



**Rules of
Department of Revenue
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

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**Title 12—DEPARTMENT OF
REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

**12 CSR 10-26.010 Bona Fide Established
Place of Business**

PURPOSE: The department must determine that applicants/licensees such as boat dealers, boat manufacturers, trailer dealers, trailer manufacturers, motor vehicle dealers, wholesale motor vehicle dealers, motor vehicle manufacturers, public motor vehicle auctions, and wholesale motor vehicle auctions maintain a bona fide established place of business. This rule establishes criteria that may be used in determining if this requirement has been met.

(1) In order to constitute a bona fide established place of business, hereinafter referred to as a “business location,” for boat dealers, boat manufacturers, motor vehicle dealers other than dealers who sell only emergency vehicles, motor vehicle manufacturers, wholesale motor vehicle dealers, public motor vehicle auctions, trailer dealers, trailer manufacturers, powersport dealers, and wholesale motor vehicle auctions—

(A) The business location must be actually occupied and primarily used in whole, or in clearly designated and segregated part, as a place of business by the licensee for the manufacturing, selling, auctioning, bartering, trading, servicing, or exchanging of motor vehicles, trailers, boats, or powersports.

1. Example: An applicant for a motor vehicle dealer license maintains a building or structure primarily used in the operation of a business other than the sale or exchange of motor vehicles. As a sideline, the applicant desires to engage in the business of selling motor vehicles. The building or structure used primarily for some other business, other than the selling or exchanging of motor vehicles, does not qualify as a bona fide established place of business for the selling of motor vehicles unless an area is clearly designated and segregated and records are separately maintained for the purpose of selling, bartering, trading, servicing, or exchanging of motor vehicles or trailers;

(B) The business location must be open regular business hours during which the public and the department are able to contact the licensee. Regular business hours for purposes of this rule shall be a minimum of twenty (20) hours per week, 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 department

in the twenty (20) hour minimum. The business hours shall be posted at the business location. The business location must contain a working telephone (other than a mobile or cellular phone) in the licensee’s name with an advertised public number that must be maintained during the entire period of licensure;

(C) If a licensee is also licensed as an auction, the auction records must be kept separately from the dealer records;

(D) The business location of licensees must also contain an area or lot which shall not be a public street upon which multiple vehicles may be displayed.

1. The display area or lot must be of sufficient size to physically accommodate vehicles of the type which the licensee is licensed to sell.

2. The display area or lot must be used exclusively for display by the licensee and must be situated to prevent confusion or uncertainty concerning its relationship to the licensee.

3. The display area or lot must provide unencumbered visibility from the nearest public street of the vehicles being sold by the licensee.

4. Auctions that are also licensed as dealers must maintain a display area or lot separate from the dealership lot for auction vehicles.

5. A licensee in more than one (1) class of business may use the same building and display area for all classes so long as each use is separately and clearly marked. Records must be maintained separately and separate signs, as specified in subsection (1)(E), must be displayed;

(E) Licensees must display an exterior sign that shall be of a permanent nature, erected on the exterior of the structure or on the display area, constructed or painted and maintained to withstand reasonable weather conditions and the sign must be readable.

1. A temporary sign may suffice during the period of time required to obtain a permanent sign provided the order for construction, purchase, or painting has in fact been placed. A copy of the sign order must be submitted with the application along with a picture of the temporary sign.

(2) The bona fide established place of business of a licensee must be maintained for the entire licensure period. If the bona fide established place of business is not maintained, the licensee must notify the department within ten (10) days and surrender at that time the licensee’s temporary permits, license, and license plates/certificates of number.

(A) If the licensee intends to relocate prior to the expiration of the license, the depart-

ment must be informed of such intent at the time the license is surrendered. If the business is then certified at a new location within the same licensure year, the department will return the temporary permits, license plates/certificates of number and issue a new license reflecting the new location for no additional fee. The department or its representative reserves the right to determine the existence of a bona fide established place of business at any time.

(3) A licensee who changes its business location during the licensure year must notify the department of that change prior to operating at the new site. The following must be submitted to the department:

(A) A new application certified by authorized law enforcement. “Change of Address” must be indicated at the top of the application.

1. If the business changes locations ninety (90) days or less before the expiration of the current license, a renewal application reflecting the new address should be filed instead of a change of address.

2. If the location change is not effective immediately upon filing the renewal application, a letter indicating the effective date of the address change must accompany the renewal application; and

(B) A photograph of the business location that meets the specifications required of new applicants.

(4) If a licensee changes the business name during the licensure year, the licensee must notify the department of the name change prior to operating under the new name. The following must be submitted to the department:

(A) A new application properly completed that indicates “Name Change Only” at the top of the application. The application is not required to be certified by authorized law enforcement;

(B) A photograph of the business location that meets the specifications required of new applicants and that clearly shows the business sign displaying the new business name; and

(C) A corporate surety bond, bond rider, or revision to the irrevocable letter of credit that reflects the licensee’s new business name, if applicable.

(5) Each business location where a licensee auctions, manufactures, sells, or displays motor vehicles, trailers, boats, or powersports must be licensed separately with the department and pay a separate licensure fee.



(6) A licensee may store cars at a storage lot location other than at the licensed business location, provided the department is notified of the storage location and no sales activity occurs on the storage lot.

