

The cover features a large, stylized map of Missouri in yellow, set against a blue background. The map is framed by a grey border with rounded corners. The text "Missouri Dealer Operating Manual" is centered over the map in a red, serif font with a black outline and a drop shadow effect.

# Missouri Dealer Operating Manual

*Revised: September 2016*

# Table of Contents

<b><u>Section 1: Contact Information</u></b> .....	1-1
<b><u>Section 2: General Information</u></b>	
Free Subscription to the Department of Revenue Titling Tips.....	2-1
Access to Online Services .....	2-1
Definitions .....	2-2
<b><u>Section 3: Dealer License Requirements</u></b>	
Who is Required to Licensed as a Dealer? .....	3-1
How Do I Apply for a License? .....	3-1
Application for Dealer, Auction, or Manufacturer License .....	3-2
Business Name, Address and Telephone Number .....	3-2
“Mail To” Address Information .....	3-2
Number of Plates Requested .....	3-2
Type of Operation .....	3-4
Type of Units to Be Sold .....	3-4
Background Check .....	3-5
Signature and Certification of Financial Responsibility .....	3-5
Inspection and Certification .....	3-5
Bona Fide Established Place of Business .....	3-6
Permanently Enclosed .....	3-6
Display Area .....	3-6
Signage.....	3-6
Regular Business Hours .....	3-7
Registration with the Secretary of State.....	3-7
Photograph.....	3-7
Certificate of Dealer Educational Seminar Completion .....	3-7
Franchise Agreement or Letter of Appointment .....	3-8
Corporate Surety Bond Requirement/Irrevocable Letter of Credit .....	3-8
Garage Liability Policy .....	3-8
Fees.....	3-8
Special Event Motor Vehicle Auction License.....	3-8
<b><u>Section 4: Certificate of License</u></b>	
License Requirements for Auctions, Dealers, and Manufacturers .....	4-1
Multiple Locations .....	4-1
Storage Lot(s) .....	4-1
<b><u>Section 5: Changes Involving the Dealership</u></b>	
Change in Dealership Location and or Name .....	5-1
Partial or Complete Change in Ownership .....	5-2
Franchised Dealership Buy-Out .....	5-2
Terminating, Selling or Abandoning the Dealership .....	5-2
Death or Incapacitation of an Owner .....	5-3

## Table of Contents (continued)

<a href="#"><u>Section 6: Advertising Practices</u></a> .....	6-1
<a href="#"><u>Section 7: Use of Dealer License Plates</u></a>	
Temporary Plates for New Applicants.....	7-1
<a href="#"><u>Section 8: Dealer License Plate Fees</u></a>	
Registration Fees .....	8-1
License Plate Fees .....	8-2
Additional Dealer Plates .....	8-2
Replacement Dealer Plate or Certificate of Number .....	8-3
<a href="#"><u>Section 9: Dealer Sales and Reporting</u></a>	
Minimum Sales Required .....	9-1
Monthly Sales Reporting .....	9-1
E-Filing Dealer Reports or Completing Notice of Sale (NOS) .....	9-2
Filing Paper Dealer's Monthly Reports .....	9-3
Monthly Reporting - Things to Remember .....	9-4
<a href="#"><u>Section 10: Proof of Ownership</u></a>	
Transferring Ownership of a Motor Vehicle .....	10-1
Buying and Selling a Vehicle Without Title .....	10-2
<a href="#"><u>Section 11: Keeping Records</u></a>	
Record Keeping Requirements .....	11-1
Maintaining Records Digitally.....	11-1
Temporary Permit Records .....	11-1
Business Records.....	11-1
Inspection of Records .....	11-2
<a href="#"><u>Section 12: Dealer Off-Premise &amp; Sunday Sales</u></a>	
Off-Premise Shows .....	12-1
Off-Premise Restrictions .....	12-1
Off-Premise Displays .....	12-2
Off-Premise Sales of Vehicle Used and Titled and Registered By Dealership .....	12-2
RV Shows - Requirements for Out-of-State Participants .....	12-2
Sunday Sales .....	12-3
<a href="#"><u>Section 13: Dealer Financial Responsibility</u></a>	
Requirements to Maintain Financial Responsibility .....	13-1
Penalties for Failure to Maintain Financial Responsibility .....	13-1
<a href="#"><u>Section 14: Complaints/Disciplinary Action</u></a>	
Complaints .....	14-1
Disciplinary Actions .....	14-1

## Table of Contents (continued)

Department Subpoenas .....	14-3	
<a href="#"><u>Section 15: Miscellaneous Information</u></a>		
Federal Trade Commission Used Care Rule .....	15-1	
Lemon Law Refunds .....	15-1	
Sales to Minors .....	15-1	
Odometer Repair or Replacement.....	15-1	
<a href="#"><u>Section 16: Dealer License Administrative Rule Reference</u></a> .....		16-1
<a href="#"><u>Exhibits</u></a>		

**CONTACT INFORMATION**

**Titling/Registration:** Motor Vehicle Bureau  
P.O. Box 100  
Jefferson City, MO 65105-0100  
General Information: (573) 526-3669  
Salvage Information: (573) 526-3669  
Dealer Title/Verification: (573) 526-3669

**Dealer Registration:** Motor Vehicle Bureau  
Dealer Licensing Section  
P.O. Box 43  
Jefferson City, MO 65105-0043  
Dealer Registration: (573) 526-3669  
Salvage Business: (573) 526-3669  
E-Mail: [DEALERLIC@dor.mo.gov](mailto:DEALERLIC@dor.mo.gov)

**Supply Requests:** Motor Vehicle Bureau  
Attention: Supply Request  
P.O. Box 100  
Jefferson City, MO 65105-0100  
Telephone: (573) 526-3669  
E-Mail: [DEALERLIC@dor.mo.gov](mailto:DEALERLIC@dor.mo.gov)  
Online: <http://www.dor.mo.gov/mvdl/motorv/forms/>

**"AS-IS" Stickers:** Federal Trade Commission (FTC)  
6<sup>th</sup> and Pennsylvania Ave, North West  
Washington, DC 20580  
Telephone: (877) 382-4357 <http://www.ftc.gov/bcp/edu/resources/forms/buyers>

Missouri Automobile Dealers Association (MADA)  
3322 American Avenue  
P.O. Box 1309  
Jefferson City, MO 65109  
Telephone: (573) 634-3011  
E-Mail: [contactus@mada.com](mailto:contactus@mada.com)

Missouri Independent Automobile Dealers Association  
(MIADA)  
P.O. Box 1733  
Jefferson City, MO 65102  
MIADA Phone: (800) 889-1073 or (573) 496-3213  
E-Mail: [info@molada.com](mailto:info@molada.com)

## GENERAL INFORMATION

### FREE SUBSCRIPTION TO THE DEPARTMENT OF REVENUE TITLING TIPS

The Missouri Department of Revenue offers a free e-mail service to help you stay up-to-date on titling and licensing topics, including processes and laws.

With your FREE service subscription, you'll receive electronically:

- ✓ Our newsletter "Titling Tips" by e-mail;
- ✓ Updates pertaining to law changes, processes, administrative rules, and reject issues; and
- ✓ Quarterly local tax rate chart updates.

To subscribe, send an e-mail to [TitlingTips@mail.mo.gov](mailto:TitlingTips@mail.mo.gov) with "Subscribe Titling Tips" in the body of your e-mail. **Do not** type anything else in the body of the message. Remove any automatic signatures and leave the subject line blank.

**Note:** Your e-mail address will not be shared or used for any other solicitation.

You may cancel your subscription at any time by sending an e-mail to [TitlingTips@mail.mo.gov](mailto:TitlingTips@mail.mo.gov) with "Unsubscribe Titling Tips" in the body of your e-mail. **Do not** type anything else in the body of the message. Remove any automatic signatures and leave the subject line blank.

### ACCESS TO ONLINE SERVICES

By accessing <http://dor.mo.gov/motorv/liendeal/>, lienholders and dealers who have contracted with lienholders may file a notice of lien online by using the Department's online Notice of Lien Application. The fee is \$2.50.

Notice of Liens may only be filed online if the lien is a primary (first lien). If you are intending to file a Notice of Lien on a unit where you are a secondary lienholder, you CANNOT file the notice of lien online; you MUST file the notice of lien on paper with the following documentation:

NO CHANGE OF OWNERSHIP	<ul style="list-style-type: none"> <li>• Application;               <ul style="list-style-type: none"> <li>○ Vehicle – <i>Application for Missouri Title and License</i> (<a href="#">Form 108</a>) with "Title and Notice of Lien" box checked; or</li> <li>○ Vessel/OBM – <i>Application for Missouri Boat/Vessel or Outboard Motor and Registration</i> (<a href="#">Form 93</a>) with "Title and Notice of Lien" box checked.</li> </ul> </li> <li>• Certificate of title; and</li> <li>• <i>Notice of Lien, Lien Release, Or Authorization to Add/Remove Name From Title</i> (<a href="#">Form 4809</a>);               <ul style="list-style-type: none"> <li>○ Lien authorization or release of the existing lien is not required if the lienholder is only updating a lien (same owners and same lienholder).</li> </ul> </li> <li>• \$13.50 (\$8.50 title fee, \$2.50 processing fee, and \$2.50 NOL processing fee.)</li> </ul>
CHANGE OF OWNERSHIP	<ul style="list-style-type: none"> <li>• <i>Notice of Lien, Lien Release, Or Authorization to Add/Remove Name From Title</i> (<a href="#">Form 4809</a>); and</li> <li>• \$2.50 NOL processing fee.</li> </ul>

Dealers and lienholders may apply for a security access code which authorizes access, under the Driver's Privacy Protection Act (DPPA), to the Department's motor vehicle and marine title and lien records using the online system.

The online record search will check the Department's title, lien, notice of sale and reject files, and provide the most recent record(s) in each file. The base fee is \$0.0382 per record. If there is no record on file with the Department the \$0.0382 is waived.

To apply for an online account number and security access code, go to <http://dor.mo.gov/motorv/liendeal/>.

## DEFINITIONS

**Antique Motor Vehicle:** Any motor vehicle at least 25 years of age.

**Boat Dealer:** Any person, partnership, or corporation who, for a commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such person. Any person, partnership, or corporation who sells six (6) or more boats, vessels or vessel trailers (or combination of either) in any calendar year.

**Boat Manufacturer:** Any person engaged in the manufacturing, assembling, or modification of new vessels or vessel trailers as a regular business, including a person, partnership, or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of boats, vessels or vessel trailers. A manufacturer can only sell to dealers.

**Classic Motor Vehicle:** A dealer of motor vehicles at least five years of age, which were produced in limited numbers or otherwise have special value unrelated to basic transportation, excluding recreational motor vehicles (RVs), historic motor vehicles, motorcycles, motor-tricycles, and all-terrain vehicles (ATVs).

**Emergency Vehicle:** Motor vehicles used as ambulances, law enforcement vehicles, and fire fighting vehicles and assistance vehicles.

**Franchisor:** A person who grants a franchise to another person and complies with the franchisor's licensing requirement of the Motor Vehicle Franchise Practices (MVFP) Act.

**Franchised New Motor Vehicle Dealer:** Any motor vehicle dealer who has been franchised to deal a certain make of motor vehicle by the manufacturer or distributor of that make and motor vehicle and who may, in line with conducting his business as a franchise dealer, sell, barter, or exchange used motor vehicles.

**Manufacturer:** Any person engaged in the manufacturing, assembling, or modification of new motor vehicles or trailers as a regular business, including a person, partnership, or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of motor vehicles or accessories for motor vehicles. Manufacturers can only sell to dealers. If you are a manufacturer and sell other vehicles in addition to what is manufactured, or sell more than five new motor vehicles, boats that you manufacture on a retail basis you must obtain a license as a "Manufacturer" and a "Motor Vehicle Dealer". A "Manufacturer" alone is authorized to sell only the new vehicles or boats it manufactures. If you are a manufacturer and sell to the public, you are required to be licensed as a dealer. If you install "special bodies", i.e., dump, hoist, lime spreaders, etc., on an incomplete chassis, you must register as a manufacturer.

You can obtain information for issuing Vehicle Identification Numbers (VIN) by contacting the National Highway Traffic Safety Administration (NHTSA) at:

US DOT/NHTSA  
NSA-32, Room 6111  
1200 New Jersey Ave  
SE West Building  
Washington, DC 20590  
Phone: (202)366-5210 or 888-327-4236  
Online: <http://www.nhtsa.dot.gov/cars/rules/maninfo/> or  
<http://www.nhtsa.dot.gov/cars/rules/manufacture/>

**Marine Dealer:** Any person, partnership, or corporation who, for a commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer, whether the vessel or vessel trailer is owned by such person.

**Mobility Motor Vehicle Dealer:** Any person who is licensed as a new or used motor vehicle dealer under this chapter who is engaged in the business of buying, selling, or exchanging mobility motor vehicle and servicing or repairing mobility motor vehicles at an established and permanent place of business.

**Motor Vehicle Broker:** A dealer license is not needed for a person who holds himself or herself out through solicitation or advertisement as an individual who offers to arrange a transaction involving the retail sale of a motor vehicle, and who is not:

- A dealer, agent, or employee of a dealer acting on behalf of a dealer;
- A manufacturer, agent, or employee of a manufacturer acting on behalf of a manufacturer;
- The owner of a vehicle involved in the transaction; and
- A public motor vehicle auction or wholesale motor vehicle auction where buyers are licensed dealers.

