

# DEALER OPERATING MANUAL

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## **IMPORTANT ADDRESSES AND PHONE NUMBERS**

Titling/Registration: Motor Vehicle Bureau  
P.O. Box 100  
Jefferson City, MO 65105-0100

General Information: (573) 526-3669  
Salvage Information: (573) 751-4509  
Dealer Title/Verification: (573) 526-1234

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

Dealer Registration: (573) 751-8343  
Salvage Business: (573) 751-4469  
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

Supply requests by phone: (573) 751-8343  
Or: (573) 526-1234

E-Mail: [DEALERLIC@dor.mo.gov](mailto:DEALERLIC@dor.mo.gov)  
Or online: <http://www.dor.mo.gov/mvdl/motorv/forms/>

“AS-IS” Stickers: Federal Trade Commission  
6<sup>th</sup> and Pennsylvania Ave, North West  
Washington, DC 20580  
FTC Phone: (877) 382-4357

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

Missouri Independent Automobile Dealers Association  
P.O. Box 1733  
Jefferson City, MO 65102  
MIADA Phone: 1-800-889-1073  
Or: (573) 496-3213  
E-Mail: [INFORMATION@mpada.org](mailto:INFORMATION@mpada.org)

## **FREE SUBSCRIPTION TO DEPARTMENT OF REVENUE INFORMATION**

The department offers a free email service to help you stay up-to-date on topics in titling and licensing processes and laws.

By subscribing to this service, you will receive:

- ✓ A quarterly email containing the “*Titling Tips*” that provides timely titling information;
- ✓ Periodic emails relating to law changes, procedures, administrative rules, and reject issues; and
- ✓ Local tax chart updates on a quarterly basis.

To subscribe to this e-mail service, send an e-mail to [TitlingTips@mail.mo.gov](mailto:TitlingTips@mail.mo.gov) with the message “**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 you may have included and leave the subject line blank. Your e-mail addresses are not shared or used for any other solicitation.

To cancel your subscription at any time, follow the above steps except list “**unsubscribe Titling Tips**” in the body of your e-mail.

## **PERFECTING A LIEN WHEN THERE IS NO COMPLETE CHANGE OF OWNERSHIP**

In order to perfect a lien when there is no change of ownership, (e.g., adding a lien or name), the lienholder must submit:

- ✓ Five-part *Missouri Application for Title and License* (DOR-108) that contains the Notice of Lien (NOL) in the fourth and fifth copies;
- ✓ Certificate of ownership;
- ✓ \$8.50 title fee; and
- ✓ \$5.00 processing fee (\$2.50 for NOL and \$2.50 for title application).

If the lien perfection does not accompany the transaction, the title will issue and the lien will not be perfected.

## **FILE NOTICES OF LIEN AND COMPLETE RECORD SEARCHES ONLINE!**

By accessing [www.dorx.mo.gov](http://www.dorx.mo.gov) lienholders and dealers who have contracted with lienholders may file their liens online by using the department’s Lien Internet Filing Exchange system.

Dealers and lienholders who qualify under the Driver’s Privacy Protection Act (DPPA) and are approved by the department may also access 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 file, lien file, reject file and provide the most recent record(s) in each file. The basic cost is \$0.0382 per record. If there is no record on file with the department the \$0.0382 is waived.

Access [www.dorx.mo.gov](http://www.dorx.mo.gov) to apply for your online account number and security access code.

## **REQUIREMENT TO LICENSE AS A DEALER**

You must register 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. An antique motor vehicle is any motor vehicle at least 25 years of age.

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 violates this section is guilty of a class A misdemeanor.

## **DEFINITIONS**

Missouri Statutes define the following:

**Boat Dealer:** Any natural 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. The sale of six or more vessels or vessel trailers or both in any calendar year shall be required as evidence that such person is eligible for licensure as a boat dealer under sections [301.550 to 301.573](#), RSMo. The boat dealer shall demonstrate eligibility for renewal of his license by selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as boat dealer pursuant to sections [301.550 to 301.573](#), RSMo.

**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 vessels or vessel trailers.

**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.

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/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 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

400 7<sup>th</sup> Street Southwest

Washington, DC 20590

Phone: (202) 366-5302

Online: <http://www.nhtsa.dot.gov/cars/rules/maninfo/> or

<http://www.nhtsa.dot.gov/cars/rules/manufacture/>

**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 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 pursuant 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 shall be 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.

See Administrative Rule [12 CSR 10-26.020](#) page 29 for provisions that allow a motor vehicle dealer to sell six or fewer boats/vessels without obtaining a boat dealer's license.

**Motorized Bicycles (Mopeds):** Sections [301.010](#) and [307.180](#), RSMo define a motorized bicycle as any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground. Motorized bicycles also include motorized scooters.

Since a motorized bicycle is neither a "vehicle" nor a "motor vehicle", the Department of Revenue does **not** title or register these units.

Persons engaged in the business of selling motorized bicycles do not have to be registered motor vehicle dealers; however, any retail store or dealer that sells motorized bicycles is responsible for collecting the sales tax due at time of sale.

Motorized bicycles are not subject to Missouri's financial responsibility laws, nor Missouri law requiring the operator to wear protective headgear. The operation of a motorized bicycle is prohibited on a public street unless the driver holds a valid operator's license. The operation of motorized bicycles on interstate highways is also prohibited.

**New Motor Vehicle Franchised Dealer:** Any motor vehicle dealer who has been franchised to deal in 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.

**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 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.

See Administrative Rule [12 CSR 10-26.080](#) page 29 regarding procedural requirements that apply to Public Motor Vehicle Auctions.

**Recreational Vehicle 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.

**Sales to Minors:** The legal age at which a person becomes competent to contract in Missouri is 18 years. Although a vehicle purchaser does not have to be at least 18 years old to own a vehicle, a contract to purchase a vehicle signed by anyone younger than 18 is voidable. The minor can 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.

**Special Mobile Equipment:** In accordance with sections [301.010](#) and [301.133](#), RSMo special mobile equipment is not required to be titled and registered. Businesses selling special mobile equipment are not required to register as motor vehicle/boat dealers but must be registered with Business Tax and possess a Missouri Retail Sales Tax License. The seller must collect sales tax at the time of sale. If a motor vehicle/boat dealer sells special mobile equipment in addition to motor vehicles, the special mobile equipment sales should not be reported on the dealer's monthly sales reports submitted to the Motor Vehicle Bureau. To obtain a Missouri sales tax license, contact Business Tax at (573) 751-5860.

