
Rules of
Department of Revenue
Division 60–Motor Vehicle Commission
Chapter 1–General Rules

Title	Page
12 CSR 60-1.010 Definitions	3
12 CSR 60-1.020 Missouri Motor Vehicle Commission	3
12 CSR 60-1.030 General Organization.....	4
12 CSR 60-1.040 Policy for Handling Release of Public Records.....	4
12 CSR 60-1.050 Public Complaint Handling and Disposition Procedures	4
12 CSR 60-1.060 Fees	5

**Title 12—DEPARTMENT OF
REVENUE**

**Division 60—Motor Vehicle Commission
Chapter 1—General Rules**

12 CSR 60-1.010 Definitions

PURPOSE: This rule designates meanings for certain words and terms utilized in the rules promulgated by the Missouri Motor Vehicle Commission as authorized by sections 301.550—301.572, RSMo.

(1) For the purposes of these rules, all definitions in sections 301.010 and 301.550, RSMo are adopted by reference.

(2) For identification purposes only, the following dealers defined in this rule shall be divided into classes, but each class shall be licensed as a motor vehicle dealer with the Missouri Motor Vehicle Commission. The following terms and words mean:

(A) Recreational motor vehicle dealer—any person who, as a primary business activity 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 any motor vehicle designed, constructed or substantially modified for use as temporary housing quarters, including sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. This includes dealers who operate new vehicle operations under franchise or used vehicle operations;

(B) Historic motor vehicle dealer—any person who, as a primary business activity 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 that are at least twenty-five (25) years old, excluding recreational motor vehicles, classic motor vehicles and motorcycles;

(C) Classic motor vehicle dealer—any person who, as a primary business activity 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 at least five (5) years of age that were produced in limited numbers or otherwise have special value unrelated to basic transportation, excluding recreational

motor vehicles, historic motor vehicles and motorcycles;

(D) Motorcycle 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 any motor vehicle operated on two (2) wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. This includes dealers who operate new vehicle operations under franchise or used motorcycle operations;

(E) Franchise new 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 any new motor vehicle, excluding recreational motor vehicles and motorcycles; however, including the resale of any used motor vehicle which is obtained through the normal course of trade or purchased from a wholesale motor vehicle dealer. The term franchise new motor vehicle dealer is not synonymous with the term new motor vehicle franchise dealer as used in section 301.550.1(8), RSMo. The term new motor vehicle franchise dealer is a broader term that includes the following dealer classes, as set out in section 301.550.3., RSMo: 1) franchise new motor vehicle dealers, 2) recreational motor vehicle dealers and 3) motorcycle dealers. The definition of franchise new motor vehicle dealer in this rule applies only when the term is specifically used or when the statute or rule specifically refers to the dealer classes set out in section 301.550.3., RSMo;

(F) Used 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 any motor vehicle which is not a new motor vehicle, provided that the majority of units sold are not motorcycles or recreational vehicles or vessels. The term used motor vehicle dealers as used in section 301.550.3(3), RSMo is not synonymous with the term as used in section 301.550.1(11), RSMo. The term is a broader one that includes the following dealer classes, as set out in section 301.550.3., RSMo: 1) used motor vehicle dealers, 2) historic motor vehicle dealers, 3) classic motor vehicle dealers and 4) wholesale motor vehicle dealers. The definition of the term used motor vehicle

dealer as set out in this rule applies only when the statute or rule specifically refers to the dealer classes set out in section 301.550.3., RSMo;

(G) Antique motor vehicle—any motor vehicle at least twenty-five (25) years of age; and

(H) Wholesale motor vehicle—dealer a motor vehicle dealer who sells motor vehicles only to new motor vehicle franchised dealers or other used motor vehicle dealers or via auctions limited to other dealers of any class.

AUTHORITY: section 301.553, RSMo (Cum. Supp. 1990). Original rule filed July 10, 1989, effective Sept. 28, 1989.*

**Original authority 1988, amended 1989, 1993.*

12 CSR 60-1.020 Missouri Motor Vehicle Commission

PURPOSE: This rule complies with section 301.553, RSMo, which permits the Motor Vehicle Commission to adopt rules governing the conduct of the commission and vesting it with the powers and duties necessary and proper to enable it to fully and effectively carry out the provisions of sections 301.550—301.572, RSMo.

(1) The commission, at its first meeting of each calendar year, shall elect its own chairperson and secretary, each to serve for a term of one (1) year. The commission shall meet at times it may prescribe, but shall meet at least once every two (2) months. It shall meet at the call of the chairperson or by a notice signed by not fewer than four (4) commission members. The commission, with the assistance of its staff, shall provide all application forms and maintain all records contemplated by sections 301.550—301.572, RSMo. It shall provide forms for the application for licensure. These applications shall be approved by staff in compliance with policies and procedures developed by the commission. The commission shall hear requests for review from any person(s) who has been denied licensure by staff, receive and investigate complaints against any licensee pertaining to violations of sections 301.550—301.572, RSMo and any rules adopted by the commission, initiate appropriate disciplinary action and fulfill any other duties or responsibilities provided by the statute.

