

---



---

# Rules of Department of Revenue

## Division 60—Motor Vehicle Commission

### Chapter 2—Licensure Procedures

<b>Title</b>	<b>Page</b>
12 CSR 60-2.010 Licensure Procedures .....	3
12 CSR 60-2.020 Licensure Requirements for Boat Dealers .....	3
12 CSR 60-2.030 Licensure Requirements for Franchised New Motor Vehicle Dealers .....	4
12 CSR 60-2.040 Licensure Requirements for Used Motor Vehicle Dealers .....	4
12 CSR 60-2.050 Licensure Requirements for Wholesale Motor Vehicle Dealers .....	4
12 CSR 60-2.060 Licensure Requirements for Recreational Motor Vehicle Dealers .....	5
12 CSR 60-2.070 Licensure Requirements for Historic Motor Vehicle Dealers .....	5
12 CSR 60-2.080 Licensure Requirements for Classic Motor Vehicle Dealers .....	6
12 CSR 60-2.090 Licensure Requirements for Motorcycle Dealers .....	6
12 CSR 60-2.100 Licensure Requirements for New Vehicle and Trailer Manufacturers .....	6
12 CSR 60-2.110 Licensure Requirements for Boat Manufacturers .....	7
12 CSR 60-2.120 Bona Fide Established Place of Business .....	7
12 CSR 60-2.130 Registration With Secretary of State .....	7
12 CSR 60-2.140 Business Record of Motor Vehicle Manufacturers, Boat Manufacturers, Motor Vehicle Dealers and Boat Dealers .....	8
12 CSR 60-2.150 Dealer License Plates .....	8
12 CSR 60-2.160 Business Records of Manufacturers, Dealers and Boat Dealers .....	8
12 CSR 60-2.170 Regulation of Boat Dealer’s Certificate of Number and Plates .....	9

**Title 12—DEPARTMENT OF  
REVENUE**

**Division 60—Motor Vehicle Commission  
Chapter 2—Licensure Procedures**

**12 CSR 60-2.010 Licensure Procedures**

*PURPOSE: This rule outlines the general procedures for application for licensure and issuance of a license effective July 1, 1989.*

(1) Applications for original licensure must be made on forms provided by the commission. Application forms may be obtained in person or by writing the Motor Vehicle Commission, P.O. Box 43, Jefferson City, MO 65102.

(2) Applications for renewal of license must be made on forms provided by the commission. The forms shall be mailed about one hundred twenty (120) days before the date of license expiration to the licensees' last known business addresses; the renewal application forms shall be returned by the licensees at least sixty (60) days prior to the expiration of their current licenses. Renewal application forms also may be obtained by writing the Missouri Motor Vehicle Commission, P.O. Box 43, Jefferson City, MO 65102.

(3) Based on commission policies and procedures, commission staff shall determine whether or not an applicant qualifies for licensure or renewal of licensure. If the staff, based upon a review of the application for licensure and the pertinent statutes and rules, determines that the applicant may not be qualified for licensure, they shall issue a notice of denial. An applicant wishing to challenge this denial may request that the commission review the denial as set out in 12 CSR 60-4.010.

(4) When an individual, corporation or other business entity submits an application for an original, first-time license as a manufacturer or dealer and if the applicant has satisfactorily complied with all provisions of sections 301.559 and 301.560, RSMo and all commission rules, based on the procedures established by the commission, the commission staff shall decide to approve or deny licensure within eight (8) working hours after receipt of the dealer's application. The applicant shall be advised of a decision to deny licensure by overnight or express mail. The applicant's rights to review and appeal of that decision shall be outlined clearly in the notice.

(5) To reduce potential confusion and to more efficiently coordinate the registration and

licensing activities of the Department of Revenue and the commission, the commission recognizes and accepts the distinctive dealer license numbers or certificates of the number system used by the director of revenue. All licenses, files and records pertaining to licensees of the commission will be issued a commission license number which corresponds to those numbers assigned by the director of revenue. After the adoption of this rule, the director of revenue will be requested to provide the commission with a list of all dealers and manufacturers currently registered with the Department of Revenue and their assigned distinctive dealer license numbers or certificate of number. The commission may request that the director of revenue provide an updated copy of this list and a corresponding list of unassigned distinctive dealer license numbers or certificate of number.

(6) All motor vehicle dealer licenses issued by the commission shall indicate for which primary class the dealer or manufacturer is authorized. Each license shall be valid for and permit the operation of that class of business activity at the business location registered with the commission. Each place of business where a licensed motor vehicle dealer sells or displays motor vehicles shall be registered separately with the commission. Each such place of business shall comply with the requirements of 12 CSR 60-2.120. A licensed motor vehicle dealer however, may store cars at a location other than a registered place of business, provided that the licensed motor vehicle dealer notify the commission of all these storage locations.

