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**Title 12—DEPARTMENT OF
REVENUE**

**Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

12 CSR 10-23.010 Dealer Plate Allocation
(Rescinded July 14, 1982)

12 CSR 10-23.020 Dealer Registration
(Rescinded April 29, 1991)

**12 CSR 10-23.030 Bona Fide Established
Place of Business**
(Rescinded April 29, 1991)

**12 CSR 10-23.040 Cancellation of Dealer
Registration**
(Rescinded June 11, 1983)

**12 CSR 10-23.050 Dealers' Monthly
Reports**

PURPOSE: The director of the Department of Revenue is charged with the responsibility of receiving dealers' monthly sales reports and securing power of attorney forms. This rule establishes time limits and guidelines concerning the submission of those reports.

(1) Every motor vehicle and boat dealer shall file a monthly sales report on a form prescribed by the director of revenue in accordance with section 301.280, RSMo. This report shall be completed in full and actually received by the Department of Revenue on or before the fifteenth day of the month following the month for which the sales are being reported. (Example: Sales occurring during the month of July must be filed on or before August 15.)

(A) If any due date for filing the report falls on a Saturday, Sunday or legal holiday in this state, the report shall be considered timely if it is filed on the next day which is not a Saturday, Sunday or legal holiday.

(B) If any monthly sales report required to be filed on or before a prescribed date is delivered after that date by United States mail, postage prepaid and addressed to the Department of Revenue, the date of the United States postmark stamped on the envelope shall be deemed to be the date of filing. Official United States postmarks will suffice as proof of mailing. Reports may also be submitted by certified mail, registered mail or the dealer may obtain a validated certificate

of mailing or receipt from the United States Post Office to establish date of mailing.

(2) If no sales occur in any given month, a report must be submitted for that month indicating no sales.

(3) No motor vehicle or boat dealer, his/her agent or representative shall willfully or knowingly make a false statement in any monthly sales report required by section 301.280, RSMo and this rule; nor shall s/he, his/her agent or representative omit any information requested or fail to report any sale made by the dealership.

(4) Every motor vehicle and boat dealer shall retain copies of the sales reports submitted to the Department of Revenue as part of the records to be maintained at the dealership location as provided in section 301.560.1., RSMo and shall hold them available for inspection by appropriate law enforcement officials, officials of the Department of Revenue and the Motor Vehicle Commission.

(5) Every motor vehicle dealer shall submit the original secure power of attorney form (see 12 CSR 10-23.420) in which the dealer is listed as purchaser and a copy of the corresponding certificate of title with the dealer's monthly sales reports as provided in 12 CSR 10-23.420. Secure power of attorney forms and copies of the corresponding titles received by a dealer in a particular month should be submitted with the sales report completed for that month.

*AUTHORITY: sections 32.057, RSMo (1986) and 301.280 and 301.560.1., RSMo (Cum. Supp. 1990). * Original rule filed April 14, 1980, effective Sept. 12, 1980. Amended: Filed March 26, 1982, effective July 12, 1982. Amended: Filed Sept. 3, 1985, effective Jan. 26, 1986. Amended: Filed May 27, 1986, effective Aug. 25, 1986. Amended: Filed March 25, 1991, effective Aug. 30, 1991.*

**Original authority 32.057, RSMo (1979), amended 1980, 1983; 301.280, RSMo (1939), amended 1974, 1983, 1984, 1986, 1988, 1990; and 301.560.1., RSMo (1988), amended 1989.*

Burtrum Brothers Motor Co., Inc. v. Director of Revenue, Case No. RV-86-0650 (A.H.C. 11/10/87). The Administrative Hearing Commission upheld the Department of Revenue's determination that petitioner failed to make the requisite number of sales. The Administrative Hearing Commission

found that the "sales" reported by petitioner were sham transactions in that the buyer never took possession of the vehicles, titles remained in the petitioner's possession and the titles were not assigned to the alleged purchaser. Furthermore, the commission rejected the argument that respondent's only remedy when insufficient sales are made is to refuse to renew registration for the following year. The Administrative Hearing Commission held that the Department of Revenue may revoke a registration for petitioner's attempt to conceal its ineligibility by reporting sham transactions.

MOTOR VEHICLE COMMISSION
 DEALER'S REPORT DESK
 P.O. BOX 43
 JEFFERSON CITY, MO 65105-0043
DEALER'S MONTHLY SALES REPORT

FORM
385
 (REV. 3-92)

DEALERSHIP	DEALER NUMBER
STREET ADDRESS	BOAT DEALER NUMBER
CITY, STATE, ZIP	TELEPHONE NUMBER

TOTAL UNITS SOLD THIS MONTH	
SALES MONTH	SALES YEAR
TOTAL TEMPORARY PERMITS ISSUED THIS MONTH	
VEHICLES	
QTY. OF NEW VEHICLES SOLD	QTY. OF NEW BOATS/ BOAT TRAILERS SOLD
QTY. OF USED VEHICLES SOLD	QTY. OF USED BOATS/ BOAT TRAILERS SOLD
TOTAL SALES	

INSTRUCTIONS

- All reports must be completed in full, signed and mailed to the address above.
- Reports must be RECEIVED by the 15th day of each month following the month for which sales were reported.
- A separate report must be submitted for each month. If no sales, enter "NO SALES."
- REPORT ALL SALES** - retail/wholesale - motor vehicles, cycles, trailers, atv's and boats.
- The ORIGINAL Secure Power of Attorney (DOR-3020) or the second copy of Form 3020S and a copy of the front and back of the corresponding title must accompany this sales report for each vehicle sold, if applicable.
- DO NOT REPORT MOBILE HOME SALES OR OUTBOARD MOTOR SALES.
- Retain a copy of each report for your records. Refer any questions to (314) 751-8637 or (314) 751-8638.

DATE SOLD	NAME OF BUYER ADDRESS OF BUYER	YEAR MAKE	MODEL STYLE	VEHICLE/BOAT ID NUMBER FROM MSO OR TITLE	TYPE:			ODOMETER SETTING	NEW	USED	TEMPORARY PERMIT NUMBER (IF APPLICABLE)	NET PRICE
					MW	TRL	BOAT					
1.												
2.												
3.												
4.												
5.												
6.												
7.												
8.												
9.												
10.												
11.												
12.												
13.												

AS AN OFFICER, PARTNER OR OWNER OF THE DEALERSHIP, I HEREBY SIGNATURE	TITLE	DATE
CERTIFY THAT THE STATEMENTS CONTAINED IN THIS REPORT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.		

