146 is that amount in the fund which exceeds the multiple of the appropriation from  
147 such fund for the preceding fiscal year.

148           2. In the event a new vehicle manufacturer, boat manufacturer, motor  
149 vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer,  
150 wholesale motor vehicle auction, trailer dealer, or a public motor vehicle auction  
151 submits an application for a license for a new business and the applicant has  
152 complied with all the provisions of this section, the department shall make a  
153 decision to grant or deny the license to the applicant within eight working hours  
154 after receipt of the dealer's application, notwithstanding any rule of the  
155 department.

156           3. Except as otherwise provided in subsection 6 of this section, upon the  
157 initial issuance of a license by the department, the department shall assign a  
158 distinctive dealer license number or certificate of number to the applicant and the  
159 department shall issue one number plate or certificate bearing the distinctive  
160 dealer license number or certificate of number and two additional number plates  
161 or certificates of number within eight working hours after presentment of the  
162 application and payment by the applicant of a fee of fifty dollars for the first plate  
163 or certificate and ten dollars and fifty cents for each additional plate or  
164 certificate. Upon renewal, the department shall issue the distinctive dealer  
165 license number or certificate of number as quickly as possible. The issuance of  
166 such distinctive dealer license number or certificate of number shall be in lieu of

167 registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat  
 168 dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale  
 169 motor vehicle dealer, wholesale motor vehicle auction or new or used motor  
 170 vehicle dealer. The license plates described in this section shall be made with  
 171 fully reflective material with a common color scheme and design, shall be clearly  
 172 visible at night, and shall be aesthetically attractive, as prescribed by section  
 173 301.130.

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

176	New motor vehicle franchise dealers	D-0 through D-999
177	New powersport dealers	D-1000 through D-1999
178	Used motor vehicle and used	
179	powersport dealers	D-2000 through D-9999
180	Wholesale motor vehicle dealers	W-0 through W-1999
181	Wholesale motor vehicle auctions	WA-0 through WA-999
182	New and used trailer dealers	T-0 through T-9999
183	Motor vehicle, trailer, and	
184	boat manufacturers	DM-0 through DM-999
185	Public motor vehicle auctions	A-0 through A-1999
186	Boat dealers	M-0 through M-9999
187	New and used recreational motor	
188	vehicle dealers	RV-0 through RV-999

189 For purposes of this subsection, qualified transactions shall include the purchase  
 190 of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle  
 191 dealer who also holds a salvage dealer's license shall be allowed one additional  
 192 plate or certificate number per fifty-unit qualified transactions annually. In order  
 193 for salvage dealers to obtain number plates or certificates under this section,  
 194 dealers shall submit to the department of revenue on August first of each year a  
 195 statement certifying, under penalty of perjury, the dealer's number of purchases  
 196 during the reporting period of July first of the immediately preceding year to  
 197 June thirtieth of the present year. The provisions of this subsection shall become  
 198 effective on the date the director of the department of revenue begins to reissue  
 199 new license plates under section 301.130, or on December 1, 2008, whichever  
 200 occurs first. If the director of revenue begins reissuing new license plates under  
 201 the authority granted under section 301.130 prior to December 1, 2008, the  
 202 director of the department of revenue shall notify the revisor of statutes of such

203 fact.

204           5. Upon the sale of a currently licensed motor vehicle dealership the  
205 department shall, upon request, authorize the new approved dealer applicant to  
206 retain the selling dealer's license number and shall cause the new dealer's records  
207 to indicate such transfer. If the new approved dealer applicant elects not to  
208 retain the selling dealer's license number, the department shall issue the new  
209 dealer applicant a new dealer's license number and an equal number of plates or  
210 certificates as the department had issued to the selling dealer.