(7) All newly issued original and renewal licenses shall be mailed to the applicant or licensee. The office of the commission may issue a letter stating that the applicant is approved for licensure.

*AUTHORITY: section 301.553, RSMo (Cum. Supp. 1989). \* Original rule filed Nov. 3, 1989, effective Feb. 25, 1990.*

*\*Original authority 1988, amended 1989.*

**12 CSR 60-2.020 Licensure Requirements for Boat Dealers**

*PURPOSE: This rule sets out specific requirements to obtain a boat dealer class license.*

(1) Any person desiring to become licensed as a boat dealer shall obtain a license application form from the commission and shall

submit to the office of the commission the fully completed form along with any required fees.

(2) The application form shall include a form for certification by an authorized law enforcement officer that the applicant has a bona fide established place of business. Arranging for a law enforcement officer to inspect the place of business and to make the certification is the responsibility of the applicant for licensure or licensee.

(3) When applying for an original, first-time license, the applicant shall include:

(A) A black and white or color photograph at least four inches by six inches (4" × 6"), but not exceeding eight inches by ten inches (8" × 10"), showing the business building and exterior sign;

(B) A corporate surety bond or an irrevocable letter of credit as required by section 301.560(4), RSMo; and

(C) The business address, not a post office box, and telephone number of the place where the books, records, files and other matters required and necessary to conduct the business are located.

(4) To be eligible for unissued licensure, an applicant must intend to sell at least six (6) vessels or vessel trailers during a calendar year and provide evidence at the request of the commission. A person who has sold six (6) vessels or vessel trailers during any calendar year must apply for licensure to continue in business as or act as a boat dealer in the calendar year when the sales were made or any subsequent calendar year. A person who continues to engage in business as or act as a boat dealer after selling six (6) vessels or vessel trailers without obtaining a license is guilty of a class B misdemeanor as set out in section 301.559.1, RSMo, except as provided under section 301.570, RSMo. For renewal of license, a boat dealer must have proof of six (6) sales of vessels or vessel trailers in the previous calendar year. The commission will prorate the six (6) sales of a vessel or vessel trailer in accordance to the following schedule:

(A) After March 1—five (5) vessels or vessel trailers;

(B) After May 1—four (4) vessels or vessel trailers;

(C) After July 1—three (3) vessels or vessel trailers;

(D) After September 1—two (2) vessels or vessel trailers; and

(E) After November 1—one (1) vessel or vessel trailer.



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

*\*Original authority 1988, amended 1989.*

**12 CSR 60-2.030 Licensure Requirements for Franchised New Motor Vehicle Dealers**

*PURPOSE: This rule sets out specific requirements to obtain a franchised new motor vehicle dealer class license.*

(1) Any person desiring to become licensed as a franchised new motor vehicle dealer shall obtain a license application form from the commission and shall submit to the office of the commission the fully completed form along with any required fees.

(2) The application form shall include a form for certification by an authorized law enforcement officer that the applicant has a bona fide established place of business. Arranging for a law enforcement officer to inspect the place of business and to make the certification is the responsibility of the applicant for licensure or licensee.

(3) When applying for an original, first-time license, the applicant shall include:

(A) A black and white or color photograph at least four inches by six inches (4" × 6"), but not exceeding eight inches by ten inches (8" × 10"), showing the business building and exterior sign; and

(B) A franchise agreement or a letter of appointment signed by an authorized representative of the manufacturer. It must include: the name and address of the dealership, the effective date of the franchise agreement, the makes of vehicles the dealer is authorized to sell and a copy of any applicable franchise agreement as provided in sections 301.559.3(3) and 301.560(4), RSMo.

(4) To be eligible for unissued licensure, an applicant must intend to sell at least six (6) motor vehicles during a calendar year and provide evidence at the request of the commission. A person who has sold six (6) motor vehicles during any calendar year must apply for licensure to continue in business as or act as a franchised new motor vehicle dealer in the calendar year when the sales were made or any subsequent calendar year. A person who continues to engage in business as or act as a franchised new motor vehicle dealer after selling seven (7) motor vehicles in one (1) calendar year without obtaining a license is guilty of a class A misdemeanor under section 301.570, RSMo. For renewal of license, a franchised new motor vehicle dealer must have proof of six (6) sales of motor vehicles in the previous calendar year. The commission will prorate the six (6) sales of a motor vehicle in accordance to the following schedule:

(A) After March 1—five (5) motor vehicles;

(B) After May 1—four (4) motor vehicles;

(C) After July 1—three (3) motor vehicles;

(D) After September 1—two (2) motor vehicles; and

(E) After November 1—one (1) motor vehicle.