**Motor Vehicle Dealer:** Any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases, or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person; provided, however, an individual auctioneer or auction conducted by an auctioneer licensed under to [Chapter 343](#), RSMo, shall not be included within the definition of a motor vehicle dealer. The sale of six or more motor vehicles or trailers in any calendar year are required as evidence that such person is engaged in the motor vehicle business and is eligible for licensure as a motor vehicle dealer under Sections [301.550 to 301.573](#), RSMo.



**Powersport Dealer:** Any motor vehicle dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including, but not limited to, motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in [Chapter 306](#), RSMo.

**Public Garage:** A place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business.

**Public Motor Vehicle Auction:** Any person, firm, or corporation who takes possession of a motor vehicle whether by consignment, bailment, or any other arrangement, except by title, for the purpose of selling motor vehicles at a public auction by a licensed auctioneer.

**Recreational Motor Vehicle (RV) Dealer:** A dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including sleeping and eating facilities which are either permanently attached to a motor vehicle or attached to a unit which is securely attached to a motor vehicle.

- RV dealers are motor vehicle dealers and subject to motor vehicle dealer requirements, but are issued RV plates.

**Special Event Motor Vehicle Auction:** An auction in which:

- Ninety percent of the vehicles being auctioned are at least ten years old or older;
- No more than three percent of the total vehicles being auctioned are owned and titled in the name of the licensed auction or its owners; and
- The duration of the auction is no more than three consecutive calendar days and is held no more than three times in a calendar year by a licensee.

**Storage Lot:** An area within the same city or county where a dealer may store excess vehicle inventory.

**Trailer:** Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semi-trailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle.

**Trailer Dealer:** Any person selling, either exclusively or otherwise, trailers as defined above. A trailer dealer may acquire a motor vehicle for resale only as a trade-in for a trailer. Trailer dealers may purchase one driveaway license plate to display such motor vehicle for demonstration purposes. The sale of six (6) or more trailers in any calendar year is required as evidence that such person is engaged in the trailer business and is eligible for licensure as a trailer dealer. A trailer dealer:

- Sells **only** trailers;
- Is not required to obtain a motor vehicle dealer license for the purpose of selling a motor vehicle acquired as trade-in (regardless of the number);
- Requesting to sell motor vehicles acquired by any means other than trade-in is required to obtain a motor vehicle dealer license when selling six (6) or more motor vehicles per license year; and
- Must obtain a boat dealer license if selling six (6) or more boats acquired as trade-in.

**Used Motor Vehicle Dealer:** Any motor vehicle dealer, as defined by Section [301.550](#), RSMo, who is not a new motor vehicle franchised dealer.

**Vessel:** Every boat and watercraft defined as a vessel in Section [306.010](#), RSMo.

**Vessel Trailer:** Any trailer, which is designed and manufactured for the purposes of transporting boats or vessels.

**Wholesale Motor Vehicle Auction:** Any person, firm, or corporation in the business of providing auction services solely in wholesale transactions at its established place of business in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and which neither buys, sells, nor owns the motor vehicles it auctions in the ordinary course of its business. Except as required by law with regard to the auction sale of a government owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection with the retail sale of a motor vehicle.

**Wholesale Motor Vehicle Dealer:** A motor vehicle dealer who sells motor vehicles only to other new motor franchise dealers or used motor vehicle dealers or via auctions limited to other dealers of any class.

## DEALER LICENSE REQUIREMENTS

### WHO IS REQUIRED TO BE LICENSED AS A DEALER?

You must be licensed as a dealer if you sell six or more vehicles in a calendar year, unless you are:

1. A financial institution or selling repossessed motor vehicles;
2. Disposing of vehicles used and titled solely in your ordinary course of business; or
3. A collector of antique motor vehicles.

For the purposes of Sections [301.550 to 301.573](#), RSMo, the sale, barter exchange, lease, or rental with option to purchase of six or more motor vehicles in a calendar year by any person, partnership, corporation, company, or association, whether or not the motor vehicles are owned by them, shall be prima facie evidence of intent to make a profit or gain of money and such person, partnership, corporation, company, or association shall be deemed to be acting as a motor vehicle dealer. Any person, partnership, corporation, company, or association who is in violation is guilty of a Class A misdemeanor.

### HOW DO I APPLY FOR A LICENSE?

All dealer licenses and license plates expire the 31<sup>st</sup> of December of each year. Missouri law provides for no "grace period." You must title and pay tax on all motor vehicles, trailers, or boats that you buy and sell during the time you are not a licensed Missouri dealer. To apply for a license as a new Missouri dealer, manufacturer, or auction (excluding Special Event Motor Vehicle Auctions, see Special Event Motor Vehicle Auction licensing requirement see [Page 3-8](#)), each applicant must submit the following requirements:

1. *Application for Dealer, Auction, or Manufacturer License and Number Plate(s)* [Form 4682](#);
2. Photograph of the applicant's building, lot, and sign, (new applicants only);
3. Certificate of Dealer Educational Seminar Completion (used motor vehicle dealers);
4. Franchise Agreement or Letter of Appointment, if applicable;
5. Corporate Surety Bond ([Exhibit A](#)) or Irrevocable Letter of Credit ([Exhibit B](#)) (does not apply to auctions or manufacturers);
6. Garage liability policy (does not apply to trailer, auction, or manufacturers);
7. Appropriate fees; and
8. A completed criminal record which the dealer obtains from the Missouri State Highway Patrol or the agency responsible for criminal records in the dealer's state of residency.

The above requirements are further explained in the pages that follow.

- ✓ **APPLICATION FOR DEALER, AUCTION, OR MANUFACTURER LICENSE AND NUMBER PLATE(S) (Form 4682)** - Complete application in full and sign as one of the listed owners. A separate application must be submitted for each location and each license issued. **All illegible, incorrect, or incomplete applications will be rejected.**
- ✓ **BUSINESS NAME** - List the name(s) to be used by the business (i.e. John Doe Enterprises, Inc., D.B.A. John Doe Auto Sales). A corporate surety bond ([Exhibit A](#)) or irrevocable letter of credit ([Exhibit B](#)) must be in the same name listed on application. If your dealer license is approved and a title application is submitted under a name other than the licensed name, the title transaction will be rejected.
- ✓ **BUSINESS ADDRESS AND TELEPHONE NUMBER** - Provide your complete business address including street, city, county, state, and zip code (street or route number **must** be shown). Record your business telephone number (a mobile or cell phone number is **not acceptable**).
- ✓ **"MAIL TO" ADDRESS INFORMATION** - Complete **ONLY** if the United States Postal Service will not deliver mail to your business location address because of security reasons such as theft or vandalism. You must provide a copy of the letter from the postal authorities to confirm that mail cannot or will not be delivered to your business address with your application **before** a "Mail To" will be considered for approval. Lack of a proper mail receptacle is not justification for the use of a "Mail To" address.
- ✓ **NUMBER OF PLATES REQUESTED** - Dealers may receive up to three plates initially and may later request additional plates based on the following:
  - Dealers may purchase one plate per every ten (10) sales, except for RV dealers who may purchase two (2) plates for every ten (10) sales for the first 50 sales and then one (1) plate for every additional ten (10) sales over 50.
  - Motor vehicle dealers who also have a salvage business license will be entitled to one (1) additional plate for every 50 vehicles purchased from July 1 of previous year through June 30 of the current year. Dealers who request to purchase additional plates must supply a list of the salvage vehicles purchased reflecting the year, make, and VIN.
  - Manufacturers may purchase up to 350 plates.
  - The maximum number of dealer plates you may purchase is based on the number of sales that you estimate you will make during your first licensure year and the above criteria for renewing dealers. Once you determine your sales estimate and the quantity of plates you want to purchase, record the following on the application:
    - How many plates you want and the plate type (i.e. motor vehicle, boat);
    - The corresponding plate fees (\$50 for first plate and \$10.50 for each additional or prorated fee); and
    - Enter total due [license fee + plate fee(s)].

- See the following chart for plate types and descriptions.

PLATE TYPE	DESCRIPTION
<p align="center"><b>Motor Vehicle, Manufacturer, and Recreational Dealer Plate</b></p>	<ul style="list-style-type: none"> <li>• Standard (6" X 12") license plates that may only be displayed on a motor vehicle, trailer, or motorcycle or motortricycle <b>held for resale</b> by a motor vehicle dealer or manufacturer.</li> <li>• These plates may also be displayed on a boat or vessel held for resale by a dealer provided the dealer sells no more than five boats/vessels and vessel trailers per calendar year.</li> <li>• Plates with the "RV Dealer" logo allow the dealer to demonstrate only RVs, camper trailers, and any motor vehicle accepted as trade-in.</li> </ul>
<p align="center"><b>Cycle or Power sport Dealer Plate</b></p>	<p>A motorcycle license plate (4" X 7") that may only be displayed on a motorcycle, motortricycle, and personal watercraft, owned and being <b>held for resale</b> by a motor vehicle or power sport dealer, or manufacturer.</p>
<p align="center"><b>Franchisor</b></p>	<p>Do not receive plates.</p>
<p align="center"><b>Trailer Dealer Plate</b></p>	<ul style="list-style-type: none"> <li>• Standard (6" X 12") license plates that may only be displayed on trailers.</li> <li>• A trailer dealer may purchase one driveway plate to demonstrate motor vehicles accepted as trade-in.</li> </ul>
<p align="center"><b>Boat Dealer Plate/ Certificate of Number</b></p>	<ul style="list-style-type: none"> <li>• A fiberglass certificate of number (6" X 12") that may only be displayed on a boat, vessel, or vessel trailer being <b>held for resale</b> by a licensed boat dealer.</li> <li>• The certificate of number must be carried in or displayed on the boat during a demonstration on the water.</li> </ul>
<p align="center"><b>Boat Trailer Dealer Plates</b></p>	<p>Standard (6" X 12") license plates that may only be displayed on a boat trailer being <b>held for resale</b> by a license boat dealer.</p>

**NOTE: Public and wholesale auctions are not eligible for dealer plates because they do not own the vehicles being sold.**

**NOTE: Dealer plates shall not be issued to franchisors.**

- ✓ **TYPE OF OPERATION** – Refer to definitions in [Section 2](#) to determine appropriate type of business operations. A new application is required for each type of operation.
  - **MV/Power sport dealers** are deemed to be a type of “motor vehicle dealer.” To register as a powersport dealer, select “MV/Power sport Dealer” in Section 4 and “New/Used Powersports” in Section 5 of the application.
  - **Wholesale Dealers:** To operate as a wholesale dealer only, you must meet all requirements applicable to wholesale dealers. As a wholesale dealer, **you cannot make retail sales.**
  - **Public or Wholesale Auctions:** When registering as an auction, please check “Public Motor Vehicle Auction” or “Wholesale Motor Vehicle Auction” in Section 4. Auction records must be kept separate from dealership records and maintain a display area or lot separate from the dealership lot for auction vehicles.
  - **Manufacturers:** When requesting a manufacturer’s license, you must submit a letter that lists the makes of all motor vehicles, trailers, or boats that you manufacture. If you are a “final stage” manufacturer or converter, you must list the makes of all vehicle bodies (i.e. dump, hoist, coach) that you manufacture, and provide a brief description of operation (a separate sheet of paper may be used if necessary). Indicate if you are the manufacturer of the vehicle bodies or if you perform the conversion work. Also indicate if you sell directly to the general public or if you sell units to another dealer for resale to the general public; you must apply for the appropriate dealer license.
  - **Franchisor:** (Sections [407.810-407.835](#), RSMo.) An *Application for Motor Vehicle Franchisor/Manufacturer’s License (Form-5308)* must be completed.
    - The MVFP Act requires you to provide:
      - ◆ The street address for the franchisor location.
      - ◆ Telephone number for the franchisor location.
      - ◆ List of:
        - ❖ Names of the principal officers of the corporation;
        - ❖ All other names if doing business as (DBA);
        - ❖ All vehicle makes which the corporation authorizes franchise dealers to sell; and
        - ❖ Mediators as prescribed in Section [407.822](#), RSMo.
      - ◆ The state or providence and the country of the franchisor’s location.
      - ◆ The motor vehicle or trailer manufacturer’s license fee of \$150 as authorized by [12 CSR 12-26.40](#).
      - ◆ A certified statement attesting that:
        - ❖ The franchisor’s place of business is occupied and is used, in part, to facilitate the franchising of motor vehicle dealers who operate with the state of Missouri;
        - ❖ The franchisor maintains regular business hours during which the Department is able to contact the franchisor; and
        - ❖ The franchisor will notify the Department not less than ten (10) days prior to moving its place of business or changing its telephone number.
      - ◆ Franchise agreement ([Exhibit C](#)).
- ✓ **TYPE OF UNITS TO BE SOLD** - If your application indicates that you will be selling new or used powersports and other types of units (motor vehicle, cycles and or trailers), the dealer licensing section will assign one dealer license number for selling and or demonstrating all of the unit types specified.
  -

- ✓ **BACKGROUND CHECK** - Dealers renewing or obtaining their initial Missouri Dealer License must obtain a criminal record utilizing the Missouri State Highway Patrol's Missouri Automated Criminal History Site (MACHS). This site can be accessed at [mochs.mshp.dps.mo.gov/MochWebInterface/home.html](https://mochs.mshp.dps.mo.gov/MochWebInterface/home.html) or via link on the Department of Revenue's dealer website at <https://sa.dor.mo.gov/mv/dealerappstatus/>

Upon registering with MACHS, you will be prompted to create a personal account. Following the submission of your record check request, the response will be returned directly to your MACHS account that you created. Your response may be returned almost instantaneously, however, some results may take several days depending on processing workloads. (Note: A Dealer may set up one account and request multiple record checks under this one account.)