AUTHORITY: section 301.553, RSMo 2000 and section 301.560, RSMo Supp. 2007. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 23, 2002, effective Feb. 28, 2003. Amended: Filed May 15, 2008, effective Nov. 30, 2008.*

**Original authority: 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; and 301.560, RSMo 1988, amended 1989, 1993, 1995, 1997, 2002, 2006, 2007.*

12 CSR 10-26.020 License Requirements for Auctions, Dealers, Franchisors, and Manufacturers

PURPOSE: The department must determine whether applicants who apply for a license as a boat dealer, boat manufacturer, trailer dealer, trailer manufacturer, motor vehicle dealer, motor vehicle manufacturer, public motor vehicle auction, or wholesale motor vehicle auction under sections 301.550 to 301.562, RSMo, have met the requirements outlined in the law. This rule clarifies these requirements. This rule also establishes the requirements for issuance of a manufacturer's license under section 301.553, RSMo, and to implement franchisor license requirements under sections 407.810 to 407.835, RSMo, otherwise known as the Motor Vehicle Franchise Practices (MVFP) Act.

(1) A separate license is required for each of the following categories of licenses:

- (A) Motor vehicle dealers;
- (B) Boat dealers; however, a motor vehicle or trailer dealer may purchase and sell up to five (5) vessels during each licensure period without licensing as a boat dealer;
- (C) Wholesale motor vehicle dealers;
- (D) Trailer dealers;
- (E) Motor vehicle, trailer, and boat manufacturers;
- (F) Wholesale motor vehicle auctions; and
- (G) Public motor vehicle auctions.

(2) An applicant must complete in full the designated application for a license.

(A) If the applicant is a partnership or corporation and is doing business under another name (d/b/a), the applicant must list its partnership or corporate name and its d/b/a name. For example, John Smith Brothers Incorporated d/b/a Smith Brother's Used Cars. If the applicant is an individual, the

business name must also be listed on the application.

(B) The business location name and address must be recorded on the application. A post office box number is not acceptable as a business location address.

(C) A separate "Mail to" address may only be listed on the application if the local postal authorities confirm, in a letter signed by an authorized representative of the post office, that it cannot or will not deliver mail to the business address due to security reasons such as theft or vandalism. The lack of a proper mail receptacle is not justification for the use of a "Mail to" address.

(D) Applicants obtaining a manufacturer's license must submit a letter that lists the makes of all motor vehicles/trailers/boats they will manufacture. If licensing as a "final stage" manufacturer/converter, the makes of all vehicle bodies, i.e., dump, hoist, coach, etc., they will manufacture and a brief description of the business must accompany the application.

(E) Each applicant, officer, or owner for a license must list on the application his or her driver's license number, birthdate, home address, and/or Social Security number.

(F) The application must be certified by an authorized law enforcement agency/officer unless exempted by law. Applicants who are licensed within two (2) months of the license expiration period shall not be required to have his or her renewal application certified by a law enforcement agency/officer provided the renewal is filed before the present license expires.

(3) The corporate surety bond or an irrevocable letter of credit required in section 301.560.1, RSMo, shall be filed with the application and shall be maintained for the entire licensure period. The bond or letter of credit must either be irrevocable for the entire licensure period or by its terms require that the bonding company or entity issuing the bond or letter of credit to notify the department at least thirty (30) days prior to the cancellation or revocation date.

(4) The photograph of the bona fide established place of business may be either a black and white or color photograph. If more than one (1) photograph is necessary to show the building, lot, and sign, a statement, signed by the applicant, must accompany the photograph explaining that all photographs were taken at the same address.

(A) A temporary sign may be used (as set forth in 12 CSR 10-26.010). If this is the case, a copy of the sign order and a picture of

the temporary sign must be submitted with the application.

(5) For purposes of the franchise agreement requirement in section 301.559, RSMo, a letter of appointment or similar document signed by an authorized representative of the manufacturer will satisfy this requirement. The document must include the name and address of the franchise, the effective date of the franchise agreement, the expiration date of the franchise agreement, if applicable, and the make(s) of vehicle(s) the franchisee is authorized to sell. The letter must provide for notification to the department at least thirty (30) days prior to cancellation of the franchise. A manufacturer's letter of intent shall not suffice as proof of franchise.

(6) A new applicant must complete and submit the appropriate form(s) requesting a criminal record check directly to the Missouri State Highway Patrol's General Headquarters along with the appropriate fee. The patrol shall provide the director with the results of the applicant's criminal record check to assist the director in determining the applicant's qualifications as provided in sections 301.559 and 301.562, RSMo.

(7) If any of the owners, partners, or principal officers (if a corporation) are residents of a state other than Missouri or another country, they must obtain a current criminal record check from their state highway patrol or corresponding law enforcement agency and submit that record check with new and renewal applications.

(8) The applicant must submit appropriate fees as prescribed in 12 CSR 10-26.040.

(9) A "franchisor," as defined in the MVFP Act, may meet the licensing requirements of the MVFP Act by obtaining a manufacturer's license under this rule.

(A) Notwithstanding any other provision of this rule, an applicant for a manufacturer's license, in order to comply with the franchisor licensing requirements of the MVFP Act, shall provide—

- 1. The street address for the franchisor location;
- 2. The telephone number for the franchisor location in paragraph (9)(A)1.;
- 3. A list of the names of the principal officers of the corporation;
- 4. A list of all other names it is doing business as, if applicable;
- 5. A list of all vehicle makes which the corporation authorizes franchise dealers to sell;
- 6. The state or province and the country



of the franchisor’s location in paragraph (9)(A)1.;

7. The name and address of a mediation service provider or a list of mediators as prescribed in section 407.822, RSMo;

8. The motor vehicle or trailer manufacturer’s license fee as authorized by 12 CSR 10-26.040; and

9. A certified statement attesting that—

A. The franchisor’s place of business identified in paragraph (9)(A)1. is occupied and is used, in part, to facilitate the franchising of motor vehicle dealers who operate within the state of Missouri;

B. The franchisor maintains regular business hours during which the department is able to contact the franchisor; and

C. The franchisor will notify the department not less than ten (10) days prior to moving its place of business or changing its telephone number.