MO 860-0334 (3-92)



DATE SOLD	NAME OF BUYER ADDRESS OF BUYER	YEAR MAKE	MODEL STYLE	VEHICLE/BOAT ID NUMBER FROM MSO OR TITLE	TYPE:				ODOMETER SETTING	NEW	USED	TEMPORARY PERMIT NUMBER (IF APPLICABLE)	NET PRICE
					MV	TR	BOAT	DOC YES					
14.													
15.													
16.													
17.													
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DOR-385 (3-92)

MO 860-0334 (3-92)

12 CSR 10-23.070 Regulation of Dealer License Plates

PURPOSE: The director of the Department of Revenue is charged with the responsibility of regulating the license plates issued to dealers. This rule establishes safeguards to prevent unauthorized use of dealer plates.

- (1) Whenever a dealer is no longer entitled to registration pursuant to section 301.251, RSMo through voluntary cessation of business, abandonment of a bona fide established place of business, failure to make four (4) sales per year, suspension or revocation of its registration, sale of the business, declaration of bankruptcy 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. Therefore, dealer plates may be displayed only 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 then may be operated by—
 - (A) A customer who is test driving the motor vehicle;
 - (B) An owner, officer or employee of the manufacturer/dealer;
 - (C) A buyer as provided in section 301.140.3., RSMo; or
 - (D) A customer who is test driving a truck or a trailer under loaded conditions provided a written demonstration agreement signed by the prospective customer and the dealer is present in the vehicle. The motor vehicle or trailer may be test driven for no more than twenty-four (24) hours if the vehicle is being operated in Missouri or for one (1) round trip only if being test driven outside Missouri. 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;
 - 5. A statement of the type of property being transported;
 - 6. The date and time the demonstration began; and
 - 7. If the vehicle is being demonstrated on a round trip outside Missouri, the estimated date the vehicle will be returned to the dealership.
- (4) Section 301.253, RSMo provides that dealer plates may be displayed on any motor vehicle used by an employee or officer and owned by the manufacturer, distributor or dealer, 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" x 6") in size.

AUTHORITY: sections 301.140, 301.251 and 301.253, RSMo (1986). Original rule filed April 14, 1980, effective Sept. 12, 1980. Amended: Filed March 26, 1982, effective July 12, 1982. Amended: Filed Sept. 16, 1985, effective Jan. 26, 1986.*

**Original authority 301.140, RSMo (1939), amended 1947, 1951, 1978, 1979, 1986, 1987; 301.251, RSMo (1981), amended 1984, 1985, 1986; 301.253, RSMo (1981), amended 1985, 1986.*

12 CSR 10-23.100 Personalized License Plates

PURPOSE: This rule establishes categories of specialized personalized license plates as well as the procedure for application for and issuance of the personalized license plates.

- (1) Personalized license plates, including collegiate license plates, are Missouri license plates containing letters or numbers or combinations of letters and numbers which are issued to an applicant requesting a particular and specialized arrangement of letters, numbers or combinations of letters and numbers. The combination of letters and/or numbers may include one apostrophe (') or one dash (—).
- (2) The letters or numbers or combinations of letters and numbers on personalized license plates shall not exceed six (6) characters in length, in addition to a dash or an apostrophe; except that motorcycle, motortricycle, Purple Heart, collegiate and disabled persons' personalized license plates shall be limited to five (5) characters in length. If the applicant chooses to include a dash (—) or an apostrophe (') in the letters or numbers or combination of letters and numbers on a Purple Heart, collegiate or disabled person personalized plate, then the character length shall be restricted to four (4).
- (3) Collegiate license plates may be issued to any motor vehicle subject to the registration fees according to horsepower, as provided in section 301.055, RSMo, or to beyond local property-carrying commercial motor vehicles licensed for a gross weight not to exceed twelve thousand pounds (12,000 lbs.), as provided in section 301.057, RSMo. Other personalized license plates may be issued to any motor vehicle, other than a commercial motor vehicle licensed for more than twelve thousand pounds (12,000 lbs.), in any one (1) of the following categories:
 - (A) Motorcycles and Motortricycles—regular plate, disabled veteran plate and disabled person plate, former Prisoner of War (POW) plate, historic plate, national guard plate and fire department plate;
 - (B) Recreational Motor Vehicles—regular plate, disabled person plate, national guard plate, Purple Heart plate and fire department plate;
 - (C) All Other Motor Vehicles Other Than Commercial Motor Vehicles—regular plate, disabled person plate, disabled veteran plate, street rod plate, former POW plate, historic plate, national guard plate, Pearl Harbor survivor, military reserve, Purple Heart plate and fire department plate;
 - (D) Commercial Motor Vehicles Licensed for Twelve Thousand Pounds (12,000 lbs.) or Less—local plate, beyond local plate, disabled veteran plate, disabled person plate, street rod plate, former POW plate, national guard plate, Purple Heart plate and fire department plate;

(E) Commercial Motor Vehicles Licensed for Beyond Local Twelve Thousand Pounds (12,000 lbs.)—Pearl Harbor survivor and military reserve plate;

(F) Shuttle Bus—regular plate;

(G) Van Pool—regular plate; and

(H) Historic—regular plate.

(4) The decision of the director of revenue as to whether a motor vehicle is a commercial motor vehicle licensed for more than twelve thousand pounds (12,000 lbs.) for the purpose of registration shall be final and conclusive.

(5) No personalized license plate, including collegiate license plates, will be issued which will conflict with any license number used or to be used in the regular license plate numbering system. Example: No personalized license plate containing numbers only will be issued with more than four (4) characters and no personalized license plate will be issued containing one (1) letter followed by more than three (3) numbers and no plates will be issued containing a number immediately preceded by the letter D as the first character in the combination.

(6) No two (2) owners shall be issued identical plates; and no plates shall be issued containing or suggesting any profane or obscene word or phrase.

(7) No refunds will be made on the unused portion of any license plates surrendered for personalized license plates, including collegiate license plates.

(8) Personalized license plates, including collegiate license plates, are not assigned to a particular vehicle until the plates are actually issued to the owner of that vehicle by the Department of Revenue.

(9) Personalized license plates, including collegiate license plates, shall not be transferred from one (1) owner to another, except that the holder of a personalized plate may follow the procedures established by the director in order to display his/her personalized plate on a vehicle leased by the holder after approval by the director; and they shall not be transferred from one (1) vehicle category to another. This includes any request for transfer by gift, trust, will or judicial proceeding.

