

**Title 12 – DEPARTMENT OF REVENUE**  
**Division 10 – Director of Revenue**  
**Chapter 26 – Dealer Licensure**

**PROPOSED AMENDMENT**

**12 CSR 10-26.010 Bona Fide Established Place of Business.** The department is amending subsection (1)(B).

*PURPOSE: The amendment removes the telephone requirements for maintaining a bona fide established place of business.*

(1) In order to constitute a bona fide established place of business, hereinafter referred to as a “business location,” for boat dealers, boat manufacturers, motor vehicle dealers other than dealers who sell only emergency vehicles, motor vehicle manufacturers, wholesale motor vehicle dealers, public motor vehicle auctions, trailer dealers, trailer manufacturers, powersport dealers, and wholesale motor vehicle auctions—

(A) The business location must be actually occupied and primarily used in whole, or in clearly designated and segregated part, as a place of business by the licensee for the manufacturing, selling, auctioning, bartering, trading, servicing, or exchanging of motor vehicles, trailers, boats, or powersports.

1. 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 desires to engage in the business of selling motor vehicles. The building or structure used primarily for some other 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 segregated and records are separately maintained for the purpose of selling, bartering, trading, servicing, or exchanging of motor vehicles or trailers;

(B) The business location must be open regular business hours during which the public and the department are able to contact the licensee. Regular business hours for purposes of this rule shall be a minimum of twenty (20) hours per week, at least four (4) of the six (6) days of Monday through Saturday each week. Only hours falling between 6 a.m. and 10 p.m. will be considered by the department in the twenty (20) hour minimum. The business hours shall be posted at the business location[. *The business location must contain a working telephone (other than a mobile or cellular phone) in the licensee’s name with an advertised public number that must be maintained during the entire period of licensure*];

(C) If a licensee is also licensed as an auction, the auction records must be kept separately from the dealer records;

(D) The business location of licensees must also contain an area or lot which shall not be a public street upon which multiple vehicles may be displayed.

1. The display area or lot must be of sufficient size to physically accommodate vehicles of the type which the licensee is licensed to sell.

2. The display area or lot must be used exclusively for display by the licensee and must be situated to prevent confusion or uncertainty concerning its relationship to the licensee.

3. The display area or lot must provide unencumbered visibility from the nearest public street of the vehicles being sold by the licensee.

4. Auctions that are also licensed as dealers must maintain a display area or lot separate from the dealership lot for auction vehicles.

5. A licensee in more than one (1) 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 in subsection (1)(E), must be displayed;

(E) Licensees must display an exterior sign that shall be of a permanent nature, erected on the exterior of the structure or on the display area, constructed or painted and maintained to withstand reasonable weather conditions and the sign must be readable.

1. A temporary sign may suffice during the period of time required to obtain a permanent sign provided the order for construction, purchase, or painting has in fact been placed. A copy of the sign order must be submitted with the application along with a picture of the temporary sign.

*AUTHORITY: section 301.553, RSMo 2000[ and section 301.560, RSMo Supp. 2007].\* Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 23, 2002, effective Feb. 28, 2003; Amended: Filed May 15, 2008, effective Nov. 30, 2008; Amended: Filed April 7, 2017.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*