**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 semitrailer 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 or more trailers in any calendar year shall be required as evidence that such person is engaged in the trailer business and is eligible for licensure as a trailer dealer.

**Used Motor Vehicle Dealer:** Any motor vehicle dealer who is not a new motor vehicle franchise dealer.

**Vessel Trailer:** Any trailer, as defined by section [301.010](#), RSMo which is designed and manufactured for the purposes of transporting 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.

See Administrative Rule [12 CSR 10-26.070](#) page 29 regarding procedural requirements that apply to Wholesale Motor Vehicle Auctions.

**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.

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

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

## LICENSURE REQUIREMENTS

All dealer licenses and license plates expire December 31 of each year. Missouri law provides for no “grace period” in these matters, you must title and pay taxes on all motor vehicles, trailers, or boats that you buy and sell during the time you are not a licensed Missouri dealer. Each applicant who wants to be licensed as a new Missouri dealer, manufacturer, or auction must submit the following requirements:

1. *Application for Dealer, Auction, or Manufacturer License and Number Plate(s)* [DOR-4682](#);
2. Photograph of the applicant’s building, lot, and sign, as applicable;
3. Certificate of Dealer Educational Seminar Completion;
4. Franchise Agreement or Letter of Appointment, if applicable;
5. Corporate Surety Bond or Irrevocable Letter of Credit (applies to dealers only);
6. Garage liability policy; and
7. Appropriate fees.

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

1. **APPLICATION FOR DEALER, AUCTION, OR MANUFACTURER LICENSE AND NUMBER PLATE(S)** ([DOR-4682](#))– Application must be completed in full and signed by one of the listed owners. The Dealer Licensing Section will reject any incomplete application.
  - A. **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 that confirms mail cannot or will not be delivered to your business address. The letter from postal authorities must be submitted 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.
  - B. **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. Corporate surety bond or irrevocable letter of credit 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.
  - C. **BUSINESS ADDRESS/TELEPHONE NUMBER**– Provide your complete business address including street, city, county, state, and zip code. A STREET OR ROUTE NUMBER MUST BE SHOWN. Record your business telephone number. A mobile or cellular phone number is not acceptable.
  - D. **TYPE OF OPERATION**– Check the appropriate box in section 4, “Type of Operation(s),” on the application. Refer to definitions beginning on page 3 to determine appropriate type of business operations.

Powersport dealers are deemed to be a type of “motor vehicle dealer”. You may register as a powersport dealer by marking “MV/Powersport Dealer” in section 4 and “New/Used Powersports” in section 5 of the application (see page 8 Licensure Requirements).

**Wholesale Dealers:** If you want 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:** If registering as an auction, please check “Public Motor Vehicle Auction” or “Wholesale Motor Vehicle Auction” in section 4 of the application.

Auctions must keep their records separate from the dealership records and maintain a display area or lot separate from the dealership lot for auction vehicles.

**Manufacturers:** If you are requesting a manufacturer’s license, you must submit a letter that lists the makes of all motor vehicles/trailers/boats that you manufacture. If you are a “final stage” manufacturer/converter, list makes of all vehicle bodies, i.e. dump, hoist, coach, etc., that you manufacture, and provide a brief description of your operation (a separate sheet of paper may be used if necessary).

Indicate if you are the manufacturer of the bodies or if you perform the conversion work. Also indicate if you sell directly to the general public or if you sell the units to another dealer for resale to the general public.

If you sell to the general public you must also apply for the appropriate dealer license.

**E. NUMBER OF PLATES REQUESTED**– Dealers are entitled to up to three plates initially and 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 July 1, 2007, through June 30, 2008. If you wish to purchase additional plates, you will need to 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 the licensure year and the above criteria. 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 (e.g. motor vehicle, boat, etc.);
  - The corresponding plate fees (\$50.00 for first plate and \$10.50 for each additional); and
  - Enter total due [license fee + criminal record fee(s) + plate fee(s)].

**Motor Vehicle/Recreational Dealer Plates**– Standard-size (6-inch by 12-inch) license plates that can only be displayed on a motor vehicle, trailer, or motorcycle/motortricycle **held for resale** by a motor vehicle dealer/manufacturer. These plates may also be displayed on a boat/vessel held for resale by the dealership as long as the dealer sells no more than five boats/vessels per calendar year.

- License plates displaying the “RV Dealer” logo allow the dealer to only demonstrate RVs and camper trailers, and any motor vehicle accepted as a trade-in.

**Cycle/Powersport Dealer Plate**– A motorcycle-size license plate that can only be displayed on a motorcycle, motortricycle, personal watercraft, or vessel trailer owned and being **held for resale** by a motor vehicle dealer, powersport dealer or manufacturer.

**Trailer Dealer Plate**– Standard size license plates that may only be displayed on trailers.

- Trailer dealers may purchase one driveaway plate to demonstrate motor vehicles accepted as trade-ins.

Boat Dealer Plate/Certificate of Number– A fiberglass plate/certificate of number that measures 6 inches by 12 inches, to be displayed only on boat (vessel) trailers and boats that are being **held for resale** by a licensed boat dealer. The certificate of number must be carried in or displayed upon the boat during a demonstration on the waters.

Boat Trailer Dealer Plates– Standard-size (6-inch by 12-inch) license plates that can only be displayed on a boat trailer being **held for resale** by a licensed boat dealer.

Public and Wholesale Auctions are not eligible for dealer plates because they do not own the vehicles being sold.

- F. **TYPE OF UNITS TO BE SOLD**– Check the appropriate boxes in section 5 of the application. If you indicate on the application 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/demonstrating all of the types of units indicated except that a separate license application is required for each of the businesses listed starting on page 11.

If you plan to sell fewer than six boats (vessels) per year, do not check the “boat” block, as you do not need a separate boat dealer license.

If “New Cycles”/ “Used Cycles” (G) is indicated, you will be considered a powersport dealer and authorized to sell cycles, all-terrain vehicles, and personal watercrafts.