A criminal record is required for each owner listed on the dealer license application and must have been issued within six months of the issuance or renewal of the dealer license.

To avoid a delay in obtaining a dealer license, it is very important that dealers begin this process as soon as possible in order to have the criminal record when sending in license renewal documentation or initial licensing documentation.

Once received, print the criminal record and mail it with the documentation detailed on reverse side of the application for license.

Be sure to check your MACHS account frequently as MACHS will only retain the criminal record results for thirty (30) days. After thirty days, MACHS will archive the results and a new criminal record request must be submitted with additional payment.

Record check results should be retrieved from your account and provided with your renewal application.

Points to remember:

- A name-based criminal history record is required for each owner listed on the dealer license application and must have been issued within six months of the issuance or renewal of the dealer license.
- The web address for the MACHS system is: <https://www.mochs.mshp.dps.mo.gov/MACHSFP/home.html>
- Choose the option "Click Here to Access the MACHS Name Search Portal to conduct a background check by Name, Date of Birth, or Social Security Number."

If any of the owners, partners, or principal officers is a resident of a state other than Missouri, you must submit a current background check from the Highway Patrol or Background Investigation Bureau in the state in which they reside.

- ✓ **SIGNATURE OR CERTIFICATION OF FINANCIAL RESPONSIBILITY** - An owner, partner, or corporate officer listed on the application must sign Section 12 of the application.

By signing the application, the applicant certifies that the information is true and accurate and that the business has, and will maintain, during the entire period of registration, financial responsibility (liability insurance) with respect to each motor vehicle that is owned, licensed, or operated on the streets or highways. This includes motor vehicles held for resale.

For more information regarding financial responsibility, contact the Missouri Department of Revenue, Driver License Bureau, P.O. Box 200, Jefferson City, MO 65105-0200, or your insurance agent. You may call the Driver License Bureau at (573)751-4600.

- ✓ **INSPECTION AND CERTIFICATION** - An authorized law enforcement officer or designee must complete Section 13, to certify that the applicant has a **bona fide established place of business** as set forth in Section [301.560](#), RSMo.



- Dealers selling ONLY emergency vehicles are exempt from this requirement.
- A motor vehicle dealer's business must be inspected by the Missouri State Highway Patrol or authorized designee prior to submitting the application to the dealer licensing section.
- A boat dealer or boat manufacturer's business may be inspected by the Missouri State Highway Patrol or Missouri State Water Patrol.
- If the business is located in a first class county (Boone, Buchanan, Camden, Callaway, Cape Girardeau, Cass, Clay, Cole, Franklin, Greene, Jackson, Jasper, Jefferson, Platte, St. Charles, St. Louis, St. Louis City, and Taney), authorized metropolitan police who are employed in the same city in which the business is located may complete the inspection.
- Certification may not be completed by a sheriff or marshal.

Applicants who are licensed within **two months** of the license expiration date shall not be required to have the **renewal** application certified by a law enforcement agency or officer provided the renewal application is filed before the present license expires. Certification of Renewal applications for all dealers, except franchise dealers and emergency vehicle dealers must be completed every year for the first three years and every other year thereafter.

- ✓ The following is considered when determining the existence of a **bona fide established place of business** for motor vehicle manufacturers, new motor vehicle franchise dealers, used motor vehicle dealers, wholesale dealers, powersport dealers, boat dealers, boat manufacturers, trailer dealers, trailer manufacturers, and public and wholesale auctions. You must maintain a bona fide place of business for the entire registration period. The Director of Revenue retains the right to determine the existence of a bona fide place of business at any time.
1. **Permanently Enclosed Building** - A bona fide established place of business must have a permanently enclosed building or structure either owned in free or leased and actually occupied and primarily used in whole, or in clearly designated and segregated part, as a place of business by the applicant for the selling, bartering, trading, servicing, or exchanging of motor vehicles, trailers, all-terrain vehicles, personal watercraft or boats, and where the public may contact the owner or operator at any reasonable time and where books, records, files, and other matters required and necessary to conduct business are kept.
    - If a travel trailer or a manufactured home is being used as the office, it must be anchored to the ground and the wheels removed. The building must contain a working telephone, which must be maintained at the business during the entire licensure year (mobile or cell phones do not meet this requirement).
    - If a dealer is also licensed as an auction, the auction records must be kept separately from the dealership records.

*Example: An applicant for a motor vehicle dealer license maintains a building or structure primarily used in the operation of a business other than the sale or exchange of motor vehicles. As a sideline the applicant wants to engage in the business of selling motor vehicles. The building or structure used primarily for business other than the selling or exchanging of motor vehicles does not qualify as a bona fide established place of business for the selling of motor vehicles unless an area is clearly designated and records are separately maintained for the purpose of selling, bartering, trading, servicing, or exchanging motor vehicles, powersports, boats, or trailers.*

2. **Display Area** - A bona fide established place of business must contain an area or lot that is not a public street upon which multiple vehicles, boats, personal watercraft, or trailers may be displayed. The display area of the principal place of business and each branch location of the business must be of sufficient size to physically accommodate vehicles of the type which the business is licensed to sell. The display area must:



- Be clearly for the exclusive use of the dealer, auction, or manufacturer for display purposes as to prevent confusion or uncertainty concerning its relationship to the business.
- Provide unencumbered visibility from the nearest public street of the vehicles being sold by the dealer, auction, or motor vehicle manufacturer.

An auction must maintain a display area or lot separate from the dealer's lot for auction vehicles. An enclosed garage **does not** qualify as a proper display area.

A licensee in more than one class of business may use the same building and display area for all classes so long as each use is separately and clearly marked. Records must be maintained separately and separate signs as specified below must be displayed.

### 3. Signage - The sign must:

- Contain the name of the dealership by which it is known to the public through advertising or otherwise. The name on the sign is not required to be identical to the name appearing on the dealership's license, provided such name is registered as a fictitious name with the Secretary of State and has been approved by the dealer's line-make manufacturer, in writing, in the case of a new motor vehicle franchise dealer. **A copy of the fictitious name registration must accompany the application for dealer licensure in this case.**
- Have letters at least six inches in height and be clearly visible to the public. The sign shall be of a permanent nature, erected on the exterior of the office or on the display area, and be constructed or painted and maintained so as to withstand reasonable climatic effects and be readable.
- A banner is not acceptable as a permanent sign. A temporary sign or device may be used while you are obtaining a permanent sign or device, provided an order for construction, purchase, or painting has in fact been placed. **A copy of the sign work order and a picture of the temporary sign must be submitted with the application.**
- If a franchise dealer purchases a currently licensed new motor vehicle franchise dealership, the dealer may submit a photo of the existing dealership sign until a new sign is acquired.
- **A public motor vehicle auction** licensee shall display, in a conspicuous manner, two additional signs, each of which shall bear the following warning in letters at least six inches high: **"Attention Buyers: Vehicles sold at this auction may not have had a safety inspection."** The dimensions of each sign shall be at least two feet by two feet.

***NOTE: Bona fide established place of business of all applicants must be maintained for the entire licensure year. If the bona fide established place of business is not maintained, the licensee must notify the dealer licensing Section within 10 days and surrender, at that time, all temporary permits, license, and license plates or certificates of number. If the licensee intends to relocate prior to the expiration of the license, the Department must be informed of such intent at the time the license is surrendered. If the business is then certified at a new location, the Department will return the temporary permits, license plates, or certificates of number and issue a new license reflecting the new location for no additional fee. The Department or its representative reserves the right to determine the existence of a bona fide established place of business at any time.***

- ### 4. Regular Business Hours -
- A bona fide established place of business must be open at regular business hours when the owner or operator may be contacted by the public at the business address. "Regular" business hours are considered to be a minimum of 20 hours per week. You may satisfy these requirements by being open at least four days (Monday through Saturday) each week. Only hours between

6 a.m. and 10 p.m. will be considered by the Department in determining whether a place of business is open the minimum 20 hours per week. You must post the business hours at the business location and must have the records accessible for inspection during the posted times.

Sunday sales are prohibited unless conducting an off-premise show or sale or as otherwise described in [Section 12](#).

5. **Registration with Secretary of State** - The license applicant must be properly registered with the Secretary of State as required by Missouri law. For more information, please contact the Secretary of State's Office by calling (573) 751-3827 or at [www.sos.mo.gov](http://www.sos.mo.gov). A copy of this registration is not required to be submitted with your dealer application, except as noted in item 3 for signage.
6. **Photograph** - A current photograph, not exceeding eight inches by ten inches but no less than five inches by seven inches of the applicant's place of business must be submitted.
  - The initial application for licensure must include a photograph which must show the business **building, lot, and sign**. If more than one photograph is necessary to show all three, a statement must be submitted that clearly explains that all photos were taken at the same address. Digitized photos are acceptable.
  - Dealers who sell only emergency vehicles are exempt.
7. **Certificate of Dealer Educational Seminar Completion** - All used motor vehicle dealers (excluding wholesale dealers, powersport, trailer, public auctions, franchise, boat, RV and dealer applicants who currently own a separately licensed dealership) applying for a motor vehicle dealer's license for the **first time**, must provide proof of attendance at a Dealer Educational Seminar approved by the Department. See <http://dor.mo.gov/motorv/liendeal/seminar/> for more information regarding the dealer education seminars.
8. **Franchise Agreement or Letter of Appointment** - The document must include the name and address of the franchisee, effective date of the franchise agreement, expiration date (or show non-expiring), and make(s) of vehicle(s) the franchisee is authorized to sell. The document must state that the dealer licensing section will be notified in case of cancellation by either party. The document must provide notification to the Department at least 30 days prior to cancellation of the franchise ([Exhibit C](#)).

A "Manufacturer's Certification of a Dealer" is acceptable for franchise authorization only if the corresponding franchise agreement is on file with the Dealer Licensing Section. **A manufacturer's letter of intent will not suffice as proof of franchise.** A dealer wanting to sell new vehicles for which they do not have a franchise agreement must apply for a title in the dealership's name.

Certificates of Origin for any given make of vehicle may only be assigned by dealers who are franchised to sell that make of motor vehicle. If you are requesting licensure as a manufacturer, you must issue franchise agreements to the dealers whom you authorize to sell those vehicle makes or vehicle bodies that you manufacture. You must supply a Manufacturer's Certificate of Origin for each vehicle or vehicle body manufactured.

9. **Corporate Surety Bond Requirement or Irrevocable Letter of Credit** - Section [301.560\(3\)](#), RSMo, requires motor vehicle dealers, power sport dealers, boat dealers, emergency vehicle dealers and trailer dealers to submit either an **original** corporate surety bond ([Exhibit A](#)) or an **original** irrevocable letter of credit ([Exhibit B](#)) issued by any state or federal financial institution, in the penal sum of \$25,000, with their application for dealer registration. The bond or irrevocable letter of credit must be on a form approved by the dealer licensing section.

The dealer must be bonded for the entire licensure year. Any bond that is submitted must be in effect through December 31 of the licensure year or be a “non-expiring” bond. If the bond or letter of credit on file expires or is cancelled, a new bond or letter of credit must be submitted to the Department on or before the date of expiration or cancellation. The bond or irrevocable letter of credit does not apply to auctions or manufacturers.

10. **Garage Liability Policy** - Every applicant, as a new motor vehicle franchise dealer, manufacturer, a used motor vehicle dealer, a power sport dealer, a wholesale motor vehicle dealer, or boat dealer must furnish with the application a copy of a current dealer garage policy bearing the policy number, effective and expiration date, name and address of the insurer and the insured. Emergency vehicle dealers are required to provide policy prior to licensing. Trailer dealers are exempt.
11. **Fees** - You must submit one check or money order for the license and plate fees, as in [Section 8](#).

### **SPECIAL EVENT MOTOR VEHICLE AUCTION LICENSE**

Special event motor vehicle auction licenses are issued under [Section 301.580, RSMo](#).

A special event motor vehicle auction is an auction which:

- ✓ Ninety percent of the vehicles being auctioned are at least ten years old or older;
- ✓ No more than three percent of the total vehicles being auctioned are owned and titled in the name of the licensed auction or its owners; and
- ✓ The duration of the auction is no more than three consecutive calendar days and is held no more than three times in a calendar year by a licensee.

#### **Limitations and Requirements for Special Event Motor Vehicle Auctions:**

- ✓ A completed *Special Event Motor Vehicle Auction Application* ([Form 5432](#));
- ✓ \$1000 license fee;
- ✓ The special event motor vehicle auction licensee must furnish the Department with a corporate surety bond or an irrevocable letter of credit in the amount of one hundred thousand dollars (\$100,000).
- ✓ A licensee may obtain only two special event motor vehicle auctions within a calendar year.
- ✓ The special event motor vehicle licensee is responsible for ensuring a required sales tax or special event tax license has been acquired.
- ✓ The special event motor vehicle auction licensee must be registered to conduct business in this state.
- ✓ No dealer, driveaway, auction or wholesale plates or temporary permits shall be issued to a special event motor vehicle auction licensee.
- ✓ The special event motor vehicle auction licensee shall provide the purchaser of a motor vehicle at such auction the current contact information including, but not limited to, name, address, and telephone number of the licensee.

The completed *Special Event Motor Vehicle Auction Application* ([Form 5432](#)), \$1,000 license fee, and the \$100,000 bond or irrevocable letter of credit must be mailed to:

Motor Vehicle Bureau  
Dealer Licensing Section  
P.O. Box 43  
Jefferson City, MO 65105-0043

Within 10 days of the conclusion of the special event motor vehicle auction, the licensee shall report of each vehicle included in the auction. The report shall include information indicating if the listed vehicles were sold at the auction or not sold at the auction. The license must provide the following details of each vehicle on the report:

- ✓ Make;
- ✓ Model;
- ✓ Year; and
- ✓ Vehicle identification number.