(10) The director of revenue shall reserve the right to approve or disapprove any request for personalized license plates, including collegiate license plates, or the transfer of license plates from one (1) vehicle to another in the same category.

(11) The director of revenue may reject and return any original application or reapplication (renewal) which is incomplete.

(12) The month of expiration on all personalized license plates will be July of each year, except for motorcycles, motortricycles, special personalized license plates issued to members of the United States Congress, Missouri State Senate, Missouri House of Representatives and the following statewide elected officials: governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general in accordance with section 301.144, RSMo and collegiate license plates.

(13) The month of expiration on all personalized license plates for motorcycles and motortricycles will be April of each year. Special personalized license plates issued to the United States Congress, Missouri State Senate, Missouri House of Representatives and the following statewide elected officials: governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general, which are issued in accordance with section 301.144, RSMo will expire in January of each year. The month of expiration on all collegiate license plates will be October of each year.

(14) Any person desiring to obtain personalized license plates, including collegiate license plates, must make original application for the plates on a form approved by the director of revenue and shall pay a fee of fifteen dollars (\$15) in addition to the regular registration fees. Application forms will be available to the public at all branch offices, fee agent offices and Jefferson City offices of the department.

(15) Each application for personalized license plates, including collegiate license plates, shall be submitted to the Department of Revenue, P.O. Box 100, Jefferson City, MO 65105. Each application shall be accompanied by a personalized license plate fee of fifteen dollars (\$15), a current emblem-use authorization statement in the case of collegiate license plates and shall contain the following:

(A) The name and address of the applicant;

(B) The type of motor vehicle for which the personalized plates are requested;

(C) The letters, numbers or combination of letters and numbers desired; and

(D) The location of the Department of Revenue branch office or fee office at which the applicant wishes to pick up personalized license plates or, when applicable, exchange regular plates for personalized license plates.

(16) An applicant may receive his/her personalized license plates, including collegiate license plates, by surrendering his/her regular registration plates and paying any additional fees due on a prorated basis or by not surrendering his/her plates and paying the full registration fee.

(17) Upon approval of an application for personalized license plates, including collegiate license plates, the Department of Revenue will contact the applicant with instructions as to the date and location at which the personalized plates may be obtained and the outstanding plates exchanged.

(18) An applicant may request that personalized license plates, including collegiate license plates, be issued to any particular motor vehicle which s/he owns, other than a commercial vehicle licensed for more than twelve thousand pounds (12,000 lbs.), provided that the vehicle is of a category for which the personalized plates were manufactured.

(19) Once an owner obtains personalized license plates, including collegiate license plates, s/he shall have first priority on those plates for each of the following years that s/he makes timely and appropriate reapplication (renewal) for those plates and pays the annual fee of fifteen dollars (\$15) and any special plate fee required by law, in addition to the regular registration fees and for collegiate license plates, submits a new emblem-use authorization statement.

(20) Personalized license plates, including collegiate license plates, for which the Department of Revenue has not received a reapplication (renewal) will be held for sixty (60) days from the date of expiration before being issued to a new applicant.

(21) Original applications, except for motorcycle, motortricycle, collegiate license plates and special personalized license plates issued to members of the United States Congress, Missouri State Senate, Missouri House of Representatives and for the following statewide elected officials: governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general, in accordance with section 301.144, RSMo, filed prior to March 1 of any calendar year shall be treated as applications for personalized license plates with an expiration month of the coming July. Original applications except for motorcycle, motortricycle, collegiate license plates and special personalized license plates issued to members of the United States Congress, Missouri State

Senate, Missouri House of Representatives and the following statewide elected officials: governor, lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general, in accordance with section 301.144, RSMo, filed after the last day of February of any calendar year will be treated as applications for personalized license plates to be issued in the coming July with an expiration month of the succeeding July.

(A) Example One: Original application filed on February 29, 1984, will result in personalized license plates which expire in July of 1984.

(B) Example Two: Original application filed on March 1, 1984, will result in personalized license plates issued in July of 1984 with an expiration month of July 1985.

(22) Original applications for personalized license plates for motorcycles and motortricycles filed prior to January 1 of any calendar year shall be treated as applications for personalized license plates with an expiration month of the coming April. Original applications for personalized license plates for motorcycles and motortricycles filed after December 31 of any calendar year will be treated as applications for personalized license plates to be issued in the coming April with an expiration month of the next succeeding April.

(A) Example One: Original application filed on December 31, 1983, will result in personalized license plates which expires in April of 1984.

(B) Example Two: Original application filed on January 1, 1984, will result in personalized license plates issued in April of 1984 with an expiration month of April 1985.

(23) Original applications for special personalized license plates issued to members of the United States Congress, Missouri State Senate, Missouri House of Representatives and for the following statewide elected officials: governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general, in accordance with section 301.144, RSMo, filed prior to October 1 of any calendar year shall be treated as applications for special personalized license plates with an expiration month of the coming January. Original applications for special personalized license plates issued to members of the United States Congress, Missouri State Senate, Missouri House of Representatives and for the following statewide elected officials: governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general, in accordance with section 301.144, RSMo, filed after the last day of

September of any calendar year will be treated as application for special personalized license plates to be issued in the coming January with an expiration month of the next succeeding January.

(A) Example One: Original applications filed on September 30, 1989, will result in special personalized license plates which expire in January 1990.

(B) Example Two: Original applications filed on October 1, 1989, will result in special personalized license plates issued in January of 1990 with an expiration of January 1991.

(24) Original applications for collegiate license plates filed prior to July 1 of any calendar year shall be treated as applications for collegiate license plates with an expiration month of the upcoming October, with the exception of plates issued during the first year of issuance (1990). In this case, applications filed prior to July 1, 1991, will result in the issuance of collegiate license plates expiring in October 1991. Original applications filed after the last day of June of any calendar year will be treated as applications for collegiate license plates to be issued in the upcoming October with an expiration month of the next succeeding October.

(A) Example One: Original application filed between June 30, 1990 and June 30, 1991, will result in the issuance of collegiate license plates which expire in October of 1991 since the application was filed during the first year of issuance.

(B) Example Two: Original application filed on or after July 1, 1991, will result in collegiate license plates issued in October of 1991 which expire in October of 1992.