(B) All franchisor manufacturer licenses shall expire July 31 of each year. The license fee referenced in paragraph (9)(A)8. shall not be prorated.

(C) The franchisor shall be issued a license in the manufacturer’s range of distinctive license numbers: DM-0 through DM-999.

(D) Dealer license plates shall not be issued to franchisors.

AUTHORITY: sections 301.553 and 301.559, RSMo 2000, sections 301.550 and 301.560, RSMo Supp. 2010, and sections 407.810 to 407.838, RSMo 2000 and Supp. 2010. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 23, 2002, effective Feb. 28, 2003. Amended: Filed Dec. 28, 2007, effective June 30, 2008. Emergency amendment filed Aug. 18, 2010, effective Aug. 28, 2010, expired Feb. 24, 2011. Amended: Filed Aug. 18, 2010, effective Feb. 28, 2011.*

**Original authority: 301.550, RSMo 1998, amended 1993, 1997, 2002, 2007; 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; 301.559, RSMo 1988, amended 1993, 1997; 301.560, RSMo 1988, amended 1989, 1993, 1995, 1997, 2002, 2006, 2007, 2010; 407.810–407.838, see Missouri Revised Statutes 2000 and Missouri Revised Statutes Cumulative Supplement 2010.*

12 CSR 10-26.030 License Renewal

PURPOSE: This rule sets forth the procedures for renewing dealer licenses.

(1) Renewal applications will be mailed by the department to the registered business address of the licensee at least ninety (90) days before the date of license expiration.

(A) Renewal applications received by the department less than sixty (60) days prior to

the license expiration date must include an additional twenty-five dollar (\$25) processing fee. New applicants who are approved during the last ninety (90) days of the licensure period are not subject to the twenty-five dollar (\$25) additional processing fee at the time of renewal.

(B) Applications received after the license expiration date must include a fifty dollar (\$50) late fee.

(2) The department will mail all licenses issued to the registered business address of the licensee. The licenses must be prominently displayed at the place of business.

(3) For renewal of a license of a motor vehicle dealer or a boat dealer, an applicant must submit all previous monthly sales reports that document at least six (6) sales made during the last year licensed, if the applicant was licensed for the full calendar year. For licensure less than one (1) year, the department will prorate the six (6) sales requirement provided in section 301.550, RSMo, by requiring one (1) sale for each full two (2)-month period licensed.

AUTHORITY: sections 301.550, 301.553, 301.559 and 301.560, RSMo Supp. 1998. Original rule filed Nov. 1, 1999, effective May 30, 2000.*

**Original authority: 301.550, RSMo 1985, amended 1993, 1997; 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; 301.559, RSMo 1988, amended 1993, 1997; and 301.560, RSMo 1988, amended 1989, 1993, 1995, 1997.*

12 CSR 10-26.040 Fees

PURPOSE: This rule sets forth the fees payable to the department for dealer licenses.

(1) License fees must be submitted by applicants according to the fee schedule established below beginning with applications submitted for the 2009 calendar/licensure year:

(A) Motor Vehicle Dealer or Trailer Dealer	\$150
(B) Boat Dealer or Boat Manufacturer	\$ 80
(C) Wholesale or Public Auction	\$150
(D) Wholesale Motor Vehicle Dealer	\$150
(E) Motor Vehicle or Trailer Manufacturer	\$150

(2) If a license is lost, stolen, or destroyed, the licensee may obtain a replacement license for a fee of eight dollars and fifty cents (\$8.50).

AUTHORITY: section 301.553, RSMo 2000

and section 301.560, RSMo Supp. 2007. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed May 15, 2008, effective Nov. 30, 2008.*

**Original authority: 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; and 301.560, RSMo 1988, amended 1989, 1993, 1995, 1997, 2002, 2006, 2007.*

12 CSR 10-26.050 Business Records Required to be Maintained by Licensees

PURPOSE: This rule establishes the business records to be retained by boat dealers, boat manufacturers, motor vehicle dealers, wholesale motor vehicle dealers and motor vehicle manufacturers.

(1) A licensee shall maintain clear and complete books, records, files and other matters required and necessary to conduct the business of manufacturing and/or selling motor vehicles, trailers and/or boats including but not limited to titles, riders, disclosure statements, affidavits, inventory and related documentation.

(2) The licensee shall have sufficient proof of ownership at the business location for each vehicle/unit owned by the licensee in the form of a certificate of ownership or copy thereof, bill of sale or invoice.

(3) The business records of a licensee shall be maintained at the office of the licensee’s business location.

(4) A licensee shall maintain business records for a period of not less than three (3) years, unless otherwise specified by law.

(5) A licensee shall maintain clear and complete copies of all odometer disclosure documents issued and received by the licensee for a period of five (5) years.

AUTHORITY: sections 301.553 and 301.560, RSMo Supp. 1998. Original rule filed Nov. 1, 1999, effective May 30, 2000.*

**Original authority: 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; and 301.560, RSMo 1988, amended 1989, 1993, 1995, 1997.*

12 CSR 10-26.060 Dealer License Plates/Certificates of Number

PURPOSE: This rule establishes guidelines for use of dealer license plates/certificates of number.

(1) Dealer license plates, other than power-sport dealer license plates, shall be of standard



size (approximately twelve inches by six inches (12" × 6")) and may only be used as provided by law.

(A) Motor vehicle dealer and manufacturer license plates may only be displayed on motor vehicles, trailers, and motorcycles/motortricycles.

(B) Recreational motor vehicle dealer license plates may be displayed on recreational motor vehicles, trailers, and only on other motor vehicles acquired as a trade-in.

(C) Trailer dealer and manufacturer license plates may only be displayed on trailers.