The completed report must be mailed to:

Motor Vehicle Bureau  
Dealer Licensing Section  
P.O. Box 43  
Jefferson City, MO 65105-0043

## CERTIFICATE OF LICENSE

The Department of Revenue issues a certificate of license to all dealers upon approval of their application for registration. The certificate must be prominently displayed in the business office at all times. If you have not received your Certificate of License or the certificate is incorrect, contact the Department of Revenue, Dealer Licensing Section, at (573) 526-3669.

### LICENSE REQUIREMENTS FOR AUCTIONS, DEALERS, AND MANUFACTURERS

A separate license and fee is required for each of the following categories of licenses:

1. Motor vehicle dealers;
2. Boat dealers (a motor vehicle dealer or trailer dealer may purchase and sell up to six boats or vessels during each licensure period without licensing as a boat dealer);
3. Wholesale motor vehicle dealers;
4. Trailer dealers;
5. Recreational vehicle dealers;
6. Motor vehicle, trailer, and boat manufacturers;
7. Wholesale motor vehicle auctions; and
8. Public motor vehicle auctions.

### MULTIPLE LOCATIONS

Each business location where a licensee auctions, manufactures, sells, or displays motor vehicles, trailers, or boats must be licensed separately with the Department.

### STORAGE LOT(S)

A licensee may store vehicles at a storage lot location other than at the licensed business location, provided the Department is notified of the storage location, in writing, and no sales activity occurs on the storage lot.

## CHANGES INVOLVING THE DEALERSHIP

You must notify the Department of Revenue immediately for any of the following (you will be in violation of Missouri law and subject to administrative disciplinary action against your dealership if you fail to notify the Department):

- ✓ **Change In Dealership Location** – A licensee who changes its business location during the licensure year must notify the Department of that change prior to operating at the new site. The following must be submitted to the Department:
  - A new *Application for Dealer, Auction, or Manufacturer License and Number Plate(s)* ([Form 4682](#)), certified by an authorized or designated employee of law enforcement indicating that the new location meets the requirements of a bona fide established place of business. “**Change of Address**” must be indicated at the top of the application;
  - Garage Policy with a new address; and
  - A photograph of the business location that shows the business building, lot, and sign.

*NOTE: If your business changes locations 90 days or less before the expiration of the current license, a renewal application reflecting the new address should be filed instead of a change of address. If the location change is not effective immediately upon filing the renewal application, a letter indicating the effective date of the address change must accompany the renewal application.*

- ✓ **Change In Dealership Name** - If a licensee changes the business name during the licensure year, the licensee must notify the Department of the name change prior to operating under the new name. The following must be submitted to the Department:
  - A new *Application for Dealer, Auction, or Manufacturer License and Number Plate(s)* ([Form 4682](#)), properly completed that indicates “**Name Change Only**” at the top of the application. The application is **not** required to be certified by authorized law enforcement;
  - A photograph of the business location that meets the specifications required of new applicants and clearly shows the business sign displaying the new business name;
  - A corporate surety bond ([Exhibit A](#)), bond rider, or revision to the irrevocable letter of credit ([Exhibit B](#)) that reflects the licensee’s new business name; and
  - A garage policy showing the new name.

✓ **Partial Ownership Change of Dealership:**

- **To register an additional owner** - Complete a statement indicating the name, birth date, social security number, and home address, of the individual(s) being added to the dealership. The statement must be signed by one of the owners previously listed on the dealer application and also by the person being added to the dealership. Obtain a criminal background from the Missouri State Highway Patrol as instructed in [Section 3](#) (Background Check). Out-of-state residents need to send in a background check.
- **To delete an owner** - Notify the Department of Revenue in writing of all owner names to be deleted from your dealer registration and the date the change is to be effective. This must be signed by one of the owners still listed and by the individual(s) being deleted, with a statement that the person(s) no longer has any interest in the dealership. If the person being deleted is listed on the corporate surety bond ([Exhibit A](#)) or irrevocable letter of credit ([Exhibit B](#)), a new corporate surety bond or irrevocable letter of credit must be submitted.
- During the renewal of your dealer license, you may add or delete an owner without having to submit a statement.

✓ **Complete Ownership Change of Dealership:**

- Notify the Department in writing immediately indicating the date the buy-out will take place.
- The seller must forward all dealer plates, certificate of registration, all un-issued permits and riders, and all required monthly sales reports to the Department the last day of operation.
- The purchaser must submit a completed application for dealer's registration and comply with all the requirements of a new dealer.
- The purchaser cannot operate as a dealer until the registration is approved.

✓ **Franchised Dealership Buy-Out** - Upon the sale of a currently registered new motor vehicle franchised dealership, the Director may, upon written request by the selling dealer, authorize the new approved dealer applicant to retain the selling dealer's license number.

A Letter of Appointment signed by the manufacturer in lieu of requiring the entire franchise agreement may be submitted.

The selling dealer may transfer or sell any un-issued temporary permits remaining in inventory to the buying dealer, provided the seller notifies the dealer licensing section in writing of such fact, including the control numbers of each temporary permit which have been transferred.

All documentation must be submitted as a new dealer.

✓ **Terminating, Selling, or Abandoning the Dealership** - When you close, sell, or abandon your dealership you must immediately:

- Notify the Department in writing that the dealership is closed or sold and the date of the closure/sale;  
and

- Surrender all dealer license plates or certificates of number, un-issued temporary permits and riders, all required monthly sales reports, and dealer license certificate to the Department (in no event later than 30 days following such circumstance).

You must title and pay taxes on all motor vehicles/trailers/boats you buy and sell during the time you are not licensed.

- ✓ **Death or Incapacitation of an Owner** - If a licensee dies or becomes incapacitated, the heir(s) or estate of the licensee or legal guardian has no more than 180 days after death or incapacitation, or until the license expires, whichever comes first, in which to settle the affairs of the licensee or to apply for a new license in the name of the successor. If the successor wants to retain the dealership name and number, a written request must be submitted along with all the required documents and fees of a new applicant.



## ADVERTISING PRACTICES

## Section

# 6

Section [301.567](#), RSMo, provides "Advertising standards, violation of, when."

A violation of any of the following advertising standards shall be deemed an attempt by the advertising dealer to obtain a fee or other compensation by fraud, deception, or misrepresentation in violation of Section [301.562](#), RSMo:

1. A motor vehicle shall not be advertised as new, either by express terms or implication, unless it is a "new motor vehicle" as defined in Section [301.550](#), RSMo;
2. When advertising any motor vehicle which is not a new motor vehicle, such advertisement must expressly identify that the motor vehicle is a used motor vehicle by express use of the term "used", or by such other term as is commonly understood to mean that the vehicle is used;
3. Any terms, conditions, and disclaimers relating to the advertised motor vehicle's price or financing options shall be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information, but not be used as a means of contradicting or changing the meaning of an advertised statement;
4. The expiration date, if any, of an advertised sale or vehicle price shall be clearly and conspicuously disclosed. In the absence of such disclosure, the advertised sale or vehicle price shall be deemed effective so long as such vehicles remain in the advertising dealer's inventory;
5. The terms "list price," "sticker price," or "suggested retail price" shall be used only in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used, shall be accompanied by a clear and conspicuous disclosure that such terms represent the "manufacturer's suggested retail price" of the advertised vehicle;
6. Terms such as "at cost," "\$..... above cost," "invoice price," and "\$.....below or over invoice" shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of the sale;
7. When the price or financing terms of a motor vehicle are advertised, the vehicle shall be fully identified as to year, make, and model. In addition, in advertisements placed by individual dealers and not line-make marketing groups, the advertised price or credit terms shall include all charges which the buyer must pay to the dealer, except buyer selected options and state and local taxes. If a processing fee or freight or destination charges are not included in the advertised price, the amount of any such processing fee and freight or destination charge must be clearly and conspicuously disclosed within the advertisement;

8. Advertisements of "dealer rebates" shall not be used, however, this shall not be deemed to prohibit the advertising of manufacturer rebates, so long as all material terms of such rebates are clearly and conspicuously disclosed;
9. "Free" and "at no cost" shall not be used if any purchase is required to qualify for the "free" item, merchandise, or service;
10. "Bait advertising" in which an advertiser may have no intention to sell at the prices or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the following:

*Example #1 - Not having available for sale, the advertised motor vehicles at the advertised prices. If a specific vehicle is advertised, the dealer shall be in possession of a reasonable supply of such vehicles, and they shall be available at the advertised price. If the advertised vehicle is available only in limited numbers or only by order, such limitations shall be stated in the advertisement.*

*Example #2 -Advertising a motor vehicle at a specified price, including such term "as low as \$.....," but having available for sale only vehicles equipped with dealer-added cost options, which increase the selling price above the advertised price.*

11. Any reference to monthly payments, down payments, or other reference to financing or leasing information shall be accompanied by a clear and conspicuous disclosure of the following:
  - Whether the payment or other information relates to a financing or a lease transaction;
  - If the payment or other information relates to a financing transaction, the minimum down payment, annual percentage interest rate, and number of payments necessary to obtain the advertised payment amount must be disclosed, in addition to any special qualifications required for obtaining the advertised terms including, but not limited to, "first-time buyer" discounts, "college graduate" discounts, and a statement concerning whether the advertised terms are subject to credit approval; and
  - If the payment or other information relates to a lease transaction, the total amount due from the purchaser at signing with such costs broken down and identified by category, lease term expressed in number of months, whether the lease is closed-end or open-end, and total cost to the lessee over the lease term in dollars.
12. Any advertisement which states or implies that the advertising dealer has a special arrangement or relationship with the distributor or manufacturer, as compared to similarly situated dealers, shall not be used;
13. Any advertisement which, in the circumstances under which it is made or applied, is false, deceptive, or misleading shall not be used; and

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

The requirements of this section shall apply regardless of whether a dealer advertises by means of print, broadcast, electronic media, or direct mail.

If the advertisement is by means of a broadcast or print media, a dealer may provide the disclaimers and disclosures required under Section [301.567](#) subdivision (3) of subsection 1 by reference to an Internet web page or toll-free telephone number containing the information required to be disclosed.

Dealers shall clearly and conspicuously identify themselves in each advertisement by use of a dealership name which complies with Section [301.560](#), RSMo.

## USE OF DEALER LICENSE PLATES

All dealer plates must be shipped by UPS to the dealer's physical address. A licensee must be able to account for all dealer license plates or certificates of number issued to the business at all times. Dealer license plates or certificates of number may only be used by an employee, owner, or officer of the licensee, or by a customer who is test driving the motor vehicle, trailer, or vessel. A customer who is test driving a vehicle or vessel for more than 48 hours, or who is test driving a tractor, truck, or a trailer under loaded conditions, must have a written demonstration agreement in the vehicle which has been signed and dated by both customer and the dealer. The written demonstration agreement must be on the dealer's letterhead and include the following items:

1. A statement that the vehicle or vessel is being used for demonstration purposes only and anticipated duration of the demonstration;
2. A description of the vehicle or vessel, including year, make, and identification number;
3. Name of the customer demonstrating the unit;
4. Dealer's name, dealer number, and business address;
5. A statement of the type of property being transported, if applicable; and
6. Mileage on odometer of the vehicle at the time demonstration began.
  - For information regarding odometer replacement, refer to [Odometer Repair and Replacement in Section 15, Miscellaneous Information](#).

All demonstration agreements must be maintained as a part of the dealer's records for a period of one year.

Dealer plates or certificates of number may not be displayed on a motor vehicle, trailer, or vessel that is hired or loaned to others or on any regularly used service or wrecker vehicle. Motor vehicle dealers must display their dealer plates on a tractor, truck, or trailer to demonstrate a vehicle under a loaded condition.

- Dealer plates may also be displayed on vehicles for use and display purposes during, but not limited to, parades, private events, or charitable events.
- Certificates of number may be used when transporting vessel to an exhibit or show.

Public motor vehicle auctions and wholesale motor vehicle auctions shall not be issued dealer license plates.

### TEMPORARY PLATES FOR NEW APPLICANTS

New applicants may obtain up to three (3) temporary dealer license plates that are valid for 30 days from issuance and void upon receipt of regular dealer plates.

## DEALER LICENSE PLATE FEES

### REGISTRATION FEES

The following fees are payable to the Missouri Department of Revenue. Payment may be made by check or money order. A separate license fee is required each year.

- When applying for a license as a motor vehicle dealer **and** an auction, two separate applications must be submitted along with \$150 license fee for each application (total of \$300) plus \$50 registration fee for auctions (Auctions do not receive plates).
- Licensure fee(s) (original or renewal):

FEE BASED ON LICENSE TYPE		
MONTH OF APPLICATION	MOTOR VEHICLE/ TRAILER/ POWERSPORT DEALER, MANUFACTURER OR AUCTION	BOAT DEALER OR MANUFACTURER
JANUARY	\$150.00	\$80.00
FEBRUARY	\$137.50	\$73.33
MARCH	\$125.00	\$66.67
APRIL	\$112.50	\$60.00
MAY	\$100.00	\$53.30
JUNE	\$87.50	\$46.67
JULY	\$75.00	\$40.00
AUGUST	\$62.50	\$33.33
SEPTEMBER	\$50.00	\$26.67
OCTOBER	\$37.50	\$20.00
NOVEMBER	\$25.00	\$13.33
DECEMBER	\$12.50	\$6.67

**Late Renewal Penalties** - Applications postmarked:

- On or after October 31, but prior to January 1 = **\$25** (renewal must be postmarked on or before October 30); and
- After December 31 = **\$50** (renewal must be postmarked on or before December 31).