(2) The commission adopts an official seal which shall be as follows: The official seal of



Missouri bordered by the inscription, Missouri Motor Vehicle Commission.

(3) All orders or decisions of the commission shall be in writing, signed by the chairman, attested to by the executive director or, when that position is not filled, by the individual designated by the commission to fulfill the position's duties and the official seal affixed to them.

AUTHORITY: section 301.553, RSMo (Cum. Supp. 1990). Original rule filed July 10, 1989, effective Sept. 28, 1989.

12 CSR 60-1.030 General Organization

PURPOSE: This rule complies with section 536.023(3), RSMo which requires each agency to adopt a description of its operation and the methods and procedures for the public to obtain information or make submissions or requests.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by law.

(1) The Missouri Motor Vehicle Commission is a Type III commission within the Department of Revenue.

(2) The commission is directed by section 301.553.7., RSMo to adopt rules for the application and enforcement of sections 301.550—301.572, RSMo.

(3) Meetings of the commission shall be conducted in accordance with the most recently revised *Roberts' Rules of Order* insofar as they are compatible with the Missouri law governing this commission and at the discretion of the chairman.

(4) Any person may contact the Missouri Motor Vehicle Commission, P.O. Box 43, Jefferson City, MO 65102, (314) 751-8343 for information and application forms or for registering complaints involving manufacturers, motor vehicle dealers, boat dealers, boat manufacturers or motorcycle dealers as provided in 12 CSR 60-1.050.

(5) The commission may designate one (1) of the five (5) nondealer members to issue a report of the commission meetings and hearings and make the report available to the public.

AUTHORITY: section 301.553, RSMo (Cum. Supp. 1990). Original rule filed July 10, 1989, effective Sept. 28, 1989.*

**Original authority 1988, amended 1989, 1993.*

12 CSR 60-1.040 Policy for Handling Release of Public Records

PURPOSE: This rule sets forth the commission's written policy in compliance with sections 610.010.2.—610.030, RSMo regarding the release of information on any meeting, record or vote of the commission.

(1) The commission is a public governmental body as defined in Chapter 610, RSMo and adopts the following as its written policy for compliance with the provisions of that chapter. This policy is open to public inspection and implements the provisions of Chapter 610, RSMo regarding the release of information of any meeting, record or vote of the commission which is not closed pursuant to chapter provisions.

(2) All public records of the commission shall be open for inspection and copying by any member of the general public during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted) except for records closed pursuant to section 610.021, RSMo. All public meetings of the commission not closed by provisions of the section will be open to any member of the public.

(3) The commission establishes the executive director, or the person designated by the commission to fulfill the duties of the executive director if that position is not filled, as the custodian of its records as required by section 610.023, RSMo. This individual is responsible for maintaining commission records and responding to requests.

(4) The commission may charge a reasonable fee for the cost of inspecting and copying the records. The fees charged shall be as follows:

(A) A fee for copying public records shall not exceed the calculated cost of the document search and duplication;

(B) The commission may require payment of the fees prior to making copies; and

(C) Fees collected shall be remitted by the director of the Motor Vehicle Commission to the Director of Revenue for deposit to the credit of the Missouri Motor Vehicle Commission Fund.

(5) When the custodian believes requested access is not required under the provisions of Chapter 610, RSMo, the custodian shall consult with the Office of the Attorney General before deciding whether to deny access to the records. If that contact is not practical or is impossible, the custodian may make a decision whether to deny access. However, the custodian shall consult with the Office of the Attorney General within five (5) working days of the decision. When access is denied, the custodian will comply with the requirements in section 610.023, RSMo concerning informing individuals requesting access to the records. The custodian shall supply to commission members copies of the written denial conveyed to the requesting party. In its next meeting the commission shall either affirm or reverse the decision of the custodian. If the commission reverses the decision, the commission shall direct the custodian to advise the requesting party and supply access to the information during regular business hours at the convenience of the requesting party.

(6) The custodian shall maintain a file with copies of written requests for access to records and responses to the requests for the current audit period. The file shall be maintained as a public record of the commission open for inspection by any member of the general public during regular business hours.

AUTHORITY: section 301.553, RSMo (Cum. Supp. 1990). Original rule filed July 10, 1989, effective Sept. 28, 1989.*

**Original authority 1988, amended 1989, 1993.*

12 CSR 60-1.050 Public Complaint Handling and Disposition Procedures

PURPOSE: This rule establishes procedures pursuant to section 620.010.15(6), RSMo for the receipt, handling and disposition of public complaints by the commission.