(25) Reapplications (renewals) for personalized license plates, except for motorcycles, motortricycles, collegiate license plates and special personalized license plates issued to members of the United States Congress, Missouri State Senate, Missouri House of Representatives and the following statewide elected officials: governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general, in accordance with section 301.144, RSMo, shall be filed with the Department of Revenue prior to the last day of July each year.

(26) Reapplications (renewals) for personalized license plates for motorcycles and motortricycles shall be filed with the Department of Revenue prior to the last day of April each year.

(27) Reapplications (renewals) for special personalized license plates issued to members

of the United States Congress, Missouri State Senate, Missouri House of Representatives and the following statewide elected officials: governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general, in accordance with section 301.144, RSMo, shall be filed with the Department of Revenue prior to the last day of January each year.

(28) Reapplications (renewals) for collegiate license plates shall be filed with the Department of Revenue prior to the last day of October each year.

(29) The director of revenue may recall any personalized license plates, including collegiate license plates, erroneously issued under this rule.

(30) Applicants for any personalized license plates, including collegiate license plates, shall be required to comply with all Missouri laws and regulations relating to the titling and registration of motor vehicles.

*AUTHORITY: sections 301.144, 301.449 and 301.451, RSMo (1994). * Original rule filed Aug. 14, 1978, effective Nov. 13, 1978. Amended: Filed April 11, 1979, effective July 11, 1979. Emergency amendment filed Oct. 30, 1979, effective Nov. 9, 1979, expired Feb. 18, 1980. Amended: Filed Oct. 30, 1979, effective Feb. 11, 1980. Emergency amendment filed March 9, 1982, effective March 19, 1982, expired July 16, 1982. Amended: Filed May 20, 1982, effective Sept. 13, 1982. Amended: Filed Feb. 24, 1984, effective June 11, 1984. Amended: Filed Nov. 18, 1986, effective March 12, 1987. Amended: Filed July 17, 1989, effective Oct. 27, 1989. Amended: Filed Oct. 30, 1989, effective March 26, 1990. Emergency amendment filed Sept. 16, 1991, effective Sept. 26, 1991, expired Jan. 23, 1992. Amended: Filed Sept. 16, 1991, effective Jan. 13, 1992. Amended: Filed Sept. 1, 1995, effective Feb. 25, 1996.*

**Original authority 301.144, RSMo (1977), amended 1979, 1983, 1984, 1989, 1993; 301.449, RSMo (1989); and 301.451, RSMo (1991), amended 1993.*



MISSOURI DEPARTMENT OF REVENUE
MOTOR VEHICLE BUREAU
**APPLICATION FOR PERSONALIZED
LICENSE PLATES**

FORM
1716
(REV. 4-91)

CURRENT MISSOURI MOTOR
VEHICLE LICENSE NUMBER

SEE REVERSE FOR INSTRUCTIONS AND APPLICATION FEE

VALIDATION ONLY

NAME OF OWNER MUST APPEAR AS SHOWN ON CERTIFICATE OF TITLE

NAME OF OWNER(S) (LAST, FIRST, MIDDLE)

ADDRESS

CITY, STATE, ZIP CODE

TELEPHONE NUMBER
()

TYPE OF LICENSE PLATE TO BE ISSUED

PASSENGER VEHICLES ONLY - INDICATE ONE TYPE BELOW

- REGULAR
- FORMER P.O.W.
- ARMED FORCES RESERVIST - LIST BRANCH OF SERVICE:
- COLLEGIATE - LIST COLLEGE:
- DISABLED PERSON
- NATIONAL GUARD
- FIRE DEPARTMENT
- DISABLED VETERAN
- PEARL HARBOR SURVIVOR
- STREET ROD

TRUCKS ONLY - INDICATE ONE TYPE BELOW

(Issued to pickup trucks and vans licensed 12,000 lbs. and under-not authorized for vehicles licensed above 12,000 lbs. or trailers.)

BEYOND LOCAL 6,000 (lbs.)

- REGULAR
- NATIONAL GUARD
- DISABLED PERSON
- FIRE DEPARTMENT
- STREET ROD
- COLLEGIATE - LIST COLLEGE:

BEYOND LOCAL 12,000 (lbs.)

- REGULAR
- FORMER P.O.W.
- ARMED SERVICES RESERVIST - LIST BRANCH OF SERVICE:
- COLLEGIATE - LIST COLLEGE:
- DISABLED PERSON
- NATIONAL GUARD
- FIRE DEPARTMENT
- DISABLED VETERAN
- PEARL HARBOR SURVIVOR
- STREET ROD

LOCAL 6,000 (lbs.)

- REGULAR
- NATIONAL GUARD
- DISABLED PERSON
- FIRE DEPARTMENT
- STREET ROD

LOCAL 12,000 (lbs.)

- REGULAR
- NATIONAL GUARD
- DISABLED PERSON
- FIRE DEPARTMENT
- STREET ROD

MOTORCYCLE **MOTORTRICYCLE** **RECREATIONAL VEHICLE - INDICATE ONE TYPE BELOW**

- REGULAR
- NATIONAL GUARD
- FIRE DEPARTMENT
- DISABLED PERSON
- DISABLED VETERAN
- FORMER P.O.W.

SHUTTLE BUS - REGULAR ONLY **VAN POOL - REGULAR ONLY**

SEE INSTRUCTIONS FOR SELECTING YOUR PERSONALIZED LICENSE PLATE NUMBER ON REVERSE. USE ALL CAPITAL LETTERS AND SHOW CHOICES IN ORDER OF PREFERENCE.

FIRST CHOICE				SECOND CHOICE				THIRD CHOICE			
FOURTH CHOICE				FIFTH CHOICE				SIXTH CHOICE			

IMPORTANT: Personalized license plates will not be mailed. Indicate name of license office where plates are to be picked up.

OFFICE NAME _____ OFFICE NUMBER _____

STREET ADDRESS _____

CITY _____

I hereby make application for the personalized license plate indicated to be issued to the above listed vehicle owner.
SIGNATURE OF OWNER OR APPLICANT _____

MO 880-0251 (4-91)

DISTRIBUTION: WHITE - DEPARTMENT OF REVENUE
CANARY - AUDIT COPY, PINK - CUSTOMER RECEIPT



IMPORTANT

All Missouri personalized license plates are renewed annually in July except personalized Motorcycle and Motortricycle plates which expire in April and personalized Collegiate plates which expire in October.