- G. **GOOD MORAL CHARACTER**– Missouri law requires all licensees to be of good moral character. Good moral character is determined through a criminal record check made by the Missouri State Highway Patrol of all owners, partners, or principal officers (if a corporation) listed on the application. The birth dates, social security numbers, and residence addresses of all owners, partners, and principal officers (if a corporation) must be recorded on the application in order to facilitate the record check.

- A \$10.00 record check fee must be submitted for each applicant/Missouri resident listed.

If any of the owners, partners, or principal officers (if a corporation) are residents of a state other than Missouri, you must submit a current criminal background record check from the Highway Patrol or Bureau of Investigations in the state in which they reside.

- H. **SIGNATURE/FINANCIAL RESPONSIBILITY CERTIFICATION**– An owner, partner, or corporate officer listed on the application must sign in section 12 of the application. By signing the application, the applicant certifies that the business has, and will maintain, during the entire licensure period, 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.

- I. **CERTIFICATION**– The application must be certified by a uniformed member or designated employee of the Missouri State Highway Patrol stationed in the troop area in which the applicant’s place of business is located. (This must be done before your application is submitted to the Dealer Licensing Section.) The certification is to ensure the applicant meets all the bona fide place of business requirements. Dealers who sell only emergency vehicles are exempt from certification requirements.

A boat manufacturer or boat dealer certification may be performed by a uniformed officer of the Missouri State Water Patrol or Missouri State Highway Patrol stationed in the district area in which the applicant's place of business is located.

If the dealership is located in a first class county, the city of St. Louis, or Kansas City, certification may be made by an authorized officer of a metropolitan police department from the area in which the applicant's place of business is located. (A sheriff's or marshal's certification is not acceptable). First Class counties in Missouri are: Boone, Buchanan, Callaway, Camden, Cape Girardeau, Cass, Clay, Cole, Franklin, Greene, Jackson, Jasper, Jefferson, Platte, St. Charles, St. Louis, and Taney. Certifying officer must determine that the applicant has a bona fide established place of business as set forth in section [301.560](#), RSMo.

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/officer provided the renewal application is filed before the present license expires. Certification 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.

**BONA FIDE PLACE OF BUSINESS**—The following shall be considered in 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. Dealers who sell only emergency vehicles are exempt from maintaining a bona fide place of business.

- 1) **Permanently Enclosed Building**— A bona fide established place of business must have a permanently enclosed building or structure either owned in fee 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 wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept the books, records, files, and other matters required and necessary to conduct the business. 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 cellular 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 also 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. The display area or lot must 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) **Sign**– The sign must contain the name of the dealership by which it is known to the public through advertising or otherwise, which need not be identical to the name appearing on the dealership's license so long as such name is registered as a fictitious name with the Secretary of State and has been approved by its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer. **A copy of such fictitious name registration must accompany the application for dealer licensure in this case.** The sign must 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 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.

- 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 the hours between 6 a.m. and 10 p.m. will be considered by the Dealer Licensing Section in determining whether a place of business is open the minimum of 20 hours a 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 as described on page 24.

- 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 on the previous page.

**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/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/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.

2. **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.

- A. The initial application for licensure shall include a photograph which must show the business **building, lot, and sign**. If more than one photograph is necessary to show all three sites, 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.

3. **CERTIFICATE OF DEALER EDUCATIONAL SEMINAR COMPLETION**- all used motor vehicle dealers (excluding wholesale dealers, public auctions, and dealer applicants who already 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 of Revenue (department). Go to <http://www.dorx.mo.gov/mvdl/motorv/liendeal/seminar/> for more information regarding the dealer education seminars.

4. **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. This shall, in all cases, 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.

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 shall not suffice as proof of franchise. If a dealer wants to sell new vehicles for which they do not have a franchise agreement, they must apply for a title in the dealership’s name.

Certificates of Origin for any given make of vehicle can 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 makes of vehicles or vehicle bodies that you manufacture. You must supply a Manufacturer’s Certificate of Origin for each vehicle/vehicle body manufactured.

5. **CORPORATE SURETY BOND REQUIREMENT/IRREVOCABLE LETTER OF CREDIT**– Missouri law [301.560\(4\)](#), RSMo requires motor vehicle dealers, powersport dealers, boat dealers, emergency vehicle dealers and trailer dealers to submit either an ORIGINAL corporate surety bond or an ORIGINAL irrevocable letter of credit issued by any state or federal financial institution, in the penal sum of \$25,000.00 with their application for dealer registration. The bond or irrevocable letter of credit must be on a form approved by the Dealer Licensing Section. See Attachments A and B.

The dealer must be bonded for the entire registration 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/letter of credit must be submitted to the Department of Revenue on or before the date of expiration/cancellation. The bond/irrevocable letter of credit does not apply to auctions or manufacturers.

6. **GARAGE LIABILITY POLICY**-Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer must furnish with the application a copy of a current dealer garage policy bearing the policy number, name of the insurer and the insured. Emergency vehicle dealers are required to provide policy prior to licensing.
7. **FEES**– You must submit one check or money order for the license fees and plate fees as outlined on pages 17 and 18 and a \$10 fee for the criminal record check for each Missouri owner, partner, or corporate officer listed on application.

### **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) 751-8343.

### **License Requirements for Auctions, Dealers, and Manufacturers**

A separate license/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 boat/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.

### **Multi-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 if your dealership does any of the following or you will be in violation of Missouri law and subject to administrative disciplinary action against your dealership.

## **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:

1. A new application, [DOR-4682](#), certified by an authorized/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; and

**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.

2. A photograph of the business location that shows the business building, lot, and sign, if applicable.

## **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:

1. A new application, [DOR-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;
2. 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; and
3. A corporate surety bond, bond rider, or revision to the irrevocable letter of credit that reflects the licensee’s new business name.

## **Partial Ownership Change of Dealership**

To register an additional owner:

Complete a statement that indicates the name, birth date, social security number, home address, and telephone number of the individual being added to the dealership. The statement must be signed by one of the owners listed on the dealer application and the person being added to the dealership. You must submit a \$10 check or money order for each person being added for the criminal background check.