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

*\*Original authority 1988, amended 1989.*

**12 CSR 60-2.040 Licensure Requirements for Used Motor Vehicle Dealers**

*PURPOSE: This rule sets out specific requirements to obtain a used motor vehicle dealer class license.*

(1) Any person desiring to become licensed as a used motor vehicle dealer shall obtain a license application form from the commission and shall submit to the office of the commission the fully completed form along with any required fees.

(2) The application form shall include a form for certification by an authorized law enforcement officer that the applicant has a bona fide established place of business. Arranging for a law enforcement officer to inspect the place of business and to make the certification is the responsibility of the applicant for licensure or licensee.

(3) When applying for an original, first-time license, the applicant shall include:

(A) A black and white or color photograph at least four inches by six inches (4" × 6"), but not exceeding eight inches by ten inches (8" × 10"), showing the business building and exterior sign; and

(B) A corporate surety bond or an irrevocable letter of credit as required by section 301.560(4), RSMo.

(4) To be eligible for unissued licensure, an applicant must intend to sell at least six (6) motor vehicles during a calendar year and provide evidence at the request of the commission. A person who has sold six (6) motor vehicles during any calendar year must apply for licensure to continue in business as or act as a used motor vehicle dealer in the calendar year when the sales were made or any subsequent calendar year. A person who continues to engage in business as or act as a used motor vehicle dealer after selling seven (7) motor vehicles in one (1) calendar year without obtaining a license is guilty of a class A misdemeanor under section 301.570, RSMo. For renewal of license, a used motor vehicle dealer must have proof of six (6) sales of motor vehicles in the previous calendar year. The commission will prorate the six (6) sales of a motor vehicle in accordance to the following schedule:

(A) After March 1—five (5) motor vehicles;

(B) After May 1—four (4) motor vehicles;

(C) After July 1—three (3) motor vehicles;

(D) After September 1—two (2) motor vehicles; and

(E) After November 1—one (1) motor vehicle.

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

*\*Original authority 1988, amended 1989.*

**12 CSR 60-2.050 Licensure Requirements for Wholesale Motor Vehicle Dealers**

*PURPOSE: This rule sets out specific requirements to obtain a wholesale motor vehicle dealer class license.*

(1) Any person desiring to become licensed as a wholesale motor vehicle dealer shall obtain a license application form from the commission and shall submit to the office of the commission the fully completed form along with any required fees.

(2) The application form shall include a form for certification by an authorized law enforcement officer that the applicant has a bona fide established place of business. Arranging for a law enforcement officer to inspect the place of business and to make the certification is the responsibility of the applicant for licensure or licensee.

(3) A corporate surety bond or an irrevocable letter of credit as required by section 301.560(4), RSMo shall be included with the application form for an original, first-time license.

(4) The applicant or licensee shall provide the commission with the business address, not a post office box, and telephone number of the place where the books, records, files or other matters required and necessary to conduct the business are located.

(5) To be eligible for unissued licensure, an applicant must intend to sell at least six (6) motor vehicles during a calendar year and provide evidence at the request of the commission. A person who has sold six (6) motor vehicles during any calendar year must apply for licensure to continue in business as or act as a wholesale motor vehicle dealer in the calendar year when the sales were made or any subsequent calendar year. A person who continues to engage in business as or act as a wholesale motor vehicle dealer after selling seven (7) motor vehicles in one (1) calendar year without obtaining a license is guilty of a class A misdemeanor under section 301.570, RSMo. For renewal of license a wholesale motor vehicle dealer must have proof of six (6) sales of motor vehicles in the previous calendar year. The commission will prorate the six (6) sales of a motor vehicle in accordance to the following schedule:

- (A) After March 1—five (5) motor vehicles;
- (B) After May 1—four (4) motor vehicles;
- (C) After July 1—three (3) motor vehicles;
- (D) After September 1—two (2) motor vehicles; and
- (E) After November 1—one (1) motor vehicle.

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

*\*Original authority 1988, amended 1989.*

### 12 CSR 60-2.060 Licensure Requirements for Recreational Motor Vehicle Dealers

*PURPOSE: This rule sets out specific requirements to obtain a recreational motor vehicle dealer class license.*

(1) Any person desiring to become licensed as a recreational motor vehicle dealer shall obtain a license application form from the commission and shall submit to the office of the commission the fully completed form along with any required fees.

(2) The application form shall include a form for certification by an authorized law enforcement officer that the applicant has a bona fide established place of business. Arranging for a law enforcement officer to inspect the place

of business and to make the certification is the responsibility of the applicant for licensure or licensee.