FEES: The personalized plate fee is in addition to the regular registration fee (except Disabled Veteran and Former P.O.W.) prescribed by law and is payable annually upon renewal. A personalized license plate fee of \$15.00 must accompany this application when you are applying for Regular, Disabled Person, Disabled Veteran, Former P.O.W., or Collegiate personalized plates. When applying for Armed Forces Reserve, National Guard, or Street Rod personalized plates, a fee of \$15.00, along with the Special Plates Application, DOR Form 2765, and an additional \$15.00 (\$30.00 total) must accompany this application. When applying for Pearl Harbor Survivor or Fire Department personalized plates, a fee of \$15.00, along with the Special Plates Application, DOR Form 2765, and an additional \$12.00 (\$27.00 total) must accompany this application. The personalized plate fee may not be returned/refunded if your application is approved.

Personalized license plates will only be issued to those vehicles that are titled and registered in the state of Missouri. Collegiate license plates must be accompanied by an emblem use authorization statement from the college.

NOTE: IF PERSONALIZED LICENSE PLATES ARE NOT RENEWED WITHIN 60 DAYS OF EXPIRATION, THEY MAY BE REISSUED TO ANOTHER APPLICANT.

The pink copy of the validated DOR Form 1716 is proof your "Application for License Plates" has been received by the Department of Revenue and your license plate is being manufactured. You will receive additional notification in approximately four (4) to six (6) weeks when your license plates have been forwarded to the license office you indicated on this application.

INSTRUCTIONS FOR SELECTING YOUR PERSONALIZED LICENSE PLATE NUMBER

A personalized license plate may consist of not more than six (6) characters per choice, except motorcycle and motortricycle, which are limited to five (5) characters. Collegiate license plates are limited to five (5) characters or four (4) characters plus a dash. Disabled Person license plates are limited to four (4) characters. The wheelchair accessibility symbol is displayed on Disabled Persons plates. One DASH (—) may be displayed with the characters. Plates containing or suggesting profane, obscene, inflammatory or offensive words, or phrases, will not be issued.

The following examples of letter and number combinations may be used for selecting your personalized license plate:

1. One to six letters, example A or ROBERT.
2. One letter followed by one to three numbers, example of A1 or A123. The letter D cannot be used in this combination.
3. Two letters followed by one, two, or three numbers, example AB4 or AB234.
4. Three letters followed by one or two numbers, example ABC2 or ABC23.
5. Four letters followed by one or two numbers, example ABCD4 or ABDC45.
6. Five letters followed by one number, example ABCDE4.
7. One to four numbers, example 8 or 9999.
8. One number followed by one, two, four or five letters, example 4A, 4AB, 4ABCD, or 4ABCDE.
9. Two numbers followed by one to four letters, example 23A, or 23ABCD.
10. Three numbers followed by one or two letters, example 123A or 123AB.
11. Four numbers followed by one or two letters, example 1234A or 1234AB. Combinations of the letters HP, WP, WA, WB, and WC cannot be used.
12. Five numbers followed by one letter, example 12345A. The letters M, Q, V, Y, and X cannot be used.
13. A DASH — can be displayed on a personalized license plate with as many as six (6) characters, example 2—BE, or TOO—BAD. Small letters, apostrophes, signs, symbols, etc. cannot be used.
14. All characters will be centered as one word unless a dash is requested. Only one dash is permitted, which limits the plate to two (2) distinct words. For example: JACK-SR, STEVE-1.

THE DEPARTMENT WILL NOT APPROVE A PERSONALIZED LICENSE CONFIGURATION WHICH HAS ALREADY BEEN ISSUED OR WHICH IS IN CONFLICT WITH THE REGULAR LICENSE NUMBERING SYSTEM.

ALL COPIES of this application must be submitted to the address below. If payment is made by check, either the drivers license number of the person issuing the check or (if the person does not have a drivers license) the date of birth must be recorded on the check. Make check or money order (**do not send cash**) payable to the Missouri Department of Revenue and forward with this application to: MISSOURI DEPARTMENT OF REVENUE, MOTOR VEHICLE BUREAU, PERSONALIZED LICENSE PLATE SECTION, P.O. BOX 100, JEFFERSON CITY, MO 65105-0100. If you have questions, call (314) 751-4509

12 CSR 10-23.110 Hearing Held Pursuant to Section 301.257, RSMo

(Rescinded April 29, 1991)

12 CSR 10-23.120 Business Records of Manufacturers, Dealers and Boat Dealers

(Rescinded December 3, 1992)

William R. Newmann, d/b/a Goodfellow Auto Sales & Salvage, Inc. v. Director of Revenue, Case No. RV-86-0286 (A.H.C. 8/30/88). The Administrative Hearing Commission found that petitioner failed to maintain complete records and files on motor vehicles and motor vehicle parts acquired for resale in the business office at the registered location during normal business hours and that suspension of its auto salvage dealer's license was proper.

12 CSR 10-23.130 Legal Name on Title Application

PURPOSE: This rule sets forth the requirement of using the full legal name when making application for a motor vehicle or trailer certificate of title.

(1) Any person(s) making application for a certificate of title for a motor vehicle or trailer must make the application using his/her or their full legal name. For the purpose of section 301.190, RSMo, the legal name is deemed to be the name that appears on that person's Missouri operator's or chauffeur's license.

(2) The legal name for any business making application for a certificate of title for a motor vehicle or trailer is deemed to be the name or the fictitious name as registered with the secretary of state.

*AUTHORITY: section 301.190, RSMo (1986). * Original rule filed Feb. 3, 1984, effective May 11, 1984.*

**Original authority 1939, amended 1947, 1965, 1981, 1983, 1984, 1985, 1986, 1986, 1987, 1988, 1989, 1990.*

12 CSR 10-23.140 Motor Vehicle Title Services

PURPOSE: This rule establishes the requirements that must be met for registration as a title service agent.

(1) Motor vehicle title service agents registering pursuant to section 301.114.2., RSMo

shall file an application with the Department of Revenue on a form provided by the director of revenue. The application shall be filed annually together with the following:

(A) Proof of registration with the Office of the Secretary of State, either Certificate of Incorporation or fictitious name registration, if required;

(B) A corporate surety bond on a form approved by the director of revenue. The bond requirements are—

1. The amount of the bond must be twenty-five thousand dollars (\$25,000);

2. The bond must be executed in the name of the State of Missouri for the benefit of any aggrieved party. The proceeds are to be payable to the aggrieved party upon receipt by the director of a final judgment from a court of competent jurisdiction against the title service agent;

3. The effective date for the bond must be on or before the date the application is received by the motor vehicle bureau;

4. The bond must state that it is conditioned upon the applicant's compliance with the provisions of the statutes applicable to all requirements for the lawful obtaining or receiving of certificates of ownership for motor vehicles;

5. The bond must state that it is an indemnity bond for loss sustained by any person by reasons of an act of the title service agent when that act could constitute grounds for suspension or revocation of the title service agent's registration; and

6. The bond must state that in the event of cancellation by the surety, the Department of Revenue will receive notice of cancellation prior to the cancellation;

(C) Address where business is to be conducted (not a post office box) and the established business hours; and

(D) Registration fee.