To delete an owner:

1. Notify the Department of Revenue in writing of all owner names to be deleted from your dealer registration and date the change is to be effective. This must be signed by an owner still listed and by the individual(s) being deleted, with a statement that they no longer have any interest in the dealership. If the person being deleted is listed on the corporate surety bond or irrevocable letter of credit, a new corporate surety bond or irrevocable letter of credit must be submitted.
2. 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**

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

### **Buy-out of a Franchised Dealership**

Upon the sale of a currently registered new motor vehicle franchised dealership, the director will upon written request by the selling dealer, authorize the new approved dealer applicant to retain the selling dealer's license number.

The Department of Revenue will allow a Letter of Appointment signed by the manufacturer in lieu of requiring the entire franchise agreement to be submitted.

The selling dealer may transfer/sell any unissued 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's that have been transferred.

### **Terminating, Selling, or Abandoning the Dealership**

When you close, sell, or abandon your dealership you must:

1. Immediately notify the Department of Revenue in writing that the dealership is closed or sold and date of the closure or sale; and
2. Surrender all dealer license plates/certificates of number, unissued temporary permits, riders, all required monthly sales reports, and dealer license certificate to the Department of Revenue immediately, and in no event later than 10 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 heirs 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 required of a new applicant.

### **Advertising Practices**

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

1. For purposes of this section, 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 dealership'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/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", "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 examples:
  - (a) 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;
  - (b) Advertising a motor vehicle at a specified price, including such terms as "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:
  - (a) Whether the payment or other information relates to a financing or a lease transaction;

- (b) 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;
  - (c) 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;
  - (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.
- 2. The requirements of this section shall apply regardless of whether a dealer advertises by means of print, broadcast, or 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 subdivision (3) of subsection 1 of this section by reference to an Internet web page or toll-free telephone number containing the information required to be disclosed.
  - 3. Dealers shall clearly and conspicuously identify themselves in each advertisement by use of a dealership name which complies with subsection 6 of Section [301.560](#), RSMo.

### **Dealers Selling at Auto Auctions**

When a dealer sells a motor vehicle or trailer at an auto auction, the dealer must do the following to comply with Missouri law:

- 1. Assign the title at the time the unit is sold directly to the purchaser, listing the purchaser's name in the assignment area. **DO NOT LEAVE THE PURCHASER'S NAME BLANK, AS THIS CONSTITUTES AN OPEN TITLE.** In lieu of physically assigning the ownership document, the dealer may provide the auction with the certificate of ownership without making an assignment, and a notarized power of attorney authorizing a specific individual to assign the title for the dealer;
- 2. Indicate mileage reading on the odometer at the time of transfer of the unit above the seller's signature on the certificate of ownership as required by state and federal law unless the vehicle is exempt from mileage; and
- 3. List the actual purchaser, not the auto auction, as the purchaser of the unit when reporting the sale on the dealer's monthly sales report.

### **Procedures to Follow for Consignment Sales**

When a dealer sells a motor vehicle on consignment for an individual, one of the following procedures must be followed regarding transferring ownership, issuing federal odometer disclosures, and use of dealer plates on the vehicle.

- 1. The individual can assign the certificate of ownership to the dealer and include an odometer disclosure. **The dealer can then demonstrate the vehicle using his dealer license plates**, assign certificate of ownership to the purchaser, and include an odometer disclosure as in any other sale the dealer makes.

2. The individual can give the dealer a **copy** of the certificate of ownership and written authorization to offer the vehicle for sale. **The dealer cannot use dealer license plates on the vehicle but must use the plates that were issued to the vehicle.** When the actual sale takes place, the owner on the face of the certificate of ownership must assign the title directly to the purchaser and include an odometer disclosure.
3. The individual can give the certificate of title to the dealer and a notarized power of attorney that authorizes the dealer to assign the title and include an odometer disclosure to the purchaser on behalf of the seller. **The dealer cannot display dealer license plates on the vehicle.**

## DEALER LICENSE PLATES

### Use of Dealer Plates

All dealer plates must be mailed by UPS to the dealership's physical address. A licensee must be able to account for **all** dealer license plates/certificates of number issued to their 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 dealership. The written demonstration agreement must be on the dealership'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. Dealership'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.

All demonstration agreements must be maintained as a part of the dealership'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 (see page 7 for additional limitations). 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.

### Licensure and Miscellaneous Fees

The Department of Revenue established the following fees that are payable in the form of a check or money order. A separate license/fee is required every year for each location. If applying for a licensure as a motor vehicle dealer and an auction, two separate applications must be submitted along with a \$150 fee license fee for each application (total of \$300).

Licensure Fees (original or renewal):

**REGISTRATION FEES**

<b>MONTH OF APPLICATION</b>	<b>MOTOR VEHICLE/TRAILER/POWERSPORT DEALER/MANUFACTURER/AUCTION</b>	<b>BOAT DEALER/MANUFACTURER</b>
<b>JANUARY</b>	\$150.00	\$80.00
<b>FEBRUARY</b>	\$137.50	\$73.15
<b>MARCH</b>	\$125.00	\$66.50
<b>APRIL</b>	\$112.50	\$59.85
<b>MAY</b>	\$100.00	\$53.20
<b>JUNE</b>	\$87.50	\$46.55
<b>JULY</b>	\$75.00	\$39.90
<b>AUGUST</b>	\$62.50	\$33.25
<b>SEPTEMBER</b>	\$50.00	\$26.60
<b>OCTOBER</b>	\$37.50	\$19.95
<b>NOVEMBER</b>	\$25.00	\$13.30
<b>DECEMBER</b>	\$12.50	\$6.65

1. Late renewal penalties:
  - A. Applications filed on or after October 31, but prior to January 1 – \$25  
The renewal must be post marked on or before October 30.
  - B. After December 31 – \$50  
The renewal must be post marked on or before December 31.
2. Replacement license certificate – \$8.50 plus \$3.50 processing fee.
3. Dealer system record print - \$8.50.
4. Photocopies of dealer records/sales reports per month - \$3.00
5. Photocopies of dealer application and supporting documents for one licensure year - \$1.50.

**License Plate Fees**

Fees are \$50 for the initial plate/certificate for each type of license listed on page 12.