(3) When applying for an original, first-time license, the applicant shall include:

(A) A black and white or color photograph at least four inches by six inches (4" × 6"), but not exceeding eight inches by ten inches (8" × 10"), showing the business building and exterior sign;

(B) A copy of any applicable franchise agreement as provided in section 301.559.3(3), RSMo; and

(C) A corporate surety bond or an irrevocable letter of credit as required by section 301.560(4), RSMo.

(4) To be eligible for unissued licensure, an applicant must intend to sell at least six (6) motor vehicles during a calendar year and provide evidence at the request of the commission. A person who has sold six (6) motor vehicles during any calendar year must apply for licensure to continue in business as or act as a recreational motor vehicle dealer in the calendar year when the sales were made or any subsequent calendar year. A person who continues to engage in business as or act as a recreational motor vehicle dealer after selling seven (7) motor vehicles in one (1) calendar year without obtaining a license is guilty of a class A misdemeanor under section 301.570, RSMo. For renewal of license a recreational motor vehicle dealer must have proof of six (6) sales of motor vehicles in the previous calendar year. The commission will prorate the six (6) sales of a motor vehicle in accordance to the following schedule:

- (A) After March 1—five (5) motor vehicles;
- (B) After May 1—four (4) motor vehicles;
- (C) After July 1—three (3) motor vehicles;
- (D) After September 1—two (2) motor vehicles; and
- (E) After November 1—one (1) motor vehicle.

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

*\*Original authority 1988, amended 1989.*

### 12 CSR 60-2.070 Licensure Requirements for Historic Motor Vehicle Dealers

*PURPOSE: This rule sets out specific requirements to obtain a historic motor vehicle dealer class license.*

(1) Any person desiring to become licensed as a historic motor vehicle dealer shall obtain a license application form from the commission and shall submit to the office of the commission the fully completed form along with any required fees.

(2) The application form shall include a form for certification by an authorized law enforcement officer that the applicant has a bona fide established place of business. Arranging for a law enforcement officer to inspect the place of business and to make the certification is the responsibility of the applicant for licensure or licensee.

(3) When applying for an original, first-time license, the applicant shall include:

(A) A black and white or color photograph at least four inches by six inches (4" × 6"), but not exceeding eight inches by ten inches (8" × 10"), showing the business building and exterior sign; and

(B) A corporate surety bond or an irrevocable letter of credit as required by section 301.560(4), RSMo.

(4) To be eligible for unissued licensure, an applicant must intend to sell at least six (6) motor vehicles during a calendar year and provide evidence at the request of the commission. A person who has sold six (6) motor vehicles during any calendar year must apply for licensure to continue in business as or act as a historic motor vehicle dealer in the calendar year when the sales were made or any subsequent calendar year. A person who continues to engage in business as or act as a historic motor vehicle dealer after selling seven (7) motor vehicles in one (1) calendar year without obtaining a license is guilty of a class A misdemeanor under section 301.570, RSMo. For renewal of license a historic motor vehicle dealer must have proof of six (6) sales of motor vehicles in the previous calendar year. The commission will prorate the six (6) sales of a motor vehicle in accordance to the following schedule:

- (A) After March 1—five (5) motor vehicles;
- (B) After May 1—four (4) motor vehicles;
- (C) After July 1—three (3) motor vehicles;
- (D) After September 1—two (2) motor vehicles; and
- (E) After November 1—one (1) motor vehicle.

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

*\*Original authority 1988, amended 1989.*





**12 CSR 60-2.080 Licensure Requirements for Classic Motor Vehicle Dealers**

*PURPOSE: This rule sets out specific requirements to obtain a classic motor vehicle dealer class license.*

(1) Any person desiring to become licensed as a classic motor vehicle dealer shall obtain a license application form from the commission and shall submit to the office of the commission the fully completed form along with any required fees to the office of the commission.

(2) The application form shall include a form for certification by an authorized law enforcement officer that the applicant has a bona fide established place of business. Arranging for a law enforcement officer to inspect the place of business and to make the certification is the responsibility of the applicant for licensure or licensee.

(3) When applying for an original, first-time license, the applicant shall include:

(A) A black and white or color photograph at least four inches by six inches (4" × 6"), but not exceeding eight inches by ten inches (8" × 10"), showing the business building and exterior sign; and

(B) A corporate surety bond or an irrevocable letter of credit as required by section 301.560(4), RSMo.

(4) To be eligible for unissued licensure, an applicant must intend to sell at least six (6) motor vehicles during a calendar year and provide evidence at the request of the commission. A person who has sold six (6) motor vehicles during any calendar year must apply for licensure to continue in business as or act as a classic motor vehicle dealer in the calendar year when the sales were made or any subsequent calendar year. A person who continues to engage in business as or act as a classic motor vehicle dealer after selling seven (7) motor vehicles in one (1) calendar year without obtaining a license is guilty of a class A misdemeanor under section 301.570, RSMo. For renewal of license a classic motor vehicle dealer must have proof of six (6) sales of motor vehicles in the previous calendar year. The commission will prorate the six (6) sales of a motor vehicle in accordance to the following schedule:

- (A) After March 1—five (5) motor vehicles;
- (B) After May 1—four (4) motor vehicles;
- (C) After July 1—three (3) motor vehicles;
- (D) After September 1—two (2) motor vehicles; and

(E) After November 1—one (1) motor vehicle.