(2) A title service agent must file a separate application and shall be issued a separate license for each location owned and operated by the agent.

(3) All registrations expire on June 30 of each year and applications for renewal must be filed in a timely manner to assure registration for the year beginning July 1.

(4) Any title service agent who changes the site of either the principal or a branch location must comply with all provisions of section 301.114, RSMo before the application may be accepted.

(5) Whenever a title service agent is no longer entitled to registration pursuant to section 301.114, RSMo through voluntary ces-

sation of business, abandonment of the registered place of business, suspension of registration, sale of a business, declaration of bankruptcy or for any other reason, the title service agent immediately shall surrender his/her license to the director of revenue regardless of the unexpired time remaining in the registration period applicable to that license. No portion of the registration fee will be refunded.

(6) The agent must maintain reasonable business hours to allow contact by any authorized representative of the department, member of the Missouri State Highway Patrol or any authorized peace officer. Reasonable business hours will be considered to be 9:00 a.m. to 4:00 p.m., four (4) days a week. If the title service is closed, the agent, by notice, must inform the public of a reasonable method of making appointments and the hours during which the agent will be present. An agent may make written application to the Department of Revenue for approval of more limited hours of operation than those required in this section and may operate during the hours upon written approval by the Department of Revenue.

(7) Any changes in the application information must be reported immediately to the motor vehicle bureau.

*AUTHORITY: section 301.114, RSMo (1986). * Original rule filed Sept. 10, 1984, effective Jan. 12, 1985.*

**Original authority 1984.*

Motor Vehicle Bureau
Division of MV/DL
Post Office Box 3325
Jefferson City, MO 65105-3325

STATE OF MISSOURI
DEPARTMENT OF REVENUE

Dear Title Service Applicant:

Enclosed is your title service registration renewal application for the 1990-1991 registration year. Please read and follow the instructions very carefully to prevent the rejection of your application and interruption of your business.

All title service registrations expire June 30th of each year. To guarantee that your application is approved before the June 30th expiration date, please submit the application and all requirements by June 23, 1990.

If you have any questions, please call (314) 751-4469.

Thank you for your immediate attention to these matters.

CENTRAL BRANCH SECTION
Special Registration Unit
5506 (4-10-90)

MISSOURI TITLE SERVICE REGISTRATION INSTRUCTIONS

Note: Title Service Registrations Expire June 30th of Each Year
Renewals Should Be Submitted By June 23, 1990

Who Must Register?

Missouri law (301.114 RSMo.) requires any person who carries on or conducts a business, the purpose of which is to act as an agent for a fee in obtaining a certificate of ownership of a motor vehicle, to register as a motor vehicle title service agent.

Registration Requirements

Any person who registers as a Missouri title service agent must submit the following (A separate application and the required documents must be submitted for each location operated):

1. Application, DOR-2509 (7-84) - must be completed in full and signed by the owner, partner or corporate officer listed on the application;
2. Corporate Surety Bond - A corporate surety bond in the amount of twenty-five thousand dollars (\$25,000.00). Attached are the bond requirements and a sample bond that may be used. If the bond is due to expire, a notarized letter or form signed by the bonding company stating the bond is still in full force and effect must be submitted. The letter must indicate an expiration date or state that the bond is non-expiring, and shall in all cases state that the Department of Revenue will be notified in case of cancellation by either party.
3. Fees - A check or money order for the \$50.00 annual registration fee made payable to the Missouri Department of Revenue (Do not send cash).
4. Missouri law (301.114 RSMo.) requires all title service applicants 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 required documents must be mailed to the address shown below. Failure to submit any of the required documents or fees as herein provided will result in the rejection of the application and cause a delay in registration. Mail all applications to the following address: Department of Revenue, Motor Vehicle Bureau, Special Registration Unit, P.O. Box 3325, Jefferson City, Missouri 65105-3325. Applications which are hand delivered will not be approved the same day they are delivered.

CORPORATE SURETY BOND

Missouri law requires that every applicant for a Motor Vehicle Title Service license shall furnish, at the time of application, a corporate surety bond in the penal sum of \$25,000.00. The bond shall be on a form provided by the Director of Revenue. The requirements of the bond are as follows:

1. The bond must be executed in the name of the State of Missouri for the benefit of any aggrieved party.
2. The title service name must be listed as principal of the bond.
3. The effective date of the bond must be on or before the date of the application for title service license.
4. The bond must state that it is conditional upon the applicant's compliance with the provisions of the statutes applicable to all requirements for the lawful obtaining or receiving of certificates of ownership for motor vehicles.
5. The bond must state that it is an indemnity bond for loss sustained by any person by reason of an act of the title service, when that act could constitute grounds for suspension or revocation of the title service's registration.
6. The amount of the bond must be \$25,000.00 and must specify that the liability of the surety bond shall in no event exceed \$25,000.00.
7. The bond may or may not state that it is payable to the aggrieved party only after final judgment of a Missouri Court against the title service.
8. The bond must indicate an expiration date or state that it is a non-expiring bond, and shall, in all cases, state that the Department of Revenue will be notified in case of cancellation by either party.
9. The principal (title service agent) must sign the bond and have his signature witnessed or notarized.
10. The authorized agent of the bonding company must sign the bond and have his signature witnessed or notarized.

If a completed bond form does not accompany the title service's application for registration, the application will be rejected. The attached sample bond meets all the requirements set forth by Missouri law and may be used as a sample.

SAMPLE BOND

MISSOURI TITLE SERVICE

KNOW ALL MEN BY THESE PRESENT, that we _____
 as Principal, and _____, a corporation organized and
 existing under the laws of the State of _____, having its
 principal place of business at _____, as
 Surety, are held and firmly bound unto the State of Missouri, in the penal sum
 of Twenty-Five Thousand Dollars (\$25,000.00) for the payment of which, well and
 truly to be made, we bind ourselves, our heirs, executors, administrators,
 successors and assigns, jointly and severally, firmly by these present.