**Replacement License Certificate** - \$12;

**Dealer System Record Print** - \$8.50;

**Copy of Dealer Records/Sales Report** - \$3 per month (no fee if dealer is requesting own report). Security access code is required if report is requested by someone other than the owner; and

**Copy of Dealer Application** (and supporting documents) **for one-year license** - \$1.50 per license year.

## LICENSE PLATE FEES

Fees are \$50 for the initial plate or certificate for each license type of license listed in [Section 3](#).

Fees are prorated for dealers applying for licensure after January 31<sup>st</sup>, as shown in the following chart:

MONTH OF APPLICATION	INITIAL PLATE FEE
JANUARY	\$50
FEBRUARY	\$45.83
MARCH	\$41.67
APRIL	\$37.50
MAY	\$33.33
JUNE	\$29.17

MONTH OF APPLICATION	INITIAL PLATE FEE
JULY	\$25
AUGUST	\$20.83
SEPTEMBER	\$16.67
OCTOBER	\$12.50
NOVEMBER	\$8.33
DECEMBER	\$4.17

Dealers may request up to three (3) dealer plates or certificates of number. Additional plates may be requested based on the number of sales as outlined in [Section 3](#).

## ADDITIONAL DEALER PLATES

If you wish to obtain additional dealer license plates or certificates of number, and have not obtained the maximum number of plates allowed based on your sales, you must submit an *Application for Replacement/Additional Dealer Plates* ([MVC-0015](#)), or a written request or statement with the following information:

1. Dealer name and number;
2. Number of plates/certificates of number requested; and
3. Notate the type of plate requested (i.e. motor vehicle size or motorcycle size plates, trailer, RV, boat certificates of number, or boat trailer plates).

Payment must be submitted with your application. Additional plates and certificates of number are \$10.50, when purchased for a full year. If purchased after January 31, the fees are prorated as shown below:

MONTH OF APPLICATION	EACH ADDITIONAL PLATE
JANUARY	\$10.50
FEBRUARY	\$9.63
MARCH	\$8.75
APRIL	\$7.88
MAY	\$7
JUNE	\$6.13

MONTH OF APPLICATION	EACH ADDITIONAL PLATE
JULY	\$5.25
AUGUST	\$4.38
SEPTEMBER	\$3.50
OCTOBER	\$2.63
NOVEMBER	\$1.75
DECEMBER	\$0.88

Enclose a check or money order made payable to the **Missouri Department of Revenue** and mail to Motor Vehicle Bureau, Dealer Licensing Section, P.O. Box 43, Jefferson City, Missouri 65105-0043.

The Missouri Department of Revenue may electronically resubmit checks returned for insufficient or uncollected funds.

### **REPLACEMENT DEALER PLATE/CERTIFICATE OF NUMBER**

To obtain a replacement dealer plate or certificate of number, you must complete, sign, and notarize *Application for Replacement/Additional Dealer Plates* ([MVC-0015](#)). Submit the application with \$8.50 replacement fee and \$3.50 processing for each replacement requested. If the plate was stolen and a police report is submitted, the replacement plate fee of \$8.50 is not required but you still must submit \$3.50 processing fee for each plate. (Do not send cash.)

Make check or money order payable to **Missouri Department of Revenue**. The above must be sent to Motor Vehicle Bureau, Dealer Licensing Section, P.O. Box 43, Jefferson City, MO 65105-0043.

You must file a report with the local law enforcement authorities or Missouri State Highway Patrol.

## DEALER SALES AND REPORTING REQUIREMENTS

### MINIMUM SALES REQUIRED

Section [301.550](#), RSMo, requires that a dealer sell six or more motor vehicles or trailers in each full calendar year registered to be eligible for registration renewal in the following calendar year. Registered boat dealers are required to sell six or more vessels or vessel trailers (or both) in any full calendar year registered to be eligible for renewal.

- Dealers registered for less than a full calendar year are required to make a minimum of one sale for each two full months registered (sales may be either at retail or wholesale).
- Any dealer failing to meet the minimum vehicle sales requirements will not be qualified to renew their license for one year.

Dealers who sell only emergency vehicles are exempt from meeting the minimum yearly sales requirement.

A dealer or manufacturer buying or selling any motor vehicle, boat, vessel, or trailer without being properly licensed with the Department is required to title and pay applicable tax and penalties on each unit.

### MONTHLY SALES REPORTING

Section [301.280](#), RSMo, provides that "Every motor vehicle dealer and boat dealer shall make a monthly report to the Department of Revenue, on blanks to be prescribed by the Department of Revenue, giving the following information: date of the sale of each motor vehicle, boat, trailer, and all-terrain vehicle sold; the name and address of the buyer; the name of the manufacturer, year of manufacture, model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall also state whether the motor vehicle, boat, trailer, or all-terrain vehicle is new or secondhand."

The Motor Vehicle Bureau, Dealer Licensing Section, will **reject** all sales reports that are incomplete or missing information. Section [301.280](#), RSMo, requires all dealers to submit monthly sales reports and to provide all information requested on the report.

Dealers are required to report sales on a *Dealer Monthly Sales Report* ([Form 385](#)) or online at: <https://dors.mo.gov/dmv/nos/loginLink> and Notice of Sale ([Form 5049](#)) for every Missouri retail sale outlined on the form, by the 15<sup>th</sup> of the month following the month in which the sale occurred. Any dealer who fails to file the required dealer's monthly sales reports, or who fails to file them timely, shall be subject to disciplinary action as prescribed by Section [301.562](#), RSMo, or a penalty may be assessed by the Director not to exceed **\$300 per violation** as allowed by Section [301.280](#), RSMo. The \$300 penalty will be assessed per delinquent report. If a penalty is due; the Department will not renew your dealer license.

### PENALTY FOR FALSE STATEMENT OR OMISSION OF FACTS ON SALES REPORTS

Any person who knowingly makes a false statement or omission of a material fact in a monthly sales report to the Department of Revenue shall be deemed guilty of a class A misdemeanor (Section [301.280](#) RSMo).



## E-FILING DEALER REPORTS OR COMPLETING A NOTICE OF SALE

Missouri statutes, Sections [301.196 through 301.198](#), RSMo, require an individual who sells a motor vehicle, trailer, vessel or all-terrain vehicle (ATV) to report the sale to the Department within 30 days. Dealers who sell 20 or more motor vehicles, trailers, ATVs, and boats per month must file their sales reports electronically. For additional information, refer to the [Electronic Sales Reporting for Dealers](#). Dealers must:

- Submit a *Notice of Sale* ([Form 5049](#)) for each retail sale made to a Missouri purchaser along with the *Dealer's Monthly Sales Report* ([Form 385](#)) listing all sales; or
- File the dealer's monthly sales report electronically through the Department's Internet [Notice of Sale \(NOS\) Application](#). For additional information, refer to the [NOS Dealer User Manual](#).

If you elect or are required by law to file your motor vehicle, trailer, ATV, and boat sales electronically, complete an *Application For Online Dealer's Monthly Sales Report Filing* ([Form 5092](#)) and submit to the Department. Once approved, you will be issued a user ID and password to access the Department's Internet [Notice of Sale \(NOS\) Application](#). Refer to the [NOS Dealer User Manual](#) for step-by-step electronic filing instructions.

All sales must be reported using one of the following two electronic reporting options:

- **Option #1** - Enter each sale one-at-a-time using the Department's Internet [Notice of Sale \(NOS\) Application](#). For additional information, refer to the [NOS Dealer User Manual](#).
  - Front-end edits alert the dealer of errors made at the time data is entered.
  - Dealers may add, delete (rescinded sales), or amend reports (sales corrections) submitted within the previous two (2) months provided "File Monthly Sales Report" has not yet been selected.
- **Option #2** - Submit a prescribed file to the Department's secure server through the Department's Internet [Notice of Sale \(NOS\) Application](#). This method is for dealers who use front-end vendor software (or software developed by the dealer) to complete title applications, etc., and avoids duplicate entry of sales data.
  - Once submitted, the Department will notify you via e-mail if errors are found in the file. Corrections must be made online at that time.

If you file electronically, you will no longer file the paper *Monthly Sales Report* ([Form 385](#)) and *Notice of Sale* ([Form 5049](#)) but you must continue to submit copies of the *Secure Power of Attorney* ([Exhibit E](#)) and copies of the front and back of corresponding titles each month by the fifteenth of each month, for the previous month.

## PAPER FILING OF DEALER'S MONTHLY SALES REPORT ([Form 385](#))

To complete a paper version of the *Dealer's Monthly Sales Report* ([Form 385](#)):

**DEALER LICENSE NAME** - Enter name of the dealership exactly as licensed with the dealer licensing section.

**DEALERSHIP ADDRESS AND PHONE NUMBER** - Enter complete information as filed with the dealer licensing section; address shown must be the actual location of the dealership.

**DEALER LICENSE NUMBER** - Enter assigned dealer number.

**SALES MONTH AND SALES YEAR** - Enter month and year in which sales were made.

**TOTAL UNITS SOLD** - Enter total quantity of motor vehicle, trailer, boat, and boat trailer sales for the month on the front of the report.

**TOTAL TEMPORARY PERMITS** - Enter total number of temporary permits sold for the month in the designated area.

**DATE SOLD** - Enter date sold for each unit as shown on the ownership document. (If this information is not given, your report will be rejected.)

**BUYER'S NAME AND ADDRESS** - Enter each buyer's complete name and address including street, city, and state.

**YEAR** - Enter last two digits of the year that the vehicle or boat was manufactured.

**MAKE** - Enter name of the manufacturer of the vehicle/boat.

**MODEL** - Enter model name of the vehicle or boat (*Example: Taurus, Sierra, Camry, etc. for motor vehicles & Champion, Ranger, or Monarch, etc. for boats*).

**STYLE** - Enter vehicle's body style (*Example: two-door, pickup, van hatchback, etc.*)

**VEHICLE ID NUMBER (VIN)** - Enter complete vehicle or boat identification number from the title or Manufacturer's Statement of Origin (MSO).

**TYPE** - Enter an "X" in the appropriate column.

**ODOMETER** - Show odometer setting at the time of transfer (as recorded on the title assignment) for all motor vehicles sold, that are less than ten (10) years old. If true mileage is unknown and the vehicle has no odometer, enter "EST" and show an estimated mileage. *Odometer reading is not required for ATV's, trucks over 16,000 pounds, or for wholesale sales between franchised dealers using an MSO.*

- For information regarding odometer replacement, refer to [Odometer Repair and Replacement in Section 15, Miscellaneous Information](#)

**NEW** - Enter an "X" in this column only if the vehicle or boat is assigned to the buyer listed on an MSO. A

licensed used car dealer cannot assign an MSO but must apply for a title in the dealership's name before selling the vehicle, classifying the vehicle as "used."

**USED** - Enter an "X" in this column if the vehicle/boat is not sold on an MSO.

**TEMPORARY PERMIT NUMBER** - Enter inventory number of the temporary permit issued, if applicable.

**NET PRICE** - Enter net price of each unit on all retail sales. Net price is purchase price minus the trade-in allowance.

**SIGNATURE/TITLE/DATE** - Owner, partner, or corporate officer of the dealership must sign and date each report form and indicate their title.

**If any of the information is incomplete, your sales report will be rejected.** Failure to file a report or filing an incomplete report will result in a \$300 penalty per report. Attach a copy of the *Secure Power of Attorney* ([Exhibit E](#)), and a copy of the front and back of the corresponding title to the sales report for each vehicle sold, if applicable.

If additional sales report forms are needed they are available at <http://dor.mo.gov/forms/index.php?formName=&category=1> or call (573) 526-3669, e-mail [www.dort.mo.gov/mvdl/formorder](http://www.dort.mo.gov/mvdl/formorder), write to:

### Motor Vehicle Bureau

Dealer Licensing Section

P.O. Box 43

Jefferson City, MO 65105-0043; or

Access the web at <http://dor.mo.gov/forms/385.pdf> for a fillable form.

*Note: Dealers in St. Louis County must request the green sales report form.*

### MONTHLY REPORTING – THINGS TO REMEMBER

- ✓ All reports must be submitted to the Motor Vehicle Bureau, Dealer Licensing Section, by the **15<sup>th</sup> day of each month** following the month in which the sale(s) occurred. **Example:** *Sales that occur in May must be reported on a May sales report and submitted by June 15.*
  - *A separate report for each dealer number is required.*
- ✓ All sales of motor vehicles, trailers, boats, and ATV's must be reported: **both wholesale and retail.** (Do not list outboard motor sales or mobile home sales on the monthly sales report.)
- ✓ A separate report must be submitted for each month or partial month licensed. If no sales are made during a given month, a report must be submitted indicating "**NO SALES.**"
- ✓ All report forms must be signed by an officer, partner, or owner of the dealership.
- ✓ An odometer reading is not required when reporting the sale of any motor vehicle that is ten (10) years old or older, any motor vehicle having a gross weight rating of more than 16,000 pounds, or new vehicles that are transferred on a manufacturer's statement of origin between two franchised motor vehicle dealers, boats, all-terrain vehicles, or trailers.