(D) Powersport dealer license plates shall be motorcycle-size (approximately seven and one-fourth inches by four and one-eighth inches (7 1/4" × 4 1/8")) and may only be displayed on motorcycles/motortricycles, trailers and personal watercraft.

(E) Dealer license plates may only be displayed on vessels if the licensee owns and holds for resale no more than five (5) vessels during the licensure period.

(2) A certificate of number issued to a boat dealer or boat manufacturer shall not exceed five inches by twenty-four inches (5" x 24") and may only be used as provided by law. In addition to obtaining a certificate of number, a boat dealer or manufacturer may obtain a boat dealer trailer license plate solely for the purpose of demonstrating a vessel trailer. A certificate of number or boat dealer trailer license plate may be displayed on a vessel trailer which is transporting a vessel for demonstration or to an exhibit or show as long as both units are for resale.

(3) Dealer license plates or certificates of number may only be used by an employee, owner or officer of the licensee or customer test driving the motor vehicle, trailer or vessel. A customer who is test driving a vehicle or vessel for more than forty-eight (48) hours, or who is test driving a tractor, truck or a trailer under loaded conditions, must have a written demonstration agreement in the vehicle which has been signed and dated by both the customer and the licensee. The written demonstration agreement must be on the licensee's letterhead and include the following items:

(A) A statement that the vehicle or vessel is being used for demonstration purposes only and the anticipated duration of the demonstration;

(B) A description of the vehicle or vessel, including the year, make and identification number;

(C) The name of the customer demonstrating the unit;

(D) The licensee's name, dealer number and business address;

(E) A statement of the type of property being transported, if applicable; and

(F) The mileage on the odometer of the vehicle at the time the demonstration began.

(4) A licensee must account for all dealer license plates/certificates of number at all times.

(5) Whenever a licensee is no longer entitled to a license due to cessation of business, sale of the business, abandonment of the business, suspension or revocation of the license, or other circumstance, the dealer license plates/certificates of number, business license, required monthly sales reports and any unissued permits, if applicable, shall be surrendered to the department immediately, but in no event later than ten (10) days following such circumstance. If a licensee dies or becomes incapacitated, the heirs or estate of the licensee or legal guardian may retain these items for no more than one hundred eighty (180) days after death or incapacitation, or until the license expires, whichever comes first, in which to settle the affairs of the licensee or to apply for a new license in the name of the successor.

AUTHORITY: sections 301.550, 301.560, and 301.562, RSMo Supp. 2007 and section 301.553, RSMo 2000. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Sept. 23, 2002, effective March 30, 2003. Amended: Filed Dec. 28, 2007, effective June 30, 2008.*

**Original authority: 301.550, RSMo 1988, amended 1993, 1997, 2002, 2007; 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; 301.560, RSMo 1988, amended 1989, 1993, 1995, 1997, 2002, 2006, 2007; 301.562, RSMo 1988, amended 1993, 1997.*

12 CSR 10-26.070 Procedural Requirements For Wholesale Motor Vehicle Auctions

PURPOSE: This rule outlines the procedural requirements for wholesale motor vehicle auctions as defined in section 301.550, RSMo.

(1) For purposes of this rule, the term "auction" shall mean, "wholesale motor vehicle auction" unless specified otherwise.

(2) Auctions shall maintain the following information for five (5) years from the date of sale of any motor vehicle or trailer:

(A) The year, make, model and vehicle identification number of the motor vehicle;

(B) The name and address of the seller;

(C) The name and address of the buyer;

(D) The date of sale and the purchase price;

(E) The odometer reading of the motor vehicle at the time of sale and odometer disclosure information that complies with the state and federal laws; and

(F) The certificate of title number and state of issue.

(3) Each auction shall maintain for three (3) years a file on each licensed dealer who buys or sells vehicles at the auction. The file must contain the dealership's name, dealer license number, the state(s) where licensed, dealership's address, dealership's owner(s), partner(s) or corporate officers and the name and address of all individuals authorized to buy and sell on behalf of the dealership.

(4) Any individual conducting a wholesale motor vehicle auction must be licensed pursuant to all applicable laws and make available for inspection all applicable licenses to law officers or Department of Revenue employees. An auction shall maintain a record of each individual performing auctioneering services and the inclusive dates of such services.

(5) Prior to transfer of title of any motor vehicle at auction, an auction shall review all applicable vehicle documentation for all vehicles sold through the auction including but not limited to the following: certificate of title and odometer disclosure statement, if applicable.

(A) The auctioneer must announce any title brands known, the condition of the vehicle, any known damage to the vehicle, the odometer reading of the vehicle on the date of sale and whether the odometer disclosure is actual, not actual, exceeds mechanical limits, or exempt.

(6) Motor vehicles sold at auction are not required to display a Federal Buyer's Guide, unless such vehicles are being sold by a government entity, whose sales are opened to the public as required by law.

(7) An auction must verify that each dealer who buys and sells at the auction is currently licensed as a motor vehicle dealer in the state of Missouri or another jurisdiction at the time of registration with the auction. Thereafter, the auction shall verify that the dealer's license is valid on an annual basis.

(8) A certificate of number (license) issued to an auction by the director must be prominently displayed at the auction's bona fide established place of business.



(9) An auction may only conduct business at its licensed location. Off-site sales are prohibited.

(10) An auction must issue to the buyer and seller of each vehicle a sales document that contains—

- (A) The year, make, model and vehicle identification number of the motor vehicle;
- (B) The name and address of the seller;
- (C) The name and address of the buyer;
- (D) The date of sale and the purchase price; and
- (E) The odometer reading of the motor vehicle at the time of sale.

(11) Records required by this regulation may be maintained in an electronic format.