THE CONDITION of the above obligation is such that WHEREAS the Principal
 has applied for the issuance of a Motor Vehicle Title Service license and
 presents this bond in accordance with said statute.

NOW, THEREFORE, if the aforesaid Principal shall faithfully comply with the
 provisions of the State of Missouri statutes applicable to all requirements for
 the lawful obtaining or receiving of certificates of ownership for
 motor vehicles, and shall indemnify any person dealing or transacting business
 with the principal for any loss sustained by any person by reason of the acts of
 principal provided such acts of Principal constitute grounds for suspension or
 revocation of Principal's registration, then this obligation to be void;
 otherwise, to remain in full force and effect.

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

The bond shall be effective _____, 19____ and shall
 expire _____, 19____ (Bond can be listed as "non-expiring").

This bond may be cancelled by the Surety giving written notice to the
 Principal and Missouri Director 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 _____, 19____.

WITNESS TO PRINCIPAL'S SIGNATURE

 Signature

 Signature of Title Service (Principal)
 (Seal)

WITNESS TO SURETY'S SIGNATURE

 Signature

 Signature of Bondsman (Surety) (Seal)

12 CSR 10-23.150 Administrative Hearing Held Pursuant to Section 301.119, RSMo

PURPOSE: This rule establishes the procedures that will be utilized by the director and title service agents for compliance with section 301.119, RSMo.

(1) A title service agent receiving a notice of revocation/suspension for failure to satisfy the requirements of state law must request a hearing by the date stated on the notice of revocation/suspension. Failure to request the hearing by that date will be considered a waiver of the right to an administrative hearing and will make final, for the purposes of review, the director's decision.

(2) The date of the United States postmark shall be deemed the date of filing. If the request for hearing is delivered by hand, the date of filing shall be deemed to be the date received by the director of revenue or his/her official representative. If any date for performing any act falls on a Saturday, Sunday or legal holiday in this state, the act shall be considered timely provided it is performed on the next succeeding business day.

(3) Hearings will be held in Jefferson City, Missouri. Cases will be placed on the administrative docket in the order in which they are received.

(4) Parties requesting hearings will be notified by first class mail of the date and time of the hearing. A copy of the notice will be sent to the attorneys of record and the parties involved.

(5) Parties requesting hearings will be allowed one (1) continuance at the discretion of the hearing officer, provided good cause is shown. All requests for continuances shall be made in writing, state good cause for the continuance and be signed and verified by the party making the requests or his/her attorney or authorized representative. All requests for continuance must be filed not later than six (6) days prior to the date of the scheduled hearing. The following events or conditions shall constitute good cause to continue a hearing:

(A) Death of a party, representative, or an attorney of a party, or a witness to an essential fact;

(B) Incapacitating illness of a party, or representative, or attorney of a party or witness to an essential fact. The request must contain a written statement by an attending physician reciting the nature and probable duration of the illness; and

(C) Unavailability of a party, representative or attorney or material witness due to an unavoidable emergency.

(6) Cases under section 301.119, RSMo shall be considered contested cases as that term is defined in Chapter 536, RSMo.

(7) Hearing procedures are as follows:

(A) The director of revenue or his/her representative shall state to the requesting party that the director has determined that the title service agent has failed to comply with the provisions of Chapter 301, RSMo and the basis for this decision by the director;

(B) The requesting party may present any new facts which s/he feels may show compliance with the applicable provisions of Chapter 301, RSMo;

(C) Parties may present testimony by affidavit. Affidavits may be filed at the time of hearing or after notice of setting of the hearing. Parties will submit the original and three (3) copies of affidavits;

(D) Failure to appear at the hearing at the stated time will make the decision of the director final as of that date; and

(E) The provisions of Chapter 536, RSMo shall apply to hearings held pursuant to section 301.119, RSMo.

(8) The director shall make findings of fact and conclusions of law and enter his/her decision. All parties will be mailed a copy of the findings of fact and conclusions of law. No decision will be given at the time of the hearing.

(9) The effective date of the director's decision shall be the date set out in the notice of revocation/suspension or the date set in the hearing decision letter, whichever date is later.

(10) Parties may present briefs of law at the time of the hearing.

*AUTHORITY: section 301.119, RSMo (1986). * Original rule filed Sept. 10, 1984, effective Jan. 12, 1985.*

**Original authority 1984.*

12 CSR 10-23.160 Good Moral Character of Motor Vehicle Dealers, Manufacturers, Boat Dealers, Salvage Dealers and Title Service Agents

PURPOSE: The director of the Department of Revenue is charged with the responsibility of determining that applicants for registration as motor

vehicle dealers, salvage dealers and title service agents are of good moral character. This rule establishes the guidelines which will be used to determine if the applicant is eligible for registration.

(1) Except with a showing of evidence to the contrary, the following will be considered prima facie evidence on which the registration of a motor vehicle dealer, manufacturer, boat dealer, salvage dealer or title service agent will be denied because of lack of good moral character if the applicant:

(A) Has ever been convicted in any federal or state court of a felony relating to the acquisition or transfer of motor vehicles, trailers, motor vehicle parts or boats;

(B) Within five (5) years preceding the application, has been convicted in any federal or state court of a felony, within the last three (3) years, or has been convicted in any federal or state court of a misdemeanor relating to the acquisition of or transfer of motor vehicles, trailers, motor vehicle parts or boats; and

(C) Within three (3) years preceding the application, has been convicted in any federal or state court of a misdemeanor, or has shown contempt of laws in civil or administrative proceedings; or has had a motor vehicle dealer registration, manufacturer registration, boat dealer registration, salvage dealer registration or title service agent registration revoked in this or another state and has demonstrated through conduct since the date of the occurrence that no substantial improvement in character or reliability has occurred. A determination by the director of revenue that conduct subsequent to the occurrence in question demonstrated a failure to improve character or reliability will be made only following a notice to the applicant and a subsequent hearing before the director of revenue or his/her representative.

(2) Any dealer or applicant who receives notice of denial or revocation and desires to contest the *prima facie* of the fact(s) recited in subsection (1)(A) or (B) may request a hearing for the purpose of showing substantial rehabilitation or improvement in character sufficient to rebut the presumption created by the cited subsections. Request for a hearing should be submitted to the Director, Motor Vehicle and Driver's Licensing Division, P.O. Box 629, Jefferson City, MO 65105.