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

*\*Original authority 1988, amended 1989.*

**12 CSR 60-2.090 Licensure Requirements for Motorcycle Dealers**

*PURPOSE: This rule sets out specific requirements to obtain a motorcycle dealer class license.*

(1) Any person desiring to become licensed as a motorcycle dealer shall obtain a license application form from the commission and shall submit to the office of the commission the fully completed form along with any required fees.

(2) The application form shall include a form for certification by an authorized law enforcement officer that the applicant has a bona fide established place of business. Arranging for a law enforcement officer to inspect the place of business and to make the certification is the responsibility of the applicant for licensure or licensee.

(3) When applying for an original, first-time license, the applicant shall include:

(A) A black and white or color photograph at least four inches by six inches (4" × 6"), but not exceeding eight inches by ten inches (8" × 10"), showing the business building and exterior sign;

(B) A copy of any applicable franchise agreement as provided in section 301.559.3(3), RSMo; and

(C) A corporate surety bond or an irrevocable letter of credit as required by section 301.560(4), RSMo.

(4) To be eligible for unissued licensure, an applicant must intend to sell at least six (6) motor vehicles during a calendar year and provide evidence at the request of the commission. A person who has sold six (6) motor vehicles during any calendar year must apply for licensure to continue in business as or act as a motorcycle dealer in the calendar year when the sales were made or any subsequent calendar year. A person who continues to engage in business as or act as a motorcycle dealer after selling seven (7) motor vehicles in one (1) calendar year without obtaining a license is guilty of a class A misdemeanor under section 301.570, RSMo. For renewal

of license a motorcycle dealer must have proof of six (6) sales of motor vehicles in the previous calendar year. The commission will prorate the six (6) sales of a motor vehicle in accordance to the following schedule:

- (A) After March 1—five (5) motor vehicles;
- (B) After May 1—four (4) motor vehicles;
- (C) After July 1—three (3) motor vehicles;
- (D) After September 1—two (2) motor vehicles; and
- (E) After November 1—one (1) motor vehicle.

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

*\*Original authority 1988, amended 1989.*

**12 CSR 60-2.100 Licensure Requirements for New Vehicle and Trailer Manufacturers**

*PURPOSE: This rule sets out specific requirements to obtain a new vehicle and trailer manufacturer class license.*

(1) Any person or other business entity desiring to become licensed as a new vehicle and trailer manufacturer shall obtain a license application form from the commission and shall submit to the office of the commission the fully completed form along with any required fees.

(2) The application form shall include a form for certification by an authorized law enforcement officer that the applicant has a bona fide established place of business. Arranging for a law enforcement officer to inspect the place of business and to make the certification is the responsibility of the applicant or licensee.

(3) When applying for an original, first-time license, the applicant shall include a black and white or color photograph at least four inches by six inches (4" × 6"), but not exceeding eight inches by ten inches (8" × 10"), showing the business buildings and exterior signs.

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

*\*Original authority 1988, amended 1989.*

### 12 CSR 60-2.110 Licensure Requirements for Boat Manufacturers

*PURPOSE: This rule sets out specific requirements to obtain a boat manufacturer class license.*

(1) Any person or other business entity desiring to become licensed as a boat manufacturer shall obtain a license application form from the commission and shall submit to the office of the commission the fully completed form along with any required fees.

(2) The application form shall include a form for certification by an authorized law enforcement officer that the applicant has a bona fide established place of business. Arranging for a law enforcement officer to inspect the place of business and to make the certification is the responsibility of the applicant or licensee.

(3) When applying for an original, first-time license, the applicant shall include a black and white or color photograph at least four inches by six inches (4" × 6"), but not exceeding eight inches by ten inches (8" × 10"), showing the business buildings and exterior signs.

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

*\*Original authority 1988, amended 1989.*

### 12 CSR 60-2.120 Bona Fide Established Place of Business

*PURPOSE: The commission has the authority to determine that an applicant for licensure is a dealer or manufacturer in fact. One of the requirements for licensure as a dealer or manufacturer is that the business owner maintains a bona fide established place of business. This rule establishes some of the criteria that may be used in determining if this requirement has been met.*

(1) To obtain licensure under sections 301.550–301.572, RSMo, an applicant must maintain a bona fide established place of business.