- ✓ The date each unit was sold must be indicated for each unit sold (date sold should be the same as date of sale on the title assignment).
- ✓ You must record the sale of all temporary permits, without exception, in the appropriate space on the dealer's monthly sales report by recording the complete permit number issued on the motor vehicle or trailer sale listed.
- ✓ A copy of each sales report submitted should be maintained with your dealership's records.
- ✓ A copy of the *Secure Power of Attorney* ([Exhibit E](#)) and a copy of the front and back of the corresponding title must accompany the sales report for each vehicle sold, if applicable.
- ✓ All St. Louis County (*not St. Louis City*) dealers must use a **green** colored *Dealer Monthly Sales Report* ([Form 385](#)) or **attach a green form** to the top of their computer generated listing.
- ✓ A **manufacturer** is **not** required to submit monthly sales reports. If a manufacturer makes retail sales, the business must also be registered as a motor vehicle dealer, and is required to submit monthly sales reports.
- ✓ **Failure to file or failure to file timely will result in a \$300 penalty per report. This penalty must be paid in order to renew your dealer license.**
- ✓ For questions, e-mail [dealerlic@dor.mo.gov](mailto:dealerlic@dor.mo.gov).

## PROOF OF OWNERSHIP

## Section

# 10

[Section 301.190, RSMo](#), and [12CSR 10-26.050](#) require all dealers to have proof of ownership, proof the dealer has applied for a certificate of ownership, or proof that a prior lien has been satisfied by the dealer, on all motor vehicles or trailers in the dealer's possession. Proof of ownership must be maintained at the registered dealer location and available for inspection by appropriate law enforcement officials. Proof of ownership may be in the form of a:

1. Certificate of title properly assigned to the dealer;
2. Manufacturer's Statement of Origin (MSO) properly assigned to the dealer;
3. Photocopy (front and back) of the certificate of title or MSO properly assigned to the dealer;
4. Bill of sale indicating year, make, and vehicle identification number of the vehicle and dealer as purchaser;  
or
5. An auto auction invoice or receipt indicating year, make, and vehicle identification number of the vehicle and dealer as purchaser.

**It is unlawful for any person or dealer to sell a motor vehicle, all-terrain vehicle, or trailer without having a certificate of title or manufacturer's certificate of origin in their possession at the time sale occurs.**

*Legal date of sale of a vehicle is the date the certificate of ownership is assigned to the purchaser.*

### TRANSFERRING OWNERSHIP OF A MOTOR VEHICLE

[Section 301.210, RSMo](#), requires both parties (buyer and seller) to sign and complete a properly assigned certificate of ownership at the time of sale of a motor vehicle or trailer. **It is unlawful for any person or dealer to "skip" assignment or be in possession of an "open title"**. *An "open title" is a title that has the seller's signature in the title assignment area but the purchaser's information is blank.*

### BUYING AND SELLING A VEHICLE WITHOUT TITLE

**Section 301.213, RSMo**, allows a licensed motor vehicle dealer to purchase or accept in trade any motor vehicle for which there has been a Missouri certificate of ownership issued although no such certificate of ownership is present at the time of the purchase or trade. This process does not apply to motor vehicles titled in another state.

In order to purchase or accept a vehicle without the title, the motor vehicle dealer must:

- Provide a surety bond or irrevocable letter of credit to the director of revenue in an amount not less than \$100,000;
- Have a signed written contract with the owner of the vehicle outlining the terms of the sale or acceptance in trade of such motor vehicle without transfer of the certificate of ownership;
- Have physical delivery of the vehicle; and
- Have a secure power of attorney from the owner authorizing the licensed dealer to obtain a duplicate or replacement title in the owner's name and sign any title assignments on the owner's behalf.
  - The power of attorney document required for this type of transaction must be a **secure** power of attorney. See *Secure Power of Attorney* ([Form 5086](#)).

Upon completion of all the requirements above, the sale or trade of the motor vehicle to the motor vehicle dealer

shall be considered final, subject to any liens created and perfected under [Sections 301.600 to 301.660, RSMo](#). Upon delivery of the motor vehicle to the motor vehicle dealer, the prior owner's insurable interest in the motor vehicle shall cease.

A motor vehicle dealer who purchases or accepts a motor vehicle for trade without a certificate of ownership as stated above may sell the motor vehicle prior to receiving and assigning the certificate of ownership to the purchaser if the motor vehicle dealer complies with the following:

- Receives proof of financial responsibility and proof of comprehensive and collision insurance coverage on the vehicle from the purchaser;
- Ensures all outstanding liens created on the vehicle pursuant to [Sections 301.600 to 301.660, RSMo](#), have been paid in full;
- The dealer has obtained proof or other evidence from the Department of Revenue confirming that no outstanding child support liens exist upon the vehicle at the time of sale;
  - The child support lien database can be found at the following website [www.dort.mo.gov/mvdl/motorv/childlien/](http://www.dort.mo.gov/mvdl/motorv/childlien/).
  - Search the child support database using the vehicle's VIN. If no match is found print the screen which indicates "No Rows to Display".
  - If a VIN match is found, ownership cannot be transferred until the lien has been satisfied.
- If a VIN match is found, ownership cannot be transferred until the lien has been satisfied.
- The dealer has obtained proof or other evidence from the Department of Revenue confirming that all applicable state sales tax has been satisfied on the sale of the vehicle to the previous owner;
- The dealer and the purchaser have entered into a written agreement for the subsequent assignment and delivery of such certificate of ownership. The dealer must use *Motor Vehicle Dealer Written Agreement To Sell Without Title* ([Form 5620](#)) for purposes of complying with the written agreement requirement;
- The dealer has applied for a duplicate certificate of ownership in the previous owner's name; and
  - Although the dealer must apply for a duplicate title in the previous owner's name, the dealer MUST apply for the duplicate title no more than ten days after acquiring the vehicle from the previous owner.
- The dealer must assign and deliver the duplicate certificate of ownership within five business days of receiving the duplicate certificate of ownership and no more than 60 calendar days after delivery of the motor vehicle.
  - A dealer shall be deemed to have delivered the certificate of ownership to the purchaser upon either physically giving the certificate of ownership to the purchaser or by mailing the certificate of ownership with postage prepaid and return receipt requested to the address identified in the contract with the purchaser.

At the time the motor vehicle is delivered, the dealer must provide the following documentation to the purchaser:

- A copy of the completed *Motor Vehicle Dealer Written Agreement To Sell Without Title* ([Form 5620](#));
- A notarized lien release for any lien perfected on the vehicle by the previous owner's lienholder;
- A copy of the contract for sale of the vehicle;
- A copy of the duplicate title application;
- A copy of the secure power of attorney from the previous owner to the dealer;
- Proof or other evidence from the Department of Revenue confirming that no outstanding child support liens exist upon the vehicle at the time of sale; and
  - The child support lien database can be found at the following website [www.dort.mo.gov/mvdl/motorv/childlien/](http://www.dort.mo.gov/mvdl/motorv/childlien/).
  - Search the child support database using the vehicle's VIN. If no match is found print the screen which indicates "No Rows to Display".
  - If a VIN match is found, ownership cannot be transferred until the lien has been satisfied.



- Proof or other evidence from the Department of Revenue confirming that all applicable state sales tax has been satisfied on the sale of the vehicle to the previous owner.

The completion of these requirements shall constitute prima facie evidence of an ownership interest vested in the purchaser of the vehicle for all purposes other than for a subsequent transfer of ownership of the vehicle by the purchaser, subject to the rights of any secured lienholder of record. However, in the event that such vehicle has been declared salvage or a total-loss by an insurance company, the purchaser may use the dealer-supplied copy of the agreement to transfer his or her ownership as a result of a settlement of a claim. Such insurance company may apply for a salvage certificate of title or junking certificate pursuant to the provisions of subsection 3 of [Section 301.193, RSMo](#), in order to transfer its interest in such vehicle. If a dealer fails to provide a properly assigned title in accordance with **Section 301.213, RSMo**, and the purchaser of the vehicle is thereby damaged, the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees.

The purchaser may also use the dealer-supplied copy of the *Motor Vehicle Dealer Written Agreement to Sell Without Title* ([Form 5620](#)) as proof of ownership interest. Any lender or insurance company may rely upon a copy of the signed written agreement as proof of ownership interest. Any lien placed upon a vehicle based upon such signed written agreement shall be valid and enforceable, notwithstanding the absence of a certificate of ownership.

If the dealer cannot be found by the purchaser after making reasonable attempts, or if the dealer fails to assign and deliver the duplicate or replacement certificate of ownership to the purchaser by the date agreed upon by the dealer and the purchaser, then the purchaser may deliver the following to the director of revenue:

- A copy of the contract for sale of the vehicle;
- A copy of the application for duplicate title provided by the dealer to the purchaser;
- A copy of the secure power of attorney allowing the dealer to assign the duplicate title; and
- A copy of *Motor Vehicle Dealer Written Agreement to Sell Without Title* ([Form 5620](#)) negotiated between the purchaser and the dealer.

The director shall mail by certified mail, return receipt requested, a notice to the dealer at the last address given to the Department by that dealer. That notice shall inform the dealer that the director intends to cancel any prior certificate of title which may have been issued to the dealer on the vehicle and issue to the purchaser a certificate of title in the name of the purchaser, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle, unless the dealer, within ten business days from the date of the director's notice, files with the director a written objection to the director taking such action. If the dealer does file a timely, written objection with the director, then the director shall not take any further action without an order from a court of competent jurisdiction. However, if the dealer does not file a timely, written objection with the director, then the director shall cancel the prior certificate of title issued to the dealer on the vehicle and issue a certificate of title to the purchaser of the vehicle, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle and subject to the purchaser satisfying all applicable taxes and fees associated with registering the vehicle.

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

When a lienholder is damaged as a result of a licensed dealer's acts, errors, omissions, or violations of **Section 301.213, RSMo**, then the dealer shall be liable to the lienholder for actual damages, plus court costs and reasonable attorney fees.

A dealer's repeated or intentional violation of **Section 301.213, RSMo**, may be cause to suspend, revoke, or

refuse to issue or renew any license required pursuant to [Sections 301.550 to 301.580, RSMo](#), in addition to the causes set forth in [Section 301.562, RSMo](#). The hearing process shall be the same as that established in subsection 6 of [Section 301.562, RSMo](#).

Participating dealers must provide the Department of Revenue with a copy all completed *Motor Vehicle Written Agreement to Sell Without Title* ([Form 5620](#)). The completed forms should be e-mailed to [DEALERLIC@dor.mo.gov](mailto:DEALERLIC@dor.mo.gov).

Dealers who have filed the \$100,000 surety bond or irrevocable letter of credit for the purpose of selling a motor vehicle without a title pursuant to **Section 301.213, RSMo**, may also be eligible to issue a 90-day temporary permit for such vehicles. For detailed information regarding titling requirements and temporary permits, refer to [Motor Vehicle Titling Manual](#).



## KEEPING RECORDS

### RECORD KEEPING REQUIREMENTS

Section [301.280\(2\)](#), RSMo, provides that, "Every dealer and every person operating a public garage shall keep a correct record of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together with the name and address of the persons delivering such motor vehicle or trailer to the dealer or public garage keeper, and the person delivering such motor vehicle or trailer shall record such information in a file kept by the dealer or garage keeper. The record shall be kept for five years and be open for inspection by authorized or designated employees of law enforcement and persons, agencies, and officials designated by the Director of Revenue."

### MAINTAINING RECORDS DIGITALLY

Sections [301.560.1](#) and [301.280\(2\)](#), RSMo, require that dealers maintain books, records, files, and other matters required and necessary to conduct the business ("BRF") at the registered location of the dealership. Paper BRF are normally maintained by dealerships; however, if a dealer desires to maintain BRF digitally, they may do so provided they adhere to the following standards established by the Department of Revenue as a party under the Uniform Electronic Transactions Act:

1. Secure documents including, but not limited to, certificates of ownership, manufacturer statement of origin, and secure powers of attorney must continue to be maintained in paper format.
2. Paper BRF must be scanned or retained digitally in a high quality which preserves the integrity of the original documents.
3. Digital BRF must be organized in a reasonable way and labeled such that they are easily identifiable and accessible for inspection purposes.
4. As required by Section [301.564](#), RSMo, BRF must be accessible to law enforcement and Department personnel during regular business hours.
5. The dealer must be willing to reproduce digital BRF upon request to law enforcement or Department personnel, either by forwarding requested BRF via e-mail; providing BRF via flash drive, compact disc (CD), or other digital media format which is mutually agreed to by the dealer and Department personnel; or by printing the BRF maintained digitally. Any dealer who refuses to provide copies of digital BRF will be required to provide paper copies of BRF for inspection purposes.
6. It is strongly suggested that digital BRF be backed up to prevent total loss. Loss of digital BRF, for whatever reason, will be considered a violation of applicable dealer licensing statutes.

Failure to open books, records, files, and other documentation for inspection during normal business hours, for whatever reason, will be considered a violation of the applicable dealer licensing statutes. Failure to maintain digital BRF in accordance with the policies outlined above will be considered a failure to abide by the conduct and security procedures required by the Department as a party under the Uniform Electronic Transaction Act, Sections [432.200](#) to [432.295](#), RSMo, and will subject the dealership to disciplinary action.

### TEMPORARY PERMIT RECORDS

Section [301.140\(6\)](#), RSMo, provides in part that, "Every motor vehicle dealer that issues temporary permits shall keep, for

inspection by proper officers, an accurate record of each permit issued by recording the permit number, the motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and manufacturer's vehicle identification number, and the permit's date of issuance and expiration date."