If you are applying for licensure after January 31, the fees are prorated as shown in the following chart:

**PLATE FEES**

<b>MONTH OF APPLICATION</b>	<b>INITIAL PLATE</b>	<b>MONTH OF APPLICATION</b>	<b>INITIAL PLATE</b>
<b>JANUARY</b>	\$50	<b>JULY</b>	\$25.00
<b>FEBRUARY</b>	\$45.83	<b>AUGUST</b>	\$20.83
<b>MARCH</b>	\$41.67	<b>SEPTEMBER</b>	\$16.67
<b>APRIL</b>	\$37.50	<b>OCTOBER</b>	\$12.50
<b>MAY</b>	\$33.33	<b>NOVEMBER</b>	\$8.33
<b>JUNE</b>	\$29.17	<b>DECEMBER</b>	\$4.17

Dealers may request up to three dealer plates or certificates of number. Additional plates may be requested based on the number of sales as outlined on page 7.

**Additional Dealer Plates**

If you wish to obtain additional dealer license plates/certificates of number, you must submit an *Application for Replacement/Additional Dealer Plates*, MVC-0015, or a written request indicating the following:

1. Dealership name;
2. Dealership number;
3. Number of plates/certificates of number requested; and
4. Indicate type of plate, e.g., motor vehicle size or motorcycle size plates, trailer, RV, boat certificates of number, or boat trailer plates.

Additional plates and certificates of number are \$10.50 if you are purchasing them for a full year. If purchased after January 31, the fees are prorated as shown below:

<b>MONTH OF APPLICATION</b>	<b>EACH ADDITIONAL PLATE</b>
<b>JANUARY</b>	\$10.50
<b>FEBRUARY</b>	\$9.63
<b>MARCH</b>	\$8.75
<b>APRIL</b>	\$7.88
<b>MAY</b>	\$7.00
<b>JUNE</b>	\$6.13

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

Enclose a check or money order made payable to the 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.

**Temporary Plates Issued to New Applicants**

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

**Replacement Dealer Plates/Certificates of Number**

To obtain a replacement dealer plate/certificate of number, you must submit an *Application for Replacement or Additional Dealer Plates*, MVC-0015, completed, signed, and notarized and a \$8.50 replacement fee for each replacement requested (do not send cash).

Make check or money order payable to 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.

**Minimum Sales Requirement**

Missouri law [301.560](#), RSMo, requires that a dealer sell six or more motor vehicles or trailers in each full calendar year registered in order to be eligible to renew your registration in the following calendar year. If you are registered as a boat dealer, you are required to sell six or more vessels or vessels trailers or both in any calendar year registered in order to be eligible for renewal. If you are registered for less than a full calendar year, you are required to make a minimum of one sale for each two months that you are 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. A renewal denial letter will be sent to inform you of your rights for an administrative hearing. Dealers who sell only emergency vehicles are exempt from meeting the minimum yearly sales requirement.

## **Monthly Sales Report Requirements**

Missouri law [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 not filled out completely and properly. Section [301.280](#), RSMo requires all dealers to submit monthly sales reports and to provide all information requested on the report.

Effective January 1, 2006, section [301.280](#), RSMo provides that 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**. The law requires dealer sales reports to be submitted by the fifteenth day of the month following the month in which the sales are reported. The \$300 penalty will be assessed per delinquent report starting with the 2009 license year.

## **E-File Dealer Reports or Complete a Notice of Sale**

Missouri law sections [301.196 through 301.198](#), RSMo requires the seller of a motor vehicle, trailer, vessel or all-terrain vehicle to report the sale to the department within 30 days.

### **Dealers Must:**

- Submit a NOS ([DOR-5049](#)) for each retail sale made to a Missouri purchaser along with the Dealer’s Monthly Sales Report ([DOR-385](#)) listing all sales; or
- File the dealer’s monthly sales report electronically through the department’s Internet NOS Reporting System (visit <http://www.dor.mo.gov/mvdl/motorv/nos/dealermanual.pdf> to view the NOS Dealer User Manual).
- Dealers who sell an average of 20 or more motor vehicles, trailers, all-terrain vehicles, and/or boats per month, must file their sales reports electronically. (For additional information about the new law visit <http://www.dor.mo.gov/mvdl/motorv/nos/fag.pdf>.)

If you elect to or are required by law to file your motor vehicle, trailer, all-terrain vehicle, and boat sales electronically, all sales must be reported using one of the two electronic reporting options:

**Option 1**– Enter each sale one at a time on the department’s Internet NOS Reporting System.

**Option 2**– Submit a prescribed file to the department’s secure server through the department’s Internet NOS Reporting System. This method is for dealers who use front-end vendor software (or software developed by the dealership) to complete title applications, etc., and avoids duplicate entry of the sales data.

If you file electronically, you will no longer file the paper monthly sales report ([DOR-385](#)) but you must continue to submit copies of the Secure Power of Attorney ([DOR-5086](#)) and copies of the front and back of corresponding titles each month by the, by the fifteenth of each month, for the previous month.

## **Completing the Paper Dealer’s Monthly Sales Report (DOR-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 listed were made.

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

TOTAL TEMPORARY PERMITS– Enter total number of Temporary Permits you 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 vehicle/boat was manufactured.

MAKE– Enter name of the manufacturer of the vehicle/boat.

MODEL– Enter model name of the vehicle/boat. Example: Taurus, Ciera, or Camry for motor vehicles. Champion, Ranger, or Monarch for boats.

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

VEHICLE ID NUMBER (VIN)– Enter complete vehicle/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 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.