(2) Place of business for any motor vehicle dealer as those terms are defined in section 301.550(8) and (11), RSMo shall include a permanently enclosed building or structure, either owned in fee or leased and actually occupied and primarily used in whole, or in a clearly designated and segregated part, as a place of business by the applicant for the sell-

ing, bartering, trading or exchanging of motor vehicles or trailers, where the public may contact the owner or operator at any reasonable time and where shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The display area of the principal place of business and each branch location of the dealer must be of sufficient size to physically accommodate vehicles of the type which the dealership is licensed to sell. The display area must be clearly for the exclusive use of the dealer or manufacturer for display purposes only and must be in a proximity to the office of the dealership as to avoid confusion or uncertainty as to its relationship to the business. The display area or lot must provide unencumbered visibility from the nearest public street of the motor vehicles being sold by the dealer or manufacturer. An enclosed garage does not qualify as a proper display area. For dealers who hold a franchise for any type of motor vehicle, the bona fide established place of business shall include adequate facilities, tools and personnel necessary to properly service and repair motor vehicles and trailers under their franchiser's warranty.

(A) Example: Mrs. W has a place of business at a shopping center containing several other retail establishments. The shopping center contains a common parking area for customers of all retail establishments to park. The shopping center's parking lot does not qualify as a proper display area and thus the building would not qualify as a bona fide established place of business for the sale or exchange of motor vehicles.

(3) The applicant's place of business, regardless of class (any one (1) of the ten (10) different classes), shall contain a working telephone which shall be maintained during the entire licensure year. There shall be an exterior sign display carrying, in letters at least six inches (6") high and clearly visible to the public, the name and class of business conducted and there shall be an area or lot (not a public street) on which one (1) or more vehicles may be displayed, except when licensure is for a wholesale dealer or boat dealer a lot shall not be required.

(4) A bona fide established place of business for any class of licensee (any one (1) of the ten (10) different classes) shall be open at regular business hours when the public may contact the owner/operator. To be open at regular business hours, a bona fide established place of business shall be open a minimum of twenty (20) hours per week. A licensee shall satisfy the requirements of this

rule by being open at least four (4) of the six (6) days of Monday through Saturday each week. Only hours falling between 6 a.m. and 10 p.m. will be considered by the commission in determining whether a place of business is open a minimum of twenty (20) hours a week. The business hours shall be posted at the place of business and the licensee's records shall be accessible for inspection during the times posted. Nothing in this rule shall prevent a licensee from establishing business hours other than those mentioned in this rule, as long as the requirements of this rule are met.

(5) Any licensee who changes the site of the business operation must notify the commission of that change prior to initiation of operations at a new site. All provisions of section 301.560.1(1) and (2), RSMo must be met before the application for change of location will be accepted by the commission.

(6) A licensee must maintain a bona fide established place of business for the entire licensure period. The commission retains the right to determine the existence of a bona fide established place of business at any time.

*AUTHORITY: section 301.553, RSMo (Cum. Supp. 1989). \* Original rule filed Nov. 3, 1989, effective Feb. 25, 1990.*

*\*Original authority 1988, amended 1989.*

### 12 CSR 60-2.130 Registration With Secretary of State

*PURPOSE: This rule requires that all licensees properly register their business activity as required by other provisions of Missouri law.*

(1) Every applicant who applies for original licensure or renewal of license pursuant to sections 301.550–301.572, RSMo must be properly registered with the secretary of state as required by Missouri laws.

(2) The commission may require, at any time, proof that the business is considered in good standing with the Office of the Secretary of State as required by law.

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

*\*Original authority 1988, amended 1989.*



**12 CSR 60-2.140 Business Records of Motor Vehicle Manufacturers, Boat Manufacturers, Motor Vehicle Dealers and Boat Dealers**

*PURPOSE: This rule establishes the requirements for retention of business records associated with the licensure of motor vehicle manufacturers, boat manufacturers, motor vehicle dealers and boat dealers.*

(1) Every motor vehicle or boat manufacturer, motor vehicle dealer or boat dealer licensed pursuant to sections 301.550–301.572, RSMo must keep and maintain books, records, files and other matters required and necessary to conduct the business of manufacturing and/or selling motor vehicles, trailers and/or boats.

(2) Pertinent records of a licensee which must be kept and maintained at the bona fide established place of business are those records maintained in the regular course of business and directly concerned with the manufacture, purchase, sale, rental or lease of a vehicle, trailer or boat.

(3) Unless otherwise specified by statute, all business records relating to licensure as a motor vehicle manufacturer, boat manufacturer, motor vehicle dealer or boat dealer and transactions conducted by a licensee shall be maintained by the dealer or manufacturer for not less than three (3) years.