## **BUSINESS RECORDS**

Missouri Code of State Regulations, [12 CSR 10-26.050](#), provides for what business records must be kept by boat dealers, boat manufacturers, motor vehicle dealers, wholesale motor vehicle dealers, and motor vehicle manufacturers, as well as the retention period of these records. The licensee must maintain:

1. Clear and complete books, records, files, and other matters required and necessary to conduct the business of manufacturing and or selling motor vehicles, trailers, or boats including, but not limited to, titles, riders, disclosure statements, affidavits, inventory, and related documentation;
2. Sufficient proof of ownership at the business location for each vehicle or unit owned by the licensee in the form of a certificate of ownership or copy thereof, bill of sale, or invoice;
3. The business records at the office of the licensee's business location;
4. The business records for a period of not less than five years, unless otherwise specified by law; and
5. Clear and complete copies of all odometer disclosure documents issued and received by the licensee for a period of five years.

## **INSPECTION OF RECORDS**

An employee of the Department of Revenue or any authorized or designated employee of law enforcement is authorized by Missouri law to inspect (during regular business hours) any of the following documents, which are in the possession or under the control of any person or agent licensed or registered as a vehicle manufacturer, boat manufacturer, motor vehicle dealer, boat dealer, wholesale motor vehicle dealer, wholesale motor vehicle auction, or a public motor vehicle auction under Sections [301.550 to 301.573](#), RSMo:

1. The title to any vehicle or vessel;
2. Application for title to any vehicle or vessel;
3. Any affidavit under Sections [301.550 to 301.573](#) or [Chapter 407](#), RSMo;
4. Assignment of title to any vehicle or vessel;
5. Any disclosure statement or other document relating to mileage or odometer readings required by the laws of the United States or any other state; and
6. Any inventory and related documentation.

Regular business hours are defined in the Missouri Code of State Regulations, [12 CSR 10-26-010](#) and in [Section 3](#).

For purposes of this section, the term "law enforcement" shall mean any of the following:

1. Attorney general, or any person designated by him to make such an inspection;
2. Any prosecuting attorney or any person designated by a prosecuting attorney to make such an inspection;
3. Any member of the highway patrol or water patrol;
4. Any sheriff or deputy sheriff; or
5. Any peace officer certified under [Chapter 590](#), RSMo, acting in their official capacity.

## DEALER OFF-PREMISE AND SUNDAY SALES

### OFF-PREMISE SHOW

An off-premise show includes the stationary display of all or any part of a motor vehicle dealer's inventory at any location other than the dealer's usual, bona fide established place of business, regardless of whether sales agents, other dealership employees, or owners are present to promote the sale of or to sell the displayed vehicle(s) or to otherwise transact business concerning the dealership.

**Dealers shall be divided into classes as follows for the purposes of off-premise shows:**

- ✓ Boat dealers;
- ✓ Franchised new motor vehicle dealers;
- ✓ Used motor vehicle dealers;
- ✓ Wholesale motor vehicle dealers;
- ✓ Recreational motor vehicle (RV) dealers;
- ✓ Historic motor vehicle dealers;
- ✓ Classic motor vehicle dealers;
- ✓ Powersport dealers; and
- ✓ Trailer dealers.

Recreational motor vehicle dealers may participate in an off-premise show or sale even if a majority of recreational motor vehicle dealers in a city or town do not participate in the event.

### OFF-PREMISE RESTRICTIONS

A motor vehicle dealer may participate in no more than two motor vehicle shows or sales annually, and conduct sales of motor vehicles away from the dealer's usual, licensed place of business when:

1. The event is conducted for **not more than five (5) consecutive days**;
2. The participating motor vehicle dealer is not required to pay an unreasonably prohibitive participation fee; and
3. A majority of the motor vehicle dealers within a class of dealers whose official mailing address is in the same city or town **participate or are invited to participate** in the off-premise show or sale.
  - Any dealer outside the boundary lines, but within ten (10) miles of the city or town in which the motor vehicle show or display is held must be invited to participate when a class of dealer or franchised new vehicle line-make is represented from within the boundary lines.

Off-premise show restrictions **do not** apply to vessel or trailer sales or off-premise displays.

RV dealers may participate in an off-premise show or sale, even if a majority of other RV dealers in a city or town do not participate in the event.

Auctions (public or wholesale) **may not** be conducted off-site.

## OFF-PREMISE DISPLAYS

The following vehicle displays are not considered off-premise shows and are not subject to restrictions:

1. Promotions or contests, conducted by a person or business who is not a licensed motor vehicle dealer, that involve the stationary display of a dealer's motor vehicle as a means of attracting attention to and participation in the promoter's event, service or product;
  - The dealer providing the motor vehicle **must remove** all items identifying the dealer from the motor vehicle prior to its display, with the exception of information required to be displayed on the vehicle by federal and state law.
  - The promoter, **not the dealer**, may identify the dealer only by means of a notation on its promotional material stating "vehicle provided courtesy of (name of dealer)" or similar language.
2. The display of motor vehicles at meetings of organizations which are open only to members of the organization and not to the general public;
3. The display of motor vehicles at the Missouri State Fair; and
4. Parades in which one or more local dealerships provide motor vehicles from their inventory to be driven as part of the parade.

## OFF-PREMISE SALE OF VEHICLE USED AND TITLED AND REGISTERED BY DEALERSHIP

Any person, partnership, or corporation disposing of vehicles used and titled in the ordinary course of business may sell at retail, away from the bona fide place of business, as an off-site sale provided the dealership meet the following conditions:

1. Have a valid license from the Department for the sale of used motor vehicles;
2. An off-site sale cannot exceed five days and only one sale per year, per county;
3. Submit payment of the \$550 permit fee to the Motor Vehicle Commission Fund for each off-site event;
4. Notify the Department at least ten (10) days prior to the sale of the date, location, and duration of the off-site sale;
5. The sale of motor vehicles held in conjunction with a credit union and its members must be advertised as a private sale for members only;
6. Sales held in conjunction with other financial institutions must be held on the premise of that institution and be limited to persons who are customers of that financial institution; and
  - Off-site sales held at other financial institutions must be limited to one sale, per year, per institution.
7. The sales of current model year motor vehicles, except discontinued models, are prohibited at off-site sales until the vehicles of the current model year are offered for sale to the public.

## RV SHOWS – REQUIREMENTS FOR OUT-OF-STATE PARTICIPANTS

Section [301.566](#), RSMo, requires recreational vehicle (RV) dealers licensed in another state wanting to participate in an RV show or exhibition in Missouri must complete a *Request for Out-of-State Dealer Participation in Missouri Recreational Vehicle Show or Exhibit* ([Form 5132](#)) at least 30 days prior to the event.

Eligibility requirements are based on events with participation of:

✓ **Less than 50 Dealers (49 or less):**

- Dealer's manufacturer must approve the participation;
- The show or exhibition must have a minimum of ten (10) RV dealers licensed in Missouri who are participating;
- More than 50 percent of the RV dealers participating must be licensed in Missouri; and
- The RV dealer must be licensed in a state that borders Missouri and allows Missouri RV dealers to participate in shows conducted within their state with substantially the same requirements.

✓ **Events with 50 or more Dealers:**

- The event must be trade oriented; and
- Must be predominantly funded by the RV manufacturers.

Within 15 days prior to the date of the event, the Department will notify the dealer of its decision to approve or deny the request for participation. If approved, an RV Off-Premise Permit will be issued. The dealer must retain the permit during the show or exhibition.

The Director may assess a fine of up to \$5,000 for violations of this law.

### **SUNDAY SALES**

Missouri statute, Section [578.120](#), RSMo, prohibits a dealer, distributor, or manufacturer from opening, operating, or assisting to keep open or operating any established place of business for the purpose of buying, selling, bartering, or exchanging any new or used motor vehicle on Sunday. This does not apply to the sales of:

- Manufactured housing;
- Recreational Vehicles;
- Motorcycles;
- Motortricycles;
- Motorized bicycles;
- All-terrain vehicles;
- Recreational off-highway vehicles;
- Utility vehicles;
- Personal watercraft; and
- Other motorized vehicles customarily sold by power sports dealers licensed pursuant to Sections [301.550 to 301.560](#) RSMO;

The Sunday sales prohibition also does not apply to:

- Washing, towing, wrecking, and or repairing operations;
- Sales of petroleum products, tires, and repair parts or accessories; and
- New vehicle shows or displays when five or more franchised dealers participate in a show or display conducted in a town or city with five or less dealers (a majority of the city or town dealers).

For questions regarding new motor vehicle shows or displays to be held on Sunday, contact Department of Revenue, Dealer Licensing Section at (573) 526-3669.

## DEALER FINANCIAL RESPONSIBILITY

## Section

# 13

### REQUIREMENTS TO MAINTAIN FINANCIAL RESPONSIBILITY

Sections [303.010 through 303.370](#), RSMo, require motor vehicle and trailer owners, including motor vehicle dealers, to maintain financial responsibility for each motor vehicle owned, licensed, or operated on the streets or highways. This includes vehicles held for resale and those actually owned and licensed by the dealer for use in the operation of the dealership. Proof of financial responsibility may be in any of the following forms:

1. A motor vehicle liability insurance policy;
2. A Self-Insured Identification Card issued by the Department of Revenue, Driver License Bureau;
3. A current insurance identification card; or
4. A Financial Responsibility Identification Card issued by the Department of Revenue, Driver License Bureau.

For additional information regarding these methods of proving financial responsibility, contact the Missouri Department of Revenue, Driver License Bureau, P.O. Box 200, Jefferson City, MO 65105-0200, or phone the Driver License Bureau at (573) 751-4600 or contact your insurance agent,.

### PENALTIES FOR FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY

Any motor vehicle owner or operator who fails to be financially responsible will incur the following penalties or reinstatement obligations according to Section [303.042](#), RSMo.

1. First Offense - A \$20 reinstatement fee and submission of proof of insurance;
2. Second Offense within 2 years - A 90-day suspension of your driver license and or license plate(s), \$200 reinstatement fee, and submission of proof of insurance; and
3. Third Offense within 2 years - A one-year suspension of your driver license and or license plate(s), a \$400 reinstatement fee, and submission of proof of insurance.

In the event that proof of insurance, as prescribed by the Director, has not been filed with the Department in accordance with this law prior to the end of the period of suspension, the suspension will be extended until such proof of insurance has been filed.

## COMPLAINTS/DISCIPLINARY ACTION

Section

14

### COMPLAINTS

Submit complaints to the Department of Revenue in writing and, at a minimum, the complaint must include:

1. The complainant's name, address, and telephone number(s) for home and work, if applicable;
2. Information regarding the vehicle, trailer, vessel or outboard motor that includes the year, make, model, identification number, date of purchase, mileage information (if applicable), and purchase price;
3. Information about the dealer the complaint is against, including name and address of the business, nature of the complaint, whether the complainant has made contact with the owner or manager of the business about the problem, and if so, the outcome, form of relief the complaint is seeking and a list of names of any other agencies contacted in relation to the complaint;
4. Whether an attorney has been contacted or a lawsuit filed; and
5. Complainant's signature and date the complaint was signed. You may obtain the *Complaint* form ([Form 4683](#)) by calling (573) 526-3669 or by visiting our web page at: [www.dor.mo.gov/mvdl/motorv/forms](http://www.dor.mo.gov/mvdl/motorv/forms).

Submit all complaints to the Motor Vehicle Bureau, Dealer Licensing Section, PO Box 43, Jefferson City, MO 65105-0043.

The complaints will be logged for Department record and remain confidential except as provided by law.

### DISCIPLINARY ACTION

#### Refusal to Issue or Renew License

The Department may refuse to issue or renew any license under Sections [301.550 to 301.573](#), RSMo, for one or any combination of causes stated below. The Department shall notify the applicant or licensee in writing, at his or her last known address, of the reasons for refusal to issue or renew the license. The notification will advise the applicant or licensee of the right to file a complaint with the AHC, as provided by [Chapter 621](#), RSMo. Denial of issuance or renewal may occur when the applicant or license holder:



1. Was previously the holder of a license issued under Sections [301.550 to 301.573](#), RSMo, that was revoked for cause and never reissued by the Department, or that was suspended for cause and the terms of suspension have not been fulfilled;
2. Was previously a partner, stockholder, director, or officer controlling or managing a partnership or corporation whose license issued under Sections [301.550 to 301.573](#), RSMo, was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled;
3. Has, **within 10 years** prior to the date of the application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any business licensed under Sections [301.550 to 301.573](#), RSMo, for any offense, an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, **whether or not sentence is imposed**;
4. Uses fraud, deception, misrepresentation, or bribery in securing any license issued, under Sections [301.550 to 301.573](#), RSMo;
5. Has obtained or attempted to obtain any money, commission, fee, barter, exchange, or other compensation by fraud, deception, or misrepresentation;
6. Violated, assisted, or enabled any person to violate any provisions of Chapters [301](#), [306](#), [307](#), [407](#), [578](#), and [643](#), RSMo, or of any lawful rule or regulation adopted pursuant to these chapters;
7. Has filed an application for a license which, as of its effective date, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;
8. Has failed to pay the proper application or license fee or other fees required pursuant to Chapter [301](#) or [306](#), RSMo, or fails to establish or maintain a bona fide place of business;
9. Uses or permits the use of any special license or license plate assigned to them for any purpose other than those permitted by law;
10. Is finally adjudged insane or incompetent by a court of competent jurisdiction;
11. Uses any advertisement of solicitation which is false; or
12. Violates Sections [407.511 to 407.556](#), RSMo, or Section [578.120](#), RSMo, which results in a conviction or finding of guilt or violation of any federal motor vehicle laws.

Any such complaint shall be filed within one year of the date upon which the Department receives notice of an alleged violation of an applicable statute or regulation. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of [Chapter 621](#), RSMo.