211           6. In the case of motor vehicle dealers, the department shall issue one  
212 number plate bearing the distinctive dealer license number and may issue one  
213 additional number plate to the applicant upon payment by the dealer of a fifty  
214 dollar fee for the number plate bearing the distinctive dealer license number and  
215 ten dollars and fifty cents for the additional number plate. The department may  
216 issue a third plate to the motor vehicle dealer upon completion of the dealer's  
217 fifteenth qualified transaction and payment of a fee of ten dollars and fifty cents.  
218 In the case of new motor vehicle manufacturers, powersport dealers, recreational  
219 motor vehicle dealers, and trailer dealers, the department shall issue one number  
220 plate bearing the distinctive dealer license number and may issue two additional  
221 number plates to the applicant upon payment by the manufacturer or dealer of  
222 a fifty dollar fee for the number plate bearing the distinctive dealer license  
223 number and ten dollars and fifty cents for each additional number plate. Boat  
224 dealers and boat manufacturers shall be entitled to one certificate of number  
225 bearing such number upon the payment of a fifty dollar fee. Additional number  
226 plates and as many additional certificates of number may be obtained upon  
227 payment of a fee of ten dollars and fifty cents for each additional plate or  
228 certificate. New motor vehicle manufacturers shall not be issued or possess more  
229 than three hundred forty-seven additional number plates or certificates of number  
230 annually. New and used motor vehicle dealers, powersport dealers, wholesale  
231 motor vehicle dealers, boat dealers, and trailer dealers are limited to one  
232 additional plate or certificate of number per ten-unit qualified transactions  
233 annually. New and used recreational motor vehicle dealers are limited to two  
234 additional plates or certificate of number per ten-unit qualified transactions  
235 annually for their first fifty transactions and one additional plate or certificate  
236 of number per ten-unit qualified transactions thereafter. An applicant seeking  
237 the issuance of an initial license shall indicate on his or her initial application  
238 the applicant's proposed annual number of sales in order for the director to issue

239 the appropriate number of additional plates or certificates of number. A motor  
240 vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor  
241 vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale  
242 motor vehicle dealer obtaining a distinctive dealer license plate or certificate of  
243 number or additional license plate or additional certificate of number, throughout  
244 the calendar year, shall be required to pay a fee for such license plates or  
245 certificates of number computed on the basis of one-twelfth of the full fee  
246 prescribed for the original and duplicate number plates or certificates of number  
247 for such dealers' licenses, multiplied by the number of months remaining in the  
248 licensing period for which the dealer or manufacturers shall be required to be  
249 licensed. In the event of a renewing dealer, the fee due at the time of renewal  
250 shall not be prorated. Wholesale and public auctions shall be issued a certificate  
251 of dealer registration in lieu of a dealer number plate. In order for dealers to  
252 obtain number plates or certificates under this section, dealers shall submit to  
253 the department of revenue on August first of each year a statement certifying,  
254 under penalty of perjury, the dealer's number of sales during the reporting period  
255 of July first of the immediately preceding year to June thirtieth of the present  
256 year.

257         7. The plates issued pursuant to subsection 3 or 6 of this section may be  
258 displayed on any motor vehicle owned by a new motor vehicle manufacturer. The  
259 plates issued pursuant to subsection 3 or 6 of this section may be displayed on  
260 any motor vehicle or trailer owned and held for resale by a motor vehicle dealer  
261 for use by a customer who is test driving the motor vehicle, for use by any  
262 customer while the customer's vehicle is being serviced or repaired by the motor  
263 vehicle dealer, for use and display purposes during, but not limited to, parades,  
264 private events, charitable events, or for use by an employee or officer, but shall  
265 not be displayed on any motor vehicle or trailer hired or loaned to others or upon  
266 any regularly used service or wrecker vehicle. Motor vehicle dealers may display  
267 their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under  
268 a loaded condition. Trailer dealers may display their dealer license plates in like  
269 manner, except such plates may only be displayed on trailers owned and held for  
270 resale by the trailer dealer.

271         8. The certificates of number issued pursuant to subsection 3 or 6 of this  
272 section may be displayed on any vessel or vessel trailer owned and held for resale  
273 by a boat manufacturer or a boat dealer, and used by a customer who is test  
274 driving the vessel or vessel trailer, or is used by an employee or officer on a vessel

275 or vessel trailer only, but shall not be displayed on any motor vehicle owned by  
276 a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer  
277 hired or loaned to others or upon any regularly used service vessel or vessel  
278 trailer. Boat dealers and boat manufacturers may display their certificate of  
279 number on a vessel or vessel trailer when transporting a vessel or vessels to an  
280 exhibit or show.

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

285           10. (1) Every application for the issuance of a used motor vehicle dealer's  
286 license shall be accompanied by proof that the applicant, within the last twelve  
287 months, has completed an educational seminar course approved by the  
288 department as prescribed by subdivision (2) of this subsection. Wholesale and  
289 public auto auctions and applicants currently holding a new or used license for  
290 a separate dealership shall be exempt from the requirements of this  
291 subsection. The provisions of this subsection shall not apply to current new  
292 motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for  
293 a new motor vehicle franchise or a motor vehicle leasing agency. The provisions  
294 of this subsection shall not apply to used motor vehicle dealers who were licensed  
295 prior to August 28, 2006.

296           (2) The educational seminar shall include, but is not limited to, the dealer  
297 requirements of sections 301.550 to 301.580, the rules promulgated to implement,  
298 enforce, and administer sections 301.550 to 301.580, and any other rules and  
299 regulations promulgated by the department.

Copy ✓