(4) When, for any reason, a motor vehicle manufacturer, boat manufacturer, a motor vehicle dealership or a boat dealership terminates business, all licenses granted by the commission shall be returned to the office of the commission.

(5) A licensee must maintain the business records of the licensed business at the office of the principal place of business or, if the licensee has a branch location, records peculiar to that branch may be maintained either at the branch location or at the principal place of business.

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

*\*Original authority 1988, amended 1989.*

**12 CSR 60-2.150 Dealer License Plates**

*PURPOSE: This rule establishes safeguards to prevent unauthorized use of dealer plates.*

(1) Whenever a dealer is no longer entitled to registration pursuant to section 301.560, RSMo (Cum. Supp. 1990) through voluntary cessation of business, abandonment of a bona fide established place of business, failure to make six (6) sales per year, suspension or revocation of its registration, sale of the business or for any other reason, the dealer license plates issued to that dealer immediately shall be surrendered to the director regardless of the unexpired time remaining in the registration period applicable to that license plate.

(2) Dealer license plates are issued primarily for the purpose of allowing a potential buyer to test drive a motor vehicle owned and held for resale by a dealer. A secondary purpose is to allow the transportation of vehicles owned by a dealer or manufacturer and held for the purpose of resale and in lieu of registering each vehicle individually. Therefore, dealer plates may only be displayed on a motor vehicle or trailer that is—

- (A) Owned by the manufacturer/dealer; and
- (B) Held for resale.

(3) Vehicles on which the plates are displayed may then be operated by—

- (A) A customer who is test driving the motor vehicle;
- (B) An owner, officer or employee of the manufacturer/dealership;
- (C) A buyer as provided in section 301.140.3, RSMo; or
- (D) A customer who is test driving a tractor, truck or a trailer under loaded conditions provided a written demonstration agreement is present in the vehicle and signed by the prospective customer and the dealer. The tractor, truck or trailer may be test driven not more than one hundred (100) miles from the dealer's registered place of business. The written demonstration agreement must be on the dealership's stationery and include the following items:

- 1. A statement that the vehicle is being used for demonstration purposes only;
- 2. A description of the vehicle; that is, year, make and vehicle identification number;
- 3. The name of the person or company demonstrating the vehicle;
- 4. The dealer number and the address of the dealer's registered place of business;
- 5. A statement of the type of property being transported; and
- 6. The mileage on the odometer of the vehicle, if applicable, at the time the demonstration began.

- 1. A statement that the vehicle is being used for demonstration purposes only;
- 2. A description of the vehicle; that is, year, make and vehicle identification number;
- 3. The name of the person or company demonstrating the vehicle;
- 4. The dealer number and the address of the dealer's registered place of business;
- 5. A statement of the type of property being transported; and
- 6. The mileage on the odometer of the vehicle, if applicable, at the time the demonstration began.

(4) Section 301.560, RSMo provides that dealer plates may be displayed on any motor vehicle owned and held for resale by the motor vehicle dealer or manufacturer, and used by a customer who is test driving the motor vehicle, or is used by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Therefore, dealer license plates may not be displayed on the following:

- (A) Motor vehicles or trailers that are rented or leased;
- (B) Motor vehicles or trailers that are loaned to someone other than an owner, officer or employee of the dealership (for example, a dealer may not loan a motor vehicle displaying a dealer license plate to his/her customer while the customer's vehicle is being serviced or repaired);
- (C) Motor vehicles or trailers that are used for hauling or towing;
- (D) Motor vehicles or trailers used by anyone who is not an officer or employee of the manufacturer/dealer, this includes relatives of employees and officers;
- (E) Motor vehicles or trailers that are not for resale; and
- (F) Any boat or vessel.

(5) Dealer plates displayed on all motor vehicles, other than motorcycles and motortricycles, must be twelve inches by six inches (12" × 6") in size.

*AUTHORITY: section 301.575, RSMo (Cum. Supp. 1990). Original rule filed Feb. 14, 1991, effective July 8, 1991.*

**12 CSR 60-2.160 Business Records of Manufacturers, Dealers and Boat Dealers**

*PURPOSE: This rule replaces 12 CSR 10-23.120 of the Motor Vehicle Bureau of the Department of Revenue and establishes odometer disclosure requirements and related record retention and requires the surrender of business records associated with registered motor vehicle manufacturers, dealers and boat dealers upon termination of the business.*

(1) For every motor vehicle sold by the dealership, both at wholesale and retail unless exempted by law, every motor vehicle dealer who purchases a motor vehicle also shall obtain a proper odometer disclosure as required by federal and state law from the seller of the motor vehicle at the time of purchase. Clear, complete copies of all odometer disclosure documents issued and received by the dealer shall be retained as a part of the



dealership's business records for a period of five (5) years. Every motor vehicle dealer shall make a true, accurate and complete odometer disclosure as required by Missouri laws (section 407.511–407.556, RSMo) and the Federal Truth In Mileage Act of 1986 and related federal laws and rules at the time of sale