(1) The commission will receive and process each complaint made against any licensee, applicant or registrant of the commission or any unlicensed individual or entity which

alleges acts or practices which may constitute one (1) or more violations of the provisions of sections 301.550—301.572, RSMo. Any member of the public or the industry or any federal, state or local official may file a complaint with the commission. Complaints received from sources outside Missouri will be processed in the same manner as those originating within Missouri. No member of the commission may file a complaint with this commission while holding that office unless the member is excused from further deliberation or activity concerning the matters alleged in that complaint. Any commission staff person may file a complaint in the same manner as any member of the public.

(2) Delivery of Complaints.

(A) Complaints shall be mailed or delivered to the following address: Missouri Motor Vehicle Commission, P.O. Box 43, Jefferson City, MO 65102.

(B) Actual receipt of the complaint by the commission at its administrative offices in any manner shall be sufficient. Complaints may be based upon personal knowledge or upon information and belief, citing information from other sources.

(3) All complaints shall be in writing and shall fully identify the complainant by name and address. Oral telephone communications will not be considered or processed as complaints but the person calling will be asked to supplement those communications with a written statement.

(4) Each complaint received under this rule will be maintained by the commission in a log. The log will contain a record of each complainant's name and address, the name and address of the subject(s) of the complaint, the date each complaint is received by the commission, a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices, a notation as to whether the complaint resulted in its dismissal by the commission, the ultimate disposition of the complaint and any other information designated by the commission. This log shall be a closed record of the commission.

(5) Each complaint shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not limit the commission's authority to take action against a licensee or registrant or applicant of the commission for conduct which violates these rules or the provisions of sections 301.520—301.550, RSMo, whether or not the commission action

exceeds the scope of the acts charged in a preliminary complaint filed with the commission and whether or not any complaint has been filed with the commission.

(7) The commission interprets this rule, which is required by law, to exist for the benefit of members of the public who submit complaints to the commission. This rule is not deemed to protect or inure to the benefit of those licensees, applicants, registrants or other persons against whom the commission has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 301.550—301.572, RSMo.

(8) Each person who provides information to or otherwise participates in the operation of the commission, including those filing complaints, shall be immune from civil liability for those acts so long as the acts were performed in good faith, without malice and were reasonably related to the scope of inquiry of the commission.

AUTHORITY: section 301.553, RSMo (Cum. Supp. 1990). Original rule filed July 10, 1989, effective Sept. 28, 1989.*

**Original authority 1988, amended 1989, 1993.*

12 CSR 60-1.060 Fees

PURPOSE: This rule establishes the licensing fees of the Missouri Motor Vehicle Commission.

(1) The following fees are established by the commission and are payable in the form of a cashier's check, money order, personal check or cash:

(A) Application for Licensure Fees (original or renewal)—

1. All Motor Vehicle Dealers \$175.00;
2. All Boat Dealers \$100.00;
3. All Boat Manufacturers \$100.00;
- and
4. All Motor Vehicle Manufacturers \$175.00;

(B) Replacement License Fee \$ 20.00;

(C) Late Renewal Fee—

1. Application filed after renewal application return date, but prior to license expiration \$ 25.00;
- or
2. After license expiration date \$ 50.00;

(D) Insufficient Funds Check

Service Charge \$ 50.00;
and

(E) A reasonable fee may be charged by the commission for all dealer record searches, to cover costs of copying and staff search time.

(2) For the purpose of paying any fee, the commission will accept cashier's checks, money orders, personal checks and cash. Negotiable instruments should be made payable to the Missouri Motor Vehicle Commission.

(A) Individuals, firms or corporations who submit checks which are returned by a bank due to insufficient funds or for similar reasons will be required to pay the insufficient funds checks service charge and may be subject to collection or processing charges by the commission.

(B) No payment for fees should be made in cash by mail.

(C) Renewal fees or application fees may be refunded only under the following conditions:

1. Overpayments;
2. Denied licenses;
3. Other incorrect fees; and
4. If a renewal application for the next calendar year is withdrawn prior to 5:00 p.m. on December 31.

(D) Penalties for late renewal applications shall not be refunded.

(E) Where the application for original licensure or for renewal of license is not completed in a manner acceptable to the commission, or the fee is not included, or the fee is inadequate, or the licensee has not met the statutory or regulatory requirements of the commission, licenses may be withheld until the problem is appropriately resolved. Deposit of the fee does not indicate acceptance of the application or that any licensing requirements have been fulfilled. Licensees may be subject to additional requirements or penalties imposed by the commission.

AUTHORITY: section 301.553, RSMo (1994). Emergency rule filed July 10, 1989, effective July 20, 1989, expired Nov. 16, 1989. Original rule filed July 10, 1989, effective Sept. 28, 1989. Amended: Filed Aug. 12, 1991, effective Jan. 13, 1992. Amended: Filed Nov. 18, 1991, effective April 9, 1992. Amended: Filed Nov. 21, 1994, effective May 28, 1995. Amended: Filed Sept. 19, 1995. Amended: Filed Jan. 3, 1996, effective March 30, 1996.

**Original authority 1988, amended 1989, 1993, 1995.*