AUTHORITY: sections 301.550–301.573, RSMo 1994 and Supp. 1998. Original rule filed Nov. 1, 1999, effective May 30, 2000.*

**Original authority: see Missouri Revised Statutes 1994 and Missouri Revised Statutes Cumulative Supplement 1999.*

12 CSR 10-26.080 Procedural Requirements For Public Motor Vehicle Auctions

PURPOSE: This rule outlines the procedural requirements for public motor vehicle auctions as defined in section 301.550, RSMo.

(1) For purposes of this rule, the term “auction” shall mean “public motor vehicle auction” unless specified otherwise.

(2) Auctions shall maintain the following information for five (5) years from the date of sale of any motor vehicle or trailer:

- (A) The year, make, model and vehicle identification number of the motor vehicle;
- (B) The name and address of the seller;
- (C) The name and address of the buyer;
- (D) The date of sale and the purchase price;
- (E) The odometer reading of the motor vehicle at the time of sale and an odometer disclosure statement that complies with the state and federal laws;

(F) A photocopy of both the front and back of the certificate of title; and

(G) Copies of any supporting rider, statement, affidavit, inspection or other document that accompanied the transaction.

(3) Each auction shall provide access to all records requested by Department of Revenue employees or law enforcement during normal business hours.

(4) Motor vehicles shall only be sold at an

auction conducted by a licensed auctioneer. The motor vehicle auction must be scheduled and publicized at least one (1) week prior to the sale date.

(5) Any individual conducting a public motor vehicle auction must be licensed pursuant to all applicable laws and make available for inspection all applicable licenses to law officers or Department of Revenue employees. An auction shall maintain a record of each individual performing auctioneering services and the inclusive dates of such services.

(6) Prior to selling any motor vehicle at auction, an auction shall review all applicable vehicle documentation including but not limited to the following: certificate of title and odometer disclosure statement, if applicable.

(A) Prior to selling a vehicle at auction, the auctioneer must announce any brands printed on the title, the condition of the vehicle, any known damage to the vehicle, the odometer reading of the vehicle and any other information on the odometer disclosure statement.

(7) Motor vehicles sold at auction are not required to be safety inspected. Auctioneers shall announce at the beginning of each public auction that the vehicles offered for sale may not have been safety inspected. Relevant signs shall be posted as required by statute.

(8) Both licensed dealers and the public may attend and buy or sell at a public motor vehicle auction.

(9) Motor vehicle auctions shall not accept for sale from a dealer any vehicle without a Federal Buyer’s Guide affixed to the vehicle or which does not comply with other applicable state or federal disclosure requirements.

(10) An auction must verify that each dealer who sells at the auction is currently licensed as a motor vehicle dealer in the state of Missouri or another jurisdiction.

(11) A certificate of number (license) issued to an auction by the director must be prominently displayed at the auction’s bona fide established place of business. A separate license must be obtained by each public motor vehicle auction.

(12) An auction may only conduct business at its licensed location. Off-site sales are prohibited.

(13) An auction must issue to the buyer and seller of each vehicle a document that con-

tains—

- (A) The year, make, model and vehicle identification number of the motor vehicle;
- (B) The name and address of the seller;
- (C) The name and address of the buyer;
- (D) The date of sale and the purchase price; and
- (E) The odometer reading of the motor vehicle at the time of sale.

AUTHORITY: sections 301.550–301.573, RSMo 1994 and Supp. 1998. Original rule filed Nov. 1, 1999, effective May 30, 2000.*

**Original authority: See Missouri Revised Statutes 1994 and Missouri Revised Statutes Cumulative Supplement 1999.*

12 CSR 10-26.090 Regulation of Off-Premises Shows and Tent Sales

PURPOSE: This rule specifies the requirements 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 as provided in section 301.566, RSMo.

(1) For purposes of this rule, dealers shall be divided into classes, as provided in section 301.550.3, RSMo, as follows:

(A) Classic motor vehicle dealer—A dealer of motor vehicles at least five (5) years of age that were produced in limited numbers or otherwise have special value unrelated to basic transportation, excluding recreational motor vehicles, historic motor vehicles, motorcycles, motortricycles and all terrain vehicles;

(B) Franchised new motor vehicle dealer—A dealer of new motor vehicles, excluding recreational motor vehicles, motorcycles, motortricycles and all terrain vehicles, and of used motor vehicles for sale. The term “franchised new motor vehicle dealer” is not synonymous with the term “new motor vehicle franchise dealer” as defined in section 301.550.1, RSMo. It is a narrower term that excludes dealers of recreational motor vehicles, motorcycles, motortricycles and all terrain vehicles;

(C) Historic motor vehicle dealer—A dealer of motor vehicles that are at least twenty-five (25) years old, excluding recreational motor vehicles, classic motor vehicles, motorcycles and motortricycles;

(D) Powersport dealer—A dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles and personal watercraft as



those terms are defined in Chapters 301 and 306, RSMo;

(E) Recreational motor vehicle dealer—A dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle;

(F) Used motor vehicle dealer—A dealer of used motor vehicles, provided that the majority of units sold are not motorcycles, motortricycles, personal watercraft or recreational motor vehicles. The term “used motor vehicle dealer” as used in section 301.550.3, RSMo is not synonymous with the term as used in section 301.550.1, RSMo. As used in this rule, the term is a narrower term that excludes dealers of historic motor vehicles, classic motor vehicles and wholesale motor vehicles; and

(G) Wholesale motor vehicle dealer—A dealer of motor vehicles only to new motor vehicle franchised dealers or other used motor vehicle dealers or via auctions limited to other dealers of any class.

(2) For the purpose of determining pursuant to section 301.566.1, RSMo, whether a majority of the motor vehicle dealers within a class of dealers in a city or town participate or are invited and have the opportunity to participate in an off-premises show or sale, any dealers whose official mailing address is in the city or town shall be included.