NEW– Enter an "X" in this column only if the vehicle/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 not complete your sales report will be rejected.**

Failure to file a report or filing an incomplete report will result in a \$300 penalty per report beginning with the 2009 licensure year. Attach a copy of the *Secure Power of Attorney* ([DOR-5086](#)), 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 call (573) 751-8343 or write to the following address (Dealers in St. Louis County must request the green sales report forms):

Motor Vehicle Bureau  
Dealer Licensing Section  
P.O. Box 43  
Jefferson City, MO 65105-0043  
Or e-mail at <http://www.dor.mo.gov/mvdl/formorder/>  
Or [dealerlic@dor.mo.gov](mailto:dealerlic@dor.mo.gov)

The following are important items to remember concerning the monthly reports:

1. All reports must be submitted to the Motor Vehicle Bureau, Dealers Licensing Section, by the **15<sup>th</sup> day of each month** following the month in which the sale(s) occurred. For example, sales that occur in May must be reported on a May report and submitted by June 15<sup>th</sup>.
2. 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.)
3. 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."**
4. All report forms must be signed by an officer, partner, or owner of the dealership.
5. Odometer reading is not required when reporting the sale of any motor vehicle that is **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.
6. 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).
7. 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.
8. A copy of each sales report submitted should be maintained with your dealership's records.
9. A copy of the *Secure Power of Attorney* ([DOR-5086](#)) and a copy of the front and back of the corresponding title must accompany the sales report for each vehicle sold, if applicable.
10. 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.
11. 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.
12. **Failure to file or failure to file timely will result in a \$300 penalty per report beginning with 2009 reports.**

### **Transferring Ownership of a Motor Vehicle**

Missouri law requires that at the time of sale of a motor vehicle or trailer, there shall pass between parties a properly assigned certificate of ownership. IT IS UNLAWFUL FOR ANY PERSON/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 name is blank.

## **Required Proof of Ownership For Motor Vehicles**

Missouri law requires all dealers to have proof of ownership, proof the dealer has applied for a certificate of ownership, or 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 dealership location and available for inspection of 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. Photostatic copy (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/receipt indicating year, make, and vehicle identification number of the vehicle and dealer as purchaser.

**It is unlawful for any person/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.**

## **Buying and Selling a Vehicle Without a Title**

The law allows a licensed dealer to buy and sell a motor vehicle without a title if the dealer follows the requirements outlined in [Attachment C](#). **This only applies if the seller's title has been lost, stolen, mutilated, or destroyed.** Purchase is subject to any liens that are perfected and not released. Dealer must also verify that the seller is the last titled owner. The department's *Secure Power of Attorney* form ([DOR-5086](#)) complies with federal odometer disclosure regulations and simplifies the process for dealer and customer.

## **Titling Information/Manual**

For detailed information regarding titling requirements, temporary permits, etc., refer to Motor Vehicle and Marinecraft Titling Manual [www.dor.mo.gov/mvdl/motorv/forms](http://www.dor.mo.gov/mvdl/motorv/forms).

## **Lemon Law Refunds**

Section [407.567](#), RSMo allows manufacturers to apply for a refund of taxes, 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 vehicle was a buy back under the lemon law and that no refund of taxes and fees has been made to the consumer.

## **Record Keeping Requirements**

Missouri law [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 three years and be open for inspection by

authorized/designated employees of law enforcement officials and persons, agencies, and officials designated by the director of revenue.”

### **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 Federal Trade Commission, 6<sup>th</sup> and Pennsylvania Avenue, North West, Washington, DC 20580.

### **Temporary Permit Records**

Missouri law [301.140\(7\)](#), RSMo provides in part that, “Every dealer that issues a temporary permit or paper plate shall keep, for inspection of proper officers, a correct record of each permit or plate issued by recording the permit or plate number, buyer’s name and address, year, make, manufacturer’s number of vehicle on which the permit or plate is to be used, and the date of issuance.”

### **Business Records**

Administrative Rule [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 and the retention period of these records.

1. A licensee shall maintain clear and complete books, records, files, and other matters required and necessary to conduct the business of manufacturing and/or selling motor vehicles, trailers, and/or boats including but not limited to titles, riders, disclosure statements, affidavits, inventory, and related documentation.
2. The licensee shall have sufficient proof of ownership at the business location for each vehicle/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 of a licensee shall be maintained at the office of the licensee’s business location.
4. A licensee shall maintain business records for a period of not less than three years, unless otherwise specified by law.
5. A licensee shall maintain clear and complete copies of all odometer disclosure documents issued and received by the licensee for a period of five years.

### **Inspection of Records**

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 pursuant to the provisions of [301.550 to 301.573](#), RSMo shall permit an employee of the Department of Revenue, or any authorized/designated employee of law enforcement official to inspect, during normal business hours, (Normal business hours are defined in Administrative Rule [12 CSR 10-26.010](#) and on page 10) any of the following documents which are in their possession or under their custody or control:

1. Any title to any vehicle or vessel;
2. Any application for title to any vehicle or vessel;
3. Any affidavit provided pursuant to sections [301.550 to 301.573](#) or [Chapter 407](#), RSMo;
4. Any 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; or
6. Any inventory and related documentation.

For purposes of this section, the term “law enforcement official” 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 pursuant to [Chapter 590](#), RSMo acting in their official capacity.

### **Sunday Sales**

Section [578.120](#), RSMo provides in part that, “no dealer, distributor or manufacturer licensed under section [301.559](#), RSMo may keep open, operate, or assist in keeping open or operating any established place of business for the purpose of buying, selling, bartering, or exchanging, or offering for sale, barter, or exchange, any motor vehicle, whether new or used, on Sunday. This section does not apply to the sale of manufactured housing; the sale of recreational motor vehicles; washing, towing, wrecking or repairing operations; the sale of petroleum products, tires, and repair parts and accessories; or new vehicle shows or displays participated in by five or more franchised dealers or in towns or cities with five or fewer dealers, a majority.” For questions regarding new motor vehicle shows or displays to be held on Sunday, contact Department of Revenue, Dealer Licensing Section (573) 751-8343.

### **Off-Premise Sales – 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 if:

1. The event is conducted for not more than 5 consecutive days;
2. The event does not require any motor vehicle dealer participant 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 and have the opportunity to participate in an off-premise show or sale.

If any show or sale includes a class of dealer or franchised new vehicle line-make, that is also represented by a same class dealer or dealer representing the same line-make outside of the boundary lines of the city or town and is within ten miles of where the show or sale is to take place, the dealer outside of the boundary lines of the city or town shall be invited to participate in the show or sale.

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

- A. Boat Dealers;
- B. Franchised new motor vehicle dealers;
- C. Used motor vehicle dealers;
- D. Wholesale motor vehicle dealers;
- E. Recreational motor vehicle dealers;
- F. Historic motor vehicle dealers;
- G. Classic motor vehicle dealers;
- H. Powersport dealers; and
- I. 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 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 or 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, except:

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 dealership from the motor vehicle prior to its display, with the exception of such information as may be required by federal or state law to be displayed on the vehicle. 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 dealership)" 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.