Upon a finding by the Administrative Hearing Commission that the grounds, provided in Sections [301.550 to 301.573](#), RSMo, for disciplinary action are met, the Department may:

1. Refuse to issue the applicant a license;
2. Issue a private reprimand;



3. Place the person on probation on such terms and conditions as the Department deems appropriate for a period of one day to five years;
4. Suspend the person's license from one day to six days; or
5. Revoke the person's license for such a period as the Department deems appropriate.

Upon the suspension or revocation of any person's license issued under Sections [301.550 to 301.573](#), RSMo, the Department shall recall any distinctive number plates that were issued to that licensee.

### **Suspension or Revocation of License**

The Department may suspend or revoke a dealer license when the Department deems a dealer to be a clear and present danger to the public welfare. A clear and present danger to the public welfare is defined as one the following events:

- The expiration or revocation of any corporate surety bond or irrevocable letter of credit, as required by Section [301.560](#), RSMo, without submission of a replacement bond or letter of credit which provides coverage for the entire period of licensure;
- The failure to maintain a bona fide established place of business as required by Section [301.560](#) RSMo;
- Criminal convictions as set forth in Section [301.562.2.\(3\)](#) RSMo; or
- Three or more occurrences of violations, which have been established following proceedings before the Administrative Hearing Commission under section [301.526.3](#) RSMo, or which have been established following proceedings before the Director under Section [301.562.6](#) RSMo, and Chapters [143](#), [144](#), [306](#), [307](#), [578](#), and [643](#) or of any lawful rule or regulation adopted under this chapter and Chapters [143](#), [144](#), [306](#), [307](#), [578](#), and [643](#), not previously set forth therein.

Any license issued under sections [301.550 to 301.580](#) RSMo, will be suspended or revoked, following an evidentiary hearing before the Director or his or her designated hearing officer.

For any license which the Department believes may be subject to suspension or revocation, the Director shall immediately issue a notice of hearing to the licensee of record. The Director's notice of hearing:

- Shall be served upon the licensee personally or by first class mail to the dealer's last known address, as registered with the Director;
- Shall be based on affidavits or sworn testimony presented to the Director, and shall notify the licensee that such information presented therein constitutes cause to suspend or revoke the licensee's license;
- Shall provide the licensee with a minimum of ten days' notice prior to hearing;
- Shall specify the events or acts which may provide cause for suspension or revocation of the license, and shall include with the notice a copy of all affidavits, sworn testimony or other information presented to the Director which support discipline of the license; and

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

At any hearing before the Director, the Director or his or her designated hearing officer shall consider all evidence relevant to the issue of whether the license should be suspended or revoked due to the occurrence of any of the acts set forth in Section [301.562.5 RSMo](#). Within 20 business days after such hearing, the Director or his or her designated hearing officer shall issue a written order, with findings of fact and conclusions of law, which either grants or denies the issuance of an order of suspension or revocation. The suspension or revocation shall be effective ten days after the date of the order. The written order of the Director or his or her hearing officer shall be the final decision of the Director and shall be subject to judicial review under the provisions of Chapter [536](#) RSMo.

Notwithstanding the provisions of Section [301](#) or Chapter [610](#) or [621](#), to the contrary, the proceedings under Section [301](#) shall be closed and no order shall be made public until it is final, for purposes of appeal.

### **Seizure of Dealer License and Dealer License Plates**

Law enforcement officers and agents of the Department, upon probable cause of misuse, are authorized to seize dealer license plates or certificates of number. Additionally, law enforcement officers and agents of the Department are authorized to seize a dealer's license and license plates or certificates of number upon refusal to surrender such license, plates or certificates of number when a license has been suspended or revoked.

### **DEPARTMENT SUBPOENAS**

The Department or designated representative may issue process, subpoena witnesses, administer oaths, examine books and papers, and require production thereof, and cause the deposition of any witness to be taken and the costs thereof paid as other costs under Sections [301.550 to 301.573](#), RSMo. Any party may process to compel the attendance of witnesses and production of books and papers, and at his or her own cost to take and use depositions in like manner as in civil cases in circuit court.

The subpoena will extend to all parts of the state, and may be served as in civil actions in the circuit court, but the costs of the service will be as in other civil actions. Each witness will receive fees and mileage prescribed by law in civil cases, but the same shall not be allowed as costs to the party in whose behalf the witness was summoned unless the person who conducts the hearing certifies that testimony of the witness is necessary. All costs under this section shall be approved by the Department and paid out of the Missouri Motor Vehicle Commission Fund established in Section [301.560](#), RSMo, except that if the Department determines that any proceedings are brought, prosecuted, or defended without reasonable ground, it may assess the whole cost of the proceedings upon the party who brought, prosecuted, or defended the proceedings.

If any person subpoenaed to appear at any hearing or proceeding fails to obey command of such subpoena without reasonable cause or if any person attending a hearing or proceeding will, without reasonable cause, refuse to be sworn or to be examined or to answer a question or to produce a book or paper or to subscribe or swear to his deposition, such person is guilty of a class B misdemeanor and on conviction, may be punished by a fine of not more than \$500, or by imprisonment, and in the case of a continuing violation, each day's continuance following will be a separate and distinct offense.

## CRIMINAL PROVISIONS

It is unlawful for a person, partnership, corporation, company or association which is required to obtain a dealer's license to operate without such license under to Section [301.570](#), RSMo.

Any person, partnership, corporation, company or association who is found guilty of a first offense for violating this provision is guilty of a class A misdemeanor. A second or subsequent conviction shall be a class D felony.

## MISCELLANEOUS INFORMATION

### FEDERAL TRADE COMMISSION USED CAR RULE

The used car rule requires that you must post a window sticker called the Buyer's Guide on all used vehicles you offer for sale. You can obtain the Buyer's Guides and all necessary information by calling (877) 382-4357 or writing to the Federal Trade Commission, 6<sup>th</sup> and Pennsylvania Avenue, North West, Washington, DC 20580 or by visiting: <http://www.ftc.gov/bcp/edu/resources/forms/buyers>.

### LEMON LAW REFUNDS

Section [407.567](#), RSMo, allows manufacturers to apply for a refund of tax, license fees, registration fees, and title fees on vehicles returned under the lemon law provided they have reimbursed the consumer for these fees. The manufacturer may, in lieu of applying for the refund, authorize the consumer to apply for the refund. In this case, the manufacturer must provide the customer with a statement from the manufacturer stating the vehicle was a buy-back under the lemon law and that no refund of tax and fees has been made to the consumer.

### SALES TO MINORS

The legal age at which a person becomes competent to enter into a contract in Missouri is 18 years old. Although an individual purchasing a vehicle does not have to be 18 years old to own a vehicle, a contract to purchase a vehicle signed by anyone younger than 18 years old is invalid and may be voided. A minor may release themselves from the sales contract, return the vehicle, and recover the vehicle purchase price paid, even though the vehicle has been used and deteriorated in value.

### ODOMETER REPAIR OR REPLACEMENT

Nothing in [Sections 407.511 to 407.556 RSMo](#), shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement occurred.

When a repaired or replaced odometer is incapable of registering the same mileage as before the service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent, specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced.

To obtain a decal in order to document the required odometer replacement information, please visit one of the following links:

<http://www.watdasi.com/odometernoticestickerreplacedodometers.aspx>

<http://www.paadps.com/odometerrepairlabel.aspx>

<http://www.altsrc.com/odometer-repair-or-replacement-door-jam-stickers.aspx>

Removal or alteration of the notice required by subsection 2 of this section is an infraction.

## DEALER LICENSE ADMINISTRATIVE RULE REFERENCE

Section

# 16

<a href="#">12 CSR 10-26.010</a>	Bona Fide Established Place of Business
<a href="#">12 CSR 10-26.020</a>	License Requirements for Auctions, Dealers, Franchisors, and Manufacturers
<a href="#">12 CSR 10-26.030</a>	License Renewal
<a href="#">12-CSR 10-26.040</a>	Fees
<a href="#">12 CSR 10-26.050</a>	Business Records Required to be Maintained by Licensees
<a href="#">12 CSR 10-26.060</a>	Dealer License Plates and Certificates of Number
<a href="#">12 CSR 10-26.070</a>	Procedural Requirements for Wholesale Motor Vehicle Auctions
<a href="#">12 CSR 10-26.080</a>	Procedural Requirements for Public Motor Vehicle Auctions
<a href="#">12 CSR 10-26.090</a>	Regulations of Off-Premises Shows and Tent Sales
<a href="#">12 CSR 10-26.110</a>	Antique Motor Vehicle
<a href="#">12 CSR 10-26.120</a>	Procedures for Filing Complaints with the Director of Revenue
<a href="#">12 CSR 10-26.180</a>	Temporary Permits Sold by a Registered Missouri Motor Vehicle Dealer
<a href="#">12 CSR 10-26.190</a>	Dealers' Monthly Reports
<a href="#">12 CSR 10-26.200</a>	Out-of-State Dealer Request to Participate in Missouri Recreational Vehicle Show or Exhibit

## Exhibit A

Bond number: \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENT, that I/we \_\_\_\_\_  
(Dealership Name)

as Principal, and \_\_\_\_\_,  
(Bonding Company)  
existing under the laws of the State of \_\_\_\_\_, and having its principal

place of business at \_\_\_\_\_, as Surety, are held and firmly bound unto the State of Missouri, for the benefit of all aggrieved parties in the penal sum of Twenty-Five Thousand Dollars (\$25,000.00) per license year for the payment of which, well and truly to be made, we bind ourselves, firmly by these presents.

WHEREAS the Principal has applied for the issuance of a Motor Vehicle and/or Boat Dealer's license and presents this bond in accordance with Missouri statute(s).

NOW, THEREFORE, if during the period(s) covered by this bond, the aforesaid Principal shall faithfully comply with the provisions of Missouri statutes applicable to new motor vehicle franchised dealers, used motor vehicle dealers, powersport dealers, trailer dealers, wholesale motor vehicle dealers, and boat dealers, and shall indemnify for any loss sustained by reason of the acts of Principal when such acts constitute grounds for suspension or revocation of the Principal's license, this obligation shall be null and void. Otherwise this obligation shall remain in full force and effect subject to the following conditions:

The proceeds of this bond shall be paid upon receipt by the Missouri Department of Revenue of a final judgment from a Missouri court of competent jurisdiction against the Principal and in favor of an aggrieved party.

The aggregate liability of the Surety to all persons shall, in no event, exceed the amount of this bond during any one license year.

The bond shall be effective \_\_\_\_\_, and shall expire \_\_\_\_\_. (Bond can be listed as "non-expiring" or must list an expiration date through the end of the calendar year.)

This bond may be canceled by the Surety giving written notice to the Principal and Missouri Department of Revenue, stating the date of cancellation, which in no event shall be less than thirty (30) days after receipt of said notice by the Director of Revenue; however, the Surety shall remain liable for any and all acts of the Principal covered by this bond up to the date of cancellation.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

PRINCIPAL'S SIGNATURE

WITNESS

\_\_\_\_\_  
Signature of Principal/Dealer (Seal)

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Title

SURETY'S SIGNATURE

WITNESS

\_\_\_\_\_  
Signature of Surety (Seal)

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Title



**Exhibit B (continued)**

FURTHER, THIS LETTER OF CREDIT WILL REMAIN IN FULL FORCE AND IN EFFECT FOR FIVE YEARS AFTER SUCH CANCELLATION FOR ANY LIABILITY INCURRED DUE TO ACTS OF THE DEALER WHICH OCCURRED PRIOR TO THE EFFECTIVE DATE OF SAID CANCELLATION.

We hereby assure the Missouri Department of Revenue that drafts drawn in conformity with the terms of this letter of credit will be duly honored on presentation.

This letter of credit is issued subject to Article 5 of the Uniform Commercial Code.

In witness thereof, we have duly executed the foregoing this

\_\_\_\_\_ Day of \_\_\_\_\_, \_\_\_\_\_.

Name of issuing Financial Institution: \_\_\_\_\_

Authorized Official for Financial Institution: \_\_\_\_\_  
(SIGNATURE)

( ) \_\_\_\_\_  
(PHONE NUMBER) (TITLE)

Address of Financial Institution: \_\_\_\_\_  
(STREET)

\_\_\_\_\_  
(CITY) (STATE) (ZIP)

Witness to Issuer's Signature: \_\_\_\_\_

Signature of Dealer: \_\_\_\_\_

Witness to Dealer Signature: \_\_\_\_\_



**Exhibit C**

**SAMPLE FRANCHISE AGREEMENT CONFIRMATION**

Mail to: Motor Vehicle Bureau  
Dealer Licensing Section  
Post Office Box 43  
Jefferson City, MO 65105-0043

\_\_\_\_\_  
(Franchisor's name and address)

authorizes \_\_\_\_\_ to sell the following:  
(Dealership's name)

(list any make(s) and or model(s) of vehicles)

The franchise agreement shall be effective \_\_\_\_\_, 20\_\_\_\_, and shall expire \_\_\_\_\_, 20\_\_\_\_. (Franchise agreement can be listed as "non-expiring" or must list an expiration date.)

The franchise agreement may be canceled by an authorized representative of the franchisor giving written notice stating the date of cancellation, to the Dealer Licensing Section, Missouri Department of Revenue, at least thirty (30) days prior to cancellation of the franchise agreement.

Authorized Franchised Dealer:

\_\_\_\_\_  
(Name)

Dealer number: \_\_\_\_\_

\_\_\_\_\_  
(Agent/owner of dealership)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, and Zip code)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Agent of Franchisor/Manufacturer: \_\_\_\_\_  
(Sign and date)