*AUTHORITY: section 301.553, RSMo (Cum. Supp. 1989). \* Original rule filed Oct. 18, 1991, effective March 9, 1992.*

*\*Original authority 1988, amended 1989.*

### 12 CSR 60-2.170 Regulation of Boat Dealer's Certificate of Number and Plates

*PURPOSE: This rule replaces 12 CSR 10-23.395 of the Motor Vehicle Bureau of the Department of Revenue and establishes safeguards to prevent unauthorized use of certificates of number.*

(1) Whenever a boat dealer or manufacturer is no longer entitled to registration under section 301.560, RSMo through voluntary cessation of business, abandonment of a bona fide established place of business, failure to make six (6) sales per year, suspension or revocation of its registration, sale of the business or for any other reason, the certificates of number issued to that dealer immediately shall be surrendered to the director of the Motor Vehicle Commission regardless of the unexpired time remaining in the registration period applicable to the certificates of number.

(2) A boat dealer certificates of number are issued primarily for the purpose of allowing a potential buyer to test drive a vessel or vessel trailer owned and held for resale by a dealer. A secondary purpose is to allow the transportation of vessels and vessel trailers owned by a boat dealer or manufacturer and held for the purpose of resale. Therefore, a dealer certificate of number shall be displayed only on a vessel or vessel trailer that is—

(A) Owned by the boat manufacturer/dealer; and

(B) Held for resale.

(3) Vessels or vessel trailers on which the certificates of number are displayed may then be operated by—

(A) A customer who is test driving the unit; or

(B) An owner, officer or employee of the boat manufacturer/dealer.

(4) A certificate of number shall either be displayed on the outside of the vessel or be carried inside the vessel during any demonstration.

(5) In addition to obtaining a certificate of number, a boat dealer or manufacturer may obtain a metal boat dealer license plate solely for the purpose of demonstrating a vessel trailer that is owned by the dealer or manufacturer and held for resale. The boat dealer license plate may also be displayed on a vessel trailer which is transporting a vessel to an exhibit or show.

(A) The boat dealer license plate shall be twelve inches by six inches (12" × 6") in size and shall contain the boat dealer's registration number.

(B) A boat dealer license plate may be obtained upon payment of the same fees specified in section 301.560(6), RSMo and shall expire on December 31 of each year. These fees are prorated on a monthly basis.

1. Example: Upon the payment of the annual license fee set by law, a boat dealer shall be issued one (1) certificate of number for the purpose of test driving a vessel or one (1) boat dealer license plate for the purpose of demonstrating a vessel trailer.

(C) As many duplicate certificates of number or boat dealer license plates may be obtained as desired upon payments of the additional fee set by law for each additional certificate of number or boat dealer license plate requested. These fees are prorated on a monthly basis.

1. Example: Johnson Marina pays the annual fifty-dollar (\$50) registration fee to register as a Missouri boat dealer in January. It will be issued one (1) certificate of number or one (1) boat dealer license plate upon payment of this fee. Johnson Marina requests three (3) additional certificates of number and two (2) additional boat dealer license plates at that time of registration. It will be charged an additional ten dollars and fifty cents (\$10.50) for each certificate of number and each boat dealer license plate requested.

2. Example: Johnson Marina is a registered boat dealer and elects to obtain two (2) additional certificates of number and one (1) additional boat dealer license plate on April 5. Johnson Marina is required to pay the prorated fee of  $\$7.88 \times 3 = \$23.64$ .

(6) Section 301.560, RSMo provides that a certificate of number may be displayed on any vessel or vessel trailer owned and held for resale by a boat dealer or manufacturer and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer, but shall not be dis-

played on any vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Therefore, dealer certificates of number shall not be displayed on the following:

(A) Vessel or vessel trailers that are rented or leased;

(B) Vessel or vessel trailers that are loaned to someone other than an owner, officer or employee of the dealership (for example, a dealer may not loan a vessel displaying a certificate of number to the dealer's customer while the customer's vessel is being serviced or repaired);

(C) Vessel or vessel trailers that are used for hauling or towing;

(D) Vessel or vessel trailers used by anyone who is not an officer or employee of the manufacturer/dealer (vessel or vessel trailers shall not be used by relatives of the employees and officers by virtue of that fact alone); or

(E) Vessel or vessel trailers that are not for resale.

*AUTHORITY: section 301.553, RSMo (Cum. Supp. 1990). \* Original rule filed Oct. 18, 1991, effective March 9, 1992.*

*\*Original authority 1988, amended 1989.*