### **Recreational Vehicle Shows – Requirements For Out Of State Participants**

Section [301.566](#), RSMo requires recreational vehicle (RV) dealers licensed in another state who intend to participate in an RV show or exhibition in Missouri to send a written request to participate to the department at least 30 days in advance of the event. To be eligible to participate, the following applies:

Events with less than 50 dealers participating:

1. Dealer's manufacturer must approve the participation;
2. The show or exhibition must have a minimum of 10 RV dealers licensed in Missouri participating;
3. More than 50 percent of the RV dealers participating must be licensed in Missouri; and
4. The state in which the RV dealer is licensed must border Missouri and that state must permit Missouri RV dealers to participate in shows conducted in their state, with substantially the same requirements.

Events with 50 or more dealers participating:

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

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

### **Motor Vehicle Dealers Required to Maintain Financial Responsibility**

Section [303.010 through 303.370](#), RSMo requires motor vehicle/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 Driver License Bureau;
3. A current insurance identification card;
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 your insurance agent. You may call Driver License Bureau at (573) 751-4600.

## **Penalties For Failure To Maintain Financial Responsibility**

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

1. First Offense— A \$20 reinstatement fee and submission of proof of insurance as prescribed by the director;
2. Second Offense within 2 years— A 90-day suspension of your driver license and/or license plate(s), a \$200 reinstatement fee, and submission of proof of insurance as prescribed by the director; 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 as prescribed by the director.

In the event that proof of insurance as prescribed by the director has not been filed with the department of revenue 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.

## **Procedures for Handling Complaints**

Complaints received must be submitted to the Department of Revenue in writing and, at a minimum, shall 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, if applicable, that includes year, make, model, identification number, date of purchase, mileage information if applicable, and purchase price;
3. Information about the dealership the complaint is against, including name and address of the business, nature of the complaint, whether the complainant has made contact with the owner/manager of the business about the problem, and if so, the outcome, form of relief the complainant 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 ([DOR-4683](#)) by calling (573) 751-8343 or by visiting our web page at: [www.dor.mo.gov/mvdl/motorv/forms](http://www.dor.mo.gov/mvdl/motorv/forms).

All complaints must be mailed or delivered to:

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

The complaints shall be logged into the department's records and shall be kept confidential by the director until such time as formal proceedings are filed with Administration Hearing Commission, or Department of Revenue disposes of the complaint in accordance with section [301.562](#), RSMo.

## **Disciplinary Action**

Pursuant to section [301.562](#), RSMo, the Department of Revenue (DOR) may refuse to issue or renew any license required pursuant to 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 their last known address, of the reasons for refusal to issue or renew the license and shall advise the applicant or licensee of their right to file a complaint with the Administration Hearing Commission as provided by [Chapter 621](#), RSMo.

1. The applicant or license holder 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 DOR, or that was suspended for cause and the terms of suspension have not been fulfilled;
2. The applicant or license holder was previously a partner, stockholder, director, or officer controlling or managing a partnership or corporation whose license issued under sections [301.550 to 301.573](#), RSMo was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled;
3. The applicant or license holder has, **within 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. Use of fraud, deception, misrepresentation, or bribery in securing any license issued pursuant to sections [301.550 to 301.573](#), RSMo;
5. Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or other compensation by fraud, deception, or misrepresentation;
6. Violation of, or assisting or enabling any person to violate any provisions of Chapters [301](#), [306](#), [307](#), [407](#), [578](#), and [643](#), RSMo, or of any lawful rule or regulation adopted pursuant to these chapters;
7. The applicant or license holder has filed an application for a license which, as of its effective date, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;
8. The applicant or license holder 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. The applicant or license holder is finally adjudged insane or incompetent by a court of competent jurisdiction;
11. Use of any advertisement of solicitation which is false;
12. Violations of sections [407.511 to 407.556](#), RSMo or section [578.120](#), RSMo which resulted in a conviction or finding of guilt or violation of any federal motor vehicle laws which result in a conviction or finding of guilt.
13. 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, DOR may:

1. Refuse to issue the person a license;
2. Issue a private reprimand;
3. Place the person on probation on such terms and conditions as the DOR 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 DOR deems appropriate.

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

## **Department of Revenue Subpoena Power**

The Department of Revenue (DOR) 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 their own cost to take and use depositions in like manner as in civil cases in circuit court.

The subpoena shall 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 shall be as in other civil actions. Each witness shall 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 was necessary. All costs under this section shall be approved by the DOR and paid out of the Missouri Motor Vehicle Commission Fund established in section [301.560](#), RSMo except that if DOR 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 shall, 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 thereof shall be punished by a fine of not more than \$500, or by imprisonment, and in the case of a continuing violation, each day continuance thereof shall be a separate and distinct offense.

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Director of Revenue

[12 CSR 10-26.180](#) Temporary Permits Sold by a Registered  
Missouri Vehicle Dealer

[12 CSR 10-26.190](#) Dealers' Monthly Reports

Please review the Administrative Rules Section carefully and direct any questions regarding the new regulations to the Dealer Licensing Section at (573) 751-8343.

**ATTACHMENT A**

**SAMPLE BOND FOR MISSOURI DEALER**

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

KNOW ALL PERSONS BY THESE PRESENT, that I/we \_\_\_\_\_

(Dealership Name)

as Principal, and \_\_\_\_\_, a corporation organized 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 judgement 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

**ATTACHMENT B**  
**IRREVOCABLE LETTER OF CREDIT**

TO: MOTOR VEHICLE BUREAU  
DEALER LICENSING SECTION  
POST OFFICE BOX 43  
JEFFERSON CITY, MO 65105-0043

LETTER OF CREDIT NUMBER: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_  
(Month, Day, Year)

EXPIRATION DATE: \_\_\_\_\_  
(Month, Day, Year)

OR CANCELLED AS PROVIDED HEREIN

On behalf of \_\_\_\_\_  
(Dealership Name as Listed On Dealer Application)

located at \_\_\_\_\_  
(Street) (City) (State) (Zip)

I/we hereby issue our irrevocable letter of credit, in favor of the Missouri Department of Revenue in the penal sum of twenty-five thousand dollars (\$25,000.00) available by your draft at sight.

