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**Rules of  
Department of Revenue  
Division 60—Motor Vehicle Commission  
Chapter 3—Off-Premise Shows or Tent Sales**

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## Title 12—DEPARTMENT OF REVENUE

### Division 60—Motor Vehicle Commission Chapter 3—Off-Premise Shows or Tent Sales

#### 12 CSR 60-3.010 Dealership Activity Conducted Away From Registered *Bona Fide* Established Place of Business

*PURPOSE: This rule specifies the requirements in section 301.566, RSMo that a motor vehicle dealer must meet in order to participate in a show or sale conducted away from their bona fide established place of business.*

(1) To comply, a dealer must not participate in any show or sale conducted away from his/her usual, registered place of business unless a majority (at least fifty-one percent (51%)) of his/her class of dealers, as defined in 12 CSR 60-1.010, from the city or town, which shall include municipalities, where the show or sale is being conducted also participate. An example of a municipality would be Bridgeton, Missouri, which is a municipality of St. Louis.

(2) An off-premise dealership show or sale will be authorized by the commission only if a majority of a class of motor vehicle dealers as described in 12 CSR 60-1.010 from the city or town (including municipalities) in which the show or sale is being conducted actually and simultaneously participate in the event. It is not sufficient to show only that a majority of that class of dealers were invited to participate, if in fact a majority do not choose to participate. Any off-premise show or sale must be conducted at a location away from each of the participating dealerships' usual, registered place of business.

(3) In the case of franchise new motor vehicle dealerships, a majority of all franchise dealerships from the city or town (including municipalities) in which the event is being held must participate in the off-premise show or sale, not merely a majority of one particular brand franchise. For example, Joe Bob's Ford, a franchise new motor vehicle dealership retailing only Ford products located in Kaycee, Missouri, engages with a majority of the other Ford franchise dealerships, but not a majority of all franchise new motor vehicle dealerships located in Kaycee, to conduct an off-premise tent sale. Joe Bob's and the other Ford dealerships cannot participate in this type of show or sale.

(4) Each dealership in a class as defined in 12 CSR 60-1.010 desiring to participate in a simultaneous off-premise show or sale shall notify the commission, in writing, at least ten

(10) days prior to the proposed event. This notification shall include the name of the dealership, location of the proposed off-premise show or sale, duration of the dealership's participation in the off-premise event, location of the dealership's usual, *bona fide* established place of business, and identification of the person or business entity sponsoring the event. The commission then shall make a determination, based upon the information obtained, whether the proposed off-premise show or sale may be conducted. Should the commission find the proposed event does not meet the requirements, it shall notify each dealership desiring to participate within a reasonable amount of time prior to the proposed event.

(5) Under no circumstances will a proposed off-premise show or sale be approved by the commission to exceed ten (10) days' duration.

(6) Show, as used in section 301.566, RSMo, shall be deemed to include the stationary display of all or any part of a motor vehicle dealership's vehicle inventory at any location other than the dealership's usual, *bona fide* established place of business, regardless of whether sales agents or other dealership employees or owners are present to promote sale of the displayed vehicle(s) or otherwise transact business concerning the dealership. Example: Zippo's Oldsmobile, a franchise new motor vehicle dealership, engages with Snakes' Wholesale Barn (a large franchise warehouse outlet located in St. Lewee, Missouri) to place a new Olds Ninety-Nine Speciale on display in Snakes' main entranceway in an effort to stimulate sales of the new model. Zippo's is in violation of section 301.566, RSMo unless a majority of all franchise new car dealerships located in St. Lewee also participate in the display at Snakes.

(7) The following shall not be considered a show:

(A) Promotions or contests, conducted by a person or business who is not a licensed motor vehicle dealer, which involve the stationary display of a dealership's motor vehicle only as a means of attracting attention to and participation in the promoter's event, service or product. In these cases, the dealership providing the vehicle shall remove from the vehicle all stickers and emblems identifying the dealership prior to the display, excluding any information required by a federal or state law to be displayed on those vehicles. The promoter, not the dealership, may identify the dealership only by means of a notation on its

promotional material stating "vehicle provided courtesy of XYZ Motors, Kaycee, Missouri" or similar language. Example: Rudy's Radio Hut, a local retail store which markets automobile audio equipment, engages to place a Ford Escort from the local franchise dealership's inventory on its sales floor with one (1) of its stereo systems installed, for demonstration purposes only;

(B) Parades, in which one (1) or more local dealerships provide motor vehicles from their inventory to be driven as part of the parade;

(C) The display of motor vehicles from dealership inventories such as trucks, four (4)-wheel drive vehicles, trailers, recreational vehicles, motorcycles and automobiles at the Missouri state fairgrounds during the Missouri State Fair;

(D) Dealership media advertisements; and

(E) The display of boats, marine trailers or other marine products, or a combination of these.

*Auth: section 301.553, RSMo (Cum. Supp. 1989). \* Original rule filed Nov. 3, 1989, effective Feb. 25, 1990. Rescinded: Filed Sept. 4, 1990, effective Feb. 14, 1991. Readopted: Filed April 13, 1992, effective Dec. 3, 1992.*

*\*Original authority 1988, amended 1989.*