*AUTHORITY: sections 301.114, 301.221 and 301.251, RSMo (1986). * Original rule filed Oct. 15, 1984,*

effective Feb. 11, 1985. Amended: Filed June 4, 1986, effective Aug. 25, 1986.

*Original authority 301.114, RSMo (1984); 301.221, RSMo (1979), amended 1986; and 301.251, RSMo (1981), amended 1984, 1985, 1986.

12 CSR 10-23.170 Registration of Corporation Motor Vehicles/Emission System Inspection Areas

PURPOSE: The director of the Department of Revenue is charged with the responsibility to determine that every application for registration of a motor vehicle contains all the information required by law. It is required in certain areas of the state, as part of the annual motor vehicle inspection certificate required for registration, that motor vehicles be tested to determine that the emission system is functioning within specified standards. Certain corporations based within the emission system inspection areas operate motor vehicles which are situated outside of the emission system inspection areas. This rule provides that the emission system inspection requirement does not apply to corporate motor vehicles based and operated exclusively outside of emission system areas.

(1) The requirement that an application for registration of a motor vehicle within an emission system inspection area contain a certificate of emission system inspection shall not apply to motor vehicles owned by corporations based within the inspection areas only upon presentation of the following:

(A) A notarized affidavit stating that the motor vehicle in question is based and operated exclusively in an area of the state not subject to emission system inspection requirements; and

(B) A tax receipt or certified collector's statement showing that the state and county tangible personal property taxes for the preceding year have been paid by the applicant in the county where the motor vehicle(s) is situated or that no taxes were due.

AUTHORITY: sections 137.095, 301.025, 301.130 and 307.366, RSMo (1986). * Original rule filed Jan. 8, 1985, effective June 13, 1985.

*Original authority 137.095, RSMo (1977), amended 1983, 1985, 1989; 301.025, RSMo (1951), amended 1974, 1984, 1987; 301.130, RSMo (1939), amended 1947, 1949, 1951, 1969, 1977, 1981, 1983, 1986, 1987; and 307.366, RSMo (1983), amended 1984, 1988.

12 CSR 10-23.180 Replacement Vehicle Identification Plates

PURPOSE: This rule clarifies the issuance of replacement vehicle identification number plates stamped with the original vehicle identification number assigned by the manufacturer of the motor vehicle or trailer by the Department of Revenue.

(1) Upon certified application, the Department of Revenue may authorize the issuance of one (1) metal replacement vehicle identification number (VIN) plate with the original VIN stamped on the plate. The plate will be designed by the department in order to distinguish the replacement plate from the original plate. Before the issuance of any replacement plate, a physical inspection of the vehicle to determine the true and complete VIN must be made by an officer of a law enforcement agency approved by the Department of Revenue for that purpose. The inspecting officer shall certify the inspection in the appropriate place on the application and may retain a copy.

(2) After the replacement VIN plate is issued, the Department of Revenue will forward a copy of the application for replacement VIN (see 12 CSR 10-23.426) plate accompanied by the replacement plate itself to the original inspecting law enforcement agency who will make contact with the vehicle owner.

(3) The attachment of the replacement plate to the vehicle must be made by or under the supervision of the original inspecting law enforcement officer. A certification attesting to the attachment of the plate shall be made on a copy of the application by the officer and the copy will then be returned by the officer to the Department of Revenue. No replacement VIN plate other than one provided by the Department of Revenue shall be affixed to any motor vehicle or trailer.

(4) The fee for the replacement VIN plate will be seven dollars and fifty cents (\$7.50).

AUTHORITY: section 301.300, RSMo (1986). * Original rule filed July 31, 1985, effective Nov. 28, 1985.

*Original authority 1939, amended 1941, 1947, 1981, 1984, 1988, 1990.

12 CSR 10-23.185 Obscene License Plates

PURPOSE: This rule establishes the guidelines for issuing personalized motor vehicle license plates.

(1) Language or symbols which are obscene or profane are not protected by the *United States or Missouri Constitution*. The language or symbols shall not be allowed on any personalized motor vehicle license plate issued under the provisions of section 301.144, RSMo. In determining whether or not requests for personalized motor vehicle license plates contain language or symbols which are obscene or profane, the Department of Revenue will use the standards in section (2).

(2) The following terms, as used in this rule, shall be defined as follows:

(A) Obscene—Language or symbols which represent or describe ultimate excretory functions or sexual acts in a patently offensive manner or make lewd reference to the male or female sexual organs and appeal to the prurient interests of the average person applying contemporary community standards (see *Miller v. California*, 415 U.S. 15, 93 S.Ct. 2607 (1973)). Prurient interests, as used in this definition, shall mean shameful or morbid interest in nudity, sex or excretion that goes substantially beyond customary limits or candor in description or representation of these matters (see *Haldeman v. United States*, C.A. Kan., 340 F2d 59 (10th Cir., 1965)); and

(B) Profane—Language or symbols which are irreverent or contemptuous of things regarded as sacred or that imply divine condemnation (see *Baker v. State*, 16 Ariz. App. 463, 494 P2d, 68 (1972) and *Duncan v. United States*, 48 F2d 128 (9th Cir., 1931)).

(3) No motor vehicle license plate will be issued by the Department of Revenue if the language or symbols on the plate are obscene or profane. In order to make this determination, the Department of Revenue will look to the way the average person applying contemporary community standards would view the license plate. Factors which the Department of Revenue may consider in this regard include, but are not limited to:

(A) An explanation by the registrant as to why s/he chose particular language or symbols to be on his/her personalized motor vehicle license plate;

(B) Complaints from the public regarding a license plate with the same letters, numbers or symbols as that requested or held by the registrant;

(C) Complaints from the public regarding a license plate with similar letters, numbers or symbols as that requested or held by the registrant;

(D) Dictionary definitions of the language or symbols requested by the registrant; and

(E) Information from other states regarding motor vehicle plates which have not been issued by them because they found them to be obscene or profane.

(4) The Department of Revenue shall recall any personalized motor vehicle license plate which it has already issued if it determines that a plate is obscene or profane.

AUTHORITY: section 301.144, RSMo (Cum. Supp. 1991). Original rule filed Jan. 6, 1986, effective April 11, 1986. Emergency amendment filed Jan. 2, 1992, effective Jan. 12, 1992, expired May 10, 1992. Amended: Filed Jan. 2, 1992, effective May 14, 1992.*

**Original authority 1977, amended 1979, 1983, 1984, 1989.*