(3) If motor vehicle dealers from more than one city or town are to participate in the same off-premises show or sale, a majority of the dealers in each such city or town must participate or be invited and have the opportunity to participate.

(4) 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 dealer’s inventory at any location other than the dealer’s usual, bona fide established place of business, regardless of whether sales agents or other dealership employees or owners are present to promote the sale of or to sell the displayed vehicle(s) or to otherwise transact business concerning the dealership, except:

(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 dealer’s motor vehicle as a means of attracting attention to and participation in the promoter’s event, service or product. The dealer providing the motor vehicle must remove all items identifying the

dealership from the motor vehicle prior to its display, with the exception of such information as may be required by federal or state law to be displayed on the vehicle. The promoter, not the dealer, may identify the dealer only by means of a notation on its promotional material stating “vehicle provided courtesy of (name of dealer)” or similar language;

(B) The display of motor vehicles at meetings of organizations which are open only to members of the organization and not to the general public;

(C) The display of motor vehicles at the Missouri State Fair; and

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

(5) Trailers and vessels, including personal watercraft, are excluded from the provisions of this rule.

AUTHORITY: sections 301.553 and 301.566, RSMo 2000 and 301.550, RSMo Supp. 2002. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 23, 2002, effective Feb. 28, 2003.*

**Original authority: 301.550, RSMo 1988, amended 1993, 1997, 2002; 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; and 301.566, RSMo 1988, amended 1993, 1996, 1997.*

12 CSR 10-26.100 Advertising Regulation
(Rescinded June 30, 2003)

AUTHORITY: sections 301.553 and 301.562, RSMo Supp. 1998. Original rule filed Nov. 1, 1999, effective May 30, 2000. Rescinded: Filed Dec. 16, 2002, effective June 30, 2003.

12 CSR 10-26.110 Antique Motor Vehicle

PURPOSE: This rule defines “antique motor vehicle” as that term is used in section 301.570.1, RSMo.

(1) “Antique motor vehicle” means any motor vehicle at least twenty-five (25) years of age.

AUTHORITY: sections 301.550.3 and 301.553, RSMo Supp. 1998. Original rule filed Nov. 1, 1999, effective May 30, 2000.*

**Original authority: 301.550, RSMo 1988, amended 1993, 1997; 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997.*

12 CSR 10-26.120 Procedures for Filing Complaints with the Director of Revenue

PURPOSE: This rule establishes the procedures for filing complaints with the director of revenue against persons licensed or required to be licensed pursuant to Chapter 301, RSMo.

(1) The department shall receive and process complaints against a motor vehicle dealer, motor vehicle manufacturer, boat dealer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle auction or wholesale motor vehicle dealer, powersport dealer, leasing company, motor vehicle title service agent, used parts dealer, salvage dealer or dismantler, rebuilder, body shop, mobile scrap processor or persons required to be licensed as such for acts or practices which may constitute one or more violations of Chapters 301, 307 or 407 of the *Revised Statutes of Missouri*.

(A) All complaints shall be in writing and, at a minimum, shall include:

1. The complainant’s name, address and telephone number(s) for home and work, if applicable;

2. Information regarding the vehicle, vessel, or outboard motor, if applicable, including the year, make, model, identification number, the date of purchase, the mileage information if applicable, and the purchase price;

3. Information about the person or business the complaint is against, including the name and address of the person or business, the nature of the complaint, whether the complainant has made contact with the owner/manager of the business about the problem, and if so, the outcome, the form of relief the complainant is seeking and list the names of any other agencies contacted regarding the complaint;

4. Whether an attorney has been contacted or a lawsuit filed; and

5. The complainant’s signature and the date the complaint was signed.

(B) Complaints may be based upon personal knowledge or upon information and belief, citing information from other sources.

(C) All complaints shall be mailed or delivered to the driver and Vehicle Services Bureau, Dealer Licensing Section, PO Box 43, Jefferson City, MO 65105-0043.

AUTHORITY: sections 301.114, 301.218 301.553 and 301.557, RSMo 2000. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 27, 2003, effective Feb. 29, 2004.*

**Original authority: 301.114, RSMo 1984; 301.218, RSMo 1979, amended 1983, 1986; 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; and 301.557, RSMo 1988, amended 1993, 1997.*



12 CSR 10-26.130 Review of License Denial or Disciplinary Action

(Rescinded March 30, 2005)

AUTHORITY: sections 301.553 and 301.562, RSMo Supp. 1998. Original rule filed Nov. 1, 1999, effective May 30, 2000. Rescinded: Filed Sept. 16, 2004, effective March 30, 2005.

12 CSR 10-26.140 Hearing Procedures

(Rescinded March 30, 2005)

AUTHORITY: section 301.553, RSMo Supp. 1998. Original rule filed Nov. 1, 1999, effective May 30, 2000. Rescinded: Filed Sept. 16, 2004, effective March 30, 2005.

12 CSR 10-26.150 Designated Hearing Officer

(Rescinded March 30, 2005)

AUTHORITY: section 301.553, RSMo Supp. 1998. Original rule filed Nov. 1, 1999, effective May 30, 2000. Rescinded: Filed Sept. 16, 2004, effective March 30, 2005.

12 CSR 10-26.160 Waiver of Hearing

(Rescinded March 30, 2005)

AUTHORITY: section 301.553, RSMo Supp. 1998. Original rule filed Nov. 1, 1999, effective May 30, 2000. Rescinded: Filed Sept. 16, 2004, effective March 30, 2005.

12 CSR 10-26.170 Prehearing Conferences and Stipulations

(Rescinded March 30, 2005)

AUTHORITY: section 301.553, RSMo Supp. 1998. Original rule filed Nov. 1, 1999, effective May 30, 2000. Rescinded: Filed Sept. 16, 2004, effective March 30, 2005.