Drafts under this irrevocable letter of credit must be accompanied by a final judgment received by the Missouri Department of Revenue and issued by a Missouri court of competent jurisdiction against the dealer and in favor of an aggrieved party.

WHEREAS, the dealer applicant has applied for the issuance of motor vehicle and/or boat dealer's license and presents this irrevocable letter of credit in accordance with the statute.

NOW, THEREFORE, this letter of credit shall be conditioned upon dealer's faithful compliance with the provisions of the statutes applicable to new motor vehicle franchised dealers, used motor vehicle dealers, powersport dealers, trailer dealers, wholesale motor vehicle dealers, and boat dealers, and this letter of credit shall be an indemnity for any loss sustained by any person by reason of the acts of the dealer when such acts constitute grounds for the suspension or revocation of the dealer's license.

The aggregate liability of the issuing financial institution during any one license year, shall in no event, exceed the amount of this irrevocable letter of credit.

THIS OBLIGATION SHALL BE DEEMED AUTOMATICALLY RENEWED ON AN ANNUAL BASIS. THE ISSUING FINANCIAL INSTITUTION MAY CANCEL THE LETTER OF CREDIT AND BE RELEASED FROM FUTURE LIABILITY HEREUNDER BY DELIVERING THIRTY (30) DAYS PRIOR, WRITTEN NOTICE TO THE MISSOURI DEPARTMENT OF REVENUE AT THE ADDRESS SHOWN ABOVE. CANCELLATION SHALL NOT AFFECT ANY LIABILITY INCURRED AND ACCRUED HEREUNDER PRIOR TO THE TERMINATION OF THE THIRTY (30) DAY PERIOD.

**ATTACHMENT B**

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: \_\_\_\_\_

**ATTACHMENT C**  
**CHECKLIST FOR BUYING AND SELLING A MOTOR VEHICLE  
WITHOUT A TITLE**

*(This applies only when the seller's motor vehicle title has been lost, stolen, mutilated,  
or destroyed.)*

**Purchasing the vehicle without a title:**

The dealer must receive from the seller:

- A signed sales contract;
- If mileage is required, a notarized Power of Attorney (POA) to sign the application for duplicate title (unless the seller actually signs the application) and a secure POA ([DOR-5086](#)) to assign the duplicate title.

**NOTE:** The seller and purchasing dealer may complete Section A of the department's secure POA (DOR-5086) in lieu of the above forms. Section A will allow the dealer to sign and make the odometer disclosure on behalf of the seller on the first title assignment after the duplicate title is received.

If no mileage disclosure is required, a notarized POA may be used to both apply for the duplicate title and make the assignments for the seller once the duplicate title is received.

- Physical delivery of the vehicle.

**NOTE:** The purchase is subject to any liens that are perfected and not released. The dealer must also verify that the seller is the last titled owner.

**Selling the vehicle without a title:**

The dealer must provide the purchaser:

- A signed sales contract;
- Proof the dealer acquired the vehicle from the last **titled** owner in the form of a DOR Internet record look-up screen print, other DOR record search, or a Car Fax search;
- A notarized lien release on the lienholder's letterhead or a Notice of Lien Release (DOR-4809) if applicable;
- An Internet or other DOR record showing no child support liens on the vehicle (See [www.dor.mo.gov/mvdl/motorv/childlien/](http://www.dor.mo.gov/mvdl/motorv/childlien/));
- A copy of the duplicate title application in the previous owner's name and a copy of the POA's the dealer received from the seller.

**NOTE:** The selling dealer and the purchaser must complete Section B of the secure POA (DOR-5086), if the dealer is selling the motor vehicle prior to receipt of the duplicate title. Section B authorizes the dealer to sign on behalf of the purchaser and make the odometer disclosure on the second title assignment of the duplicate title.

**NOTE:** The purchaser may not make application for title until the dealer provides the assigned duplicate title and secure POA to him/her.

**ATTACHMENT C**  
**CHECKLIST CONTINUED FOR BUYING AND SELLING A MOTOR VEHICLE  
WITHOUT A TITLE**

Obtaining a duplicate title in the seller's name:

The motor vehicle dealer must:

- Apply for the duplicate title in the name of the seller within five business days of purchase by submitting:
  - ( ) A notarized duplicate title application, [DOR 108](#) (*The Mail-To section must list the dealer's name/address.*);
  - ( ) A notarized POA (*only required if the seller has not signed the application*);
  - ( ) Notarized lien release documented on the lienholder's letterhead or the Notice of Lien Release (DOR-4809), if applicable.
  - ( ) An \$8.50 title fee, \$5 quick fee, if applicable, and \$2.50 processing fee. It is recommended that the dealer request a quick title to expedite the duplicate title so the purchaser has time to apply for the title and the purchaser's temporary 30-day permit does not expire (if applicable).
- Assign and deliver the duplicate title with the secure POA attached ([DOR-5086](#)) to the purchaser within five business days of receipt (notarized POA is acceptable if no mileage disclosure is required);
  - ( ) The dealer must complete the first assignment on the duplicate title signing as purchaser and signing on behalf of the seller as POA, using the odometer information and purchase date from the secure POA.
  - ( ) The dealer must complete the second assignment as seller and obtain the signature and printed name of at least one of the purchasers for all vehicles subject to mileage disclosure. The date of the sales contract should be used as the purchase date.
  - The dealer cannot use a POA to sign for the purchaser on the second assignment unless the dealer had the purchaser complete the secure POA (DOR-5086), Section B.

**NOTE:** If the secure POA (DOR-5086) is used, the dealer must:

- Complete the first and second assignments on the duplicate title as authorized by sections A and B of the DOR-5086;
- Inspect the title to ensure the mileage on the duplicate title is consistent with what was recorded on the POA and complete Section C of the POA;
- Retain a copy of the DOR-5086 for their records; and
- Attach the original POA to the duplicate title when it is received and mail or deliver the documents to the purchaser to submit with their application for title.
- Obtain a written receipt from the purchaser upon physical delivery of the title or a postage prepaid, return receipt, if the title is mailed.