12 CSR 10-26.180 Temporary Permits Sold by a Registered Missouri Motor Vehicle Dealer

PURPOSE: This rule clarifies the sale by registered Missouri motor vehicle dealers of temporary permits to operate motor vehicles and trailers on the streets and highways of Missouri.

(1) A registered dealer may provide no more than one (1) temporary permit per motor vehicle or trailer sold by his/her dealership. The temporary permits shall be effective for

the number of days provided by law and shall be nonrenewable. No dealer shall sell a permit for use on any motor vehicle or trailer other than a motor vehicle or trailer sold by the dealer or his/her authorized employees at the dealer's own certified place of business except that a franchised motor vehicle dealer may issue a temporary permit for use on a motor vehicle the dealer delivers to a purchaser pursuant to a courtesy delivery arrangement made with another franchised dealer or manufacturer.

(2) The sale of all temporary permits, except those permits issued pursuant to a courtesy delivery arrangement, shall be recorded in the appropriate space on the dealer's monthly sales report by notation of the true, accurate and complete permit number next to the corresponding motor vehicle or trailer sale listed.

(3) A registered dealer may charge no more than the fee prescribed by law for each temporary permit as specified in section 301.140.4, RSMo.

(4) Upon each sale of a temporary permit, each dealer shall fully complete all information on the temporary permit in accordance with Department of Revenue instructions and complete all appropriate records of issuance found within the booklet of permits. If the permit is issued pursuant to a courtesy delivery arrangement, the dealer issuing the permit must record the words courtesy delivery on the corresponding permit and on the permit record within the permit booklet. The information listed shall be true, accurate and complete. Temporary permits that are spoiled shall be marked void and kept as a part of the dealership's records. The records shall be maintained in booklet form for a period of at least three (3) years for inspection by law enforcement or Department of Revenue officials.

(5) The Department of Revenue shall use reasonable diligence to ascertain whether the number of temporary permits requested by any dealer is reasonably proportionate to the number of motor vehicle and trailer sales previously reported by the dealer on his/her monthly sales reports. In cases of discrepancy, the department may reduce the number of temporary permits provided to a dealer or refuse a request for temporary permits based upon its findings.

(6) No temporary permit shall be issued for use on a motor vehicle unless there is a valid certificate of inspection and approval for the particular motor vehicle in accordance with

section 307.380, RSMo. Dealers shall enter the true, accurate and complete motor vehicle inspection certificate number on the temporary permit record. No temporary permit shall be issued when the ownership document is a salvage certificate of title.

(7) Upon a finding that a dealer has failed to comply with any of the provisions of this rule, the department may reduce the number of temporary permits issued to a dealer or refuse a dealer's request for temporary permits.

AUTHORITY: sections 301.140 and 307.380, RSMo 2000. This rule previously filed as 12 CSR 10-23.190. Original rule filed Oct. 1, 1985, effective Dec. 26, 1985. Amended: Filed Nov. 13, 1986, effective Feb. 28, 1987. Amended: Filed Nov. 17, 1987, effective April 11, 1988. Emergency amendment filed Oct. 26, 1990, effective Nov. 5, 1990, expired March 4, 1991. Amended: Filed July 2, 1990, effective Dec. 31, 1990. Amended and moved: Filed May 14, 2003, effective Nov. 30, 2003.*

**Original authority: 301.140, RSMo 1939, amended 1947, 1951, 1978, 1979, 1986, 1987 and 307.380, RSMo 1967, amended 1981.*

12 CSR 10-26.190 Dealers' Monthly Reports

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

(1) Every motor vehicle and boat dealer must 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, 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 the 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, and officials of the Department of Revenue.

(5) Every motor vehicle dealer shall submit the original blue copy of the 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.

AUTHORITY: sections 32.057 and 301.280, RSMo 2000 and 301.560.1, RSMo Supp. 2003. This rule previously filed as 12 CSR 10-23.050. 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. Amended and moved: Filed June 24, 2003, effective Dec. 30, 2003.*

**Original authority 32.057, RSMo 1979, amended 1980, 1983, 1993, 1994, 1996; 301.280, RSMo 1939, amended 1974, 1983, 1984, 1986, 1988, 1990, 1993, 1997; and 301.560.1, RSMo 1988, amended 1989, 1993, 1995, 1997, 2002.*

12 CSR 10-26.200 Out-of-State Dealer Request to Participate in Missouri Recreational Vehicle Show or Exhibit

PURPOSE: Section 301.566, RSMo, requires a recreational vehicle (RV) dealer licensed in

another state who intends to participate in a RV show or exhibition in Missouri to notify the Department of Revenue at least thirty (30) days prior to the event. This rule establishes the form that must be used to notify the department.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Each licensed out-of-state recreational vehicle (RV) dealer who wants to participate in a vehicle show or exhibition in Missouri must complete a Request For Out-Of-State Dealer Participation In Missouri Recreational Vehicle Show or Exhibit (FORM DOR 5132). The Form DOR 5132 must be received by the Department of Revenue, Customer Service Division, Dealer Licensing Section, PO Box 43, Jefferson City, MO 65105-0043, at least thirty (30) days before the RV show or exhibit. No other notice may be used.

(A) The Request For Out-Of-State Dealer Participation In Missouri Recreational Vehicle Show Or Exhibit (FORM DOR 5132), revised April 2007, is incorporated by reference, is published by and can be obtained from the Missouri Department of Revenue, Customer Service Division, Dealer Licensing Section, PO Box 43, Jefferson City, MO 65105-0043, or at www.dor.mo.gov/mvdl/motorv/forms/5132.pdf. This form does not include any amendment or addition since the revision date noted.

(B) The department will notify the RV dealer of its decision to approve or deny the request for participation in the RV show or exhibition at least fifteen (15) days prior to the event. If approved, the dealer must keep a copy of the department's approval letter at the show or exhibition for inspection.

AUTHORITY: sections 301.553, RSMo 2000 and 301.566, RSMo Supp. 2007. Original rule filed Aug. 8, 2007, effective Feb. 29, 2008.*

**Original authority: 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997; and 301.566, RSMo 1988, amended 1993, 1996, 1997, 2004, 2007.*

12 CSR 10-26.210 Dealer Seminar Certification Requirements

PURPOSE: Section 301.560, RSMo, requires applicants who apply for a used motor vehicle dealer license to complete a department-approved educational seminar course before their applications for license are approved. This rule clarifies what constitutes an "approved educational seminar" for licensing purposes and the requirements for seminar providers.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) An initial application for a used motor vehicle dealer's license must be accompanied by proof that the applicant has completed an educational seminar course approved by the department within the last twelve (12) months.

(2) A seminar provider must be a recognized business or school with a lawful presence in the state of Missouri and with demonstrable experience in providing professional education, including consumer protection laws, to used motor vehicle dealers. Tangible evidence must be provided that these requirements are met. The provider must submit Form 5110, Application for Dealer Educational Seminar Certification, to be certified by the department. The Application for Dealer Education Seminar Certification, revised March 2008, incorporated by reference, is published by and can be obtained from the Missouri Department of Revenue, PO Box 43, Jefferson City, MO 65105-0043; or on the Department of Revenue's website at <http://www.dor.mo.gov/mvdl/motorv/forms/5110.pdf>. The Application for Dealer Education Seminar Certification does not include any amendments or additions to the March 2008 edition.

(3) The Dealer Educational Seminar Certificate issued by the department is valid for one (1) year as noted on the certificate.

(4) A seminar provider must have—



(A) A minimum of two (2) instructors meeting departmental requirements with the knowledge and capability to conduct the required seminar curriculum. A list of certified instructors must be provided to the director;

(B) Staff capable of providing information about the seminars and registering prospective attendees;

(C) An available telephone number, fax line, and Internet access available during normal working hours (Monday through Friday) to enable potential attendees to inquire about and register for seminars;

(D) A minimum of one (1) scheduled seminar per month, which must be posted on the provider's website at least thirty (30) days in advance. The seminar schedule and locations must be publicized by the provider with registration information and necessary forms obtainable through the provider's website.

1. If a scheduled seminar has no registered attendees and the provider opts to cancel, notification must be posted clearly on the provider's website at least forty-eight (48) hours prior to the seminar's scheduled start time.

2. If advanced cancellation notice is not posted as indicated above, a certified instructor must be at the seminar's scheduled location at the scheduled time;

(E) Capability to issue each attendee a certificate of completion at the end of each seminar; and

(F) An accurate and current electronic database of seminar attendees, maintained by the provider for a minimum of one (1) year. The provider must confirm all seminar attendees' identity through display of a non-expired federal or state-issued photo identification card, with the capability to electronically transmit attendee information to the department as required. These records must be available on demand and are subject to audit by the director without prior notice.

(5) Dealer educational seminar curriculum must be presented in a room in a non-residential building that is dedicated solely to the seminar for the duration of the seminar and compliant with the Americans with Disabilities Act of 1990, 42 U.S.C. section 12101 et seq., as amended. The curriculum must include a minimum of six (6) hours of instruction and provide detailed training regarding compliance with—

(A) Sections 301.550 to 301.573, RSMo, and all rules promulgated by the department to implement, enforce, and administer these statutes;

(B) Federal Trade Commission's Used Car Rule;

(C) Federal Privacy Protection requirements under the Gramm-Leach-Bliley Act;

(D) Truth-in-Lending requirements;

(E) Equal Credit Opportunity Act;

(F) The United States of America Patriot Act;

(G) Federal and state laws and regulations regarding deceptive and unfair trade practices;

(H) Uniform Commercial Code regulations;

(I) U. S. Treasury Department rules and cash reporting requirements; and

(J) Any other federal or state laws regulating the business of selling and financing motor vehicles.

(6) A seminar provider must certify to the director and, upon request, provide evidence to establish that its instructors have, at a minimum, the experience outlined in one (1) of the following minimum qualification requirements—

(A) Two (2) years of experience in the motor vehicle dealer industry with expertise in the areas specified in section (5) of this rule;

(B) One (1) year in an appropriate position with a professional organization associated with the automobile dealer business (e.g., Missouri Automobile Dealers Association, Inc. instructor or Missouri Independent Automobile Dealers Association policy writer); or

(C) One (1) year of experience as an investigator dealing with state and federal motor vehicle dealer compliance laws.

(7) Seminar providers must ensure that their seminar instructors—

(A) Utilize training materials when conducting the seminar;

(B) Incorporate course curriculum into reference/resource manuals to be distributed to attendees and provide periodic updates to ensure current and accurate information applicable to dealer's operations;

(C) Provide instruction using computerized slide presentations and provide worksheets/handouts to each attendee, including compliant sample forms required by state and federal law; and

(D) Make available to the director, upon request, copies of all training materials (manuals, handouts, presentations, etc.) for review.

(8) The director may revoke or refuse to issue or renew a certification of a provider for conducting a seminar not in compliance with this rule, for failing to hold a scheduled seminar, or for any one (1) or any combination of the following causes—

(A) The applicant or seminar provider or its seminar instructor was previously the holder of a license issued under sections 301.550 to 301.573, RSMo, which license was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled;

(B) The applicant or seminar provider or its seminar instructor was previously a partner, stockholder, director, or officer controlling or managing a partnership or corporation whose license issued under sections 301.550 to 301.573, RSMo, was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled;

(C) The applicant or seminar provider or its seminar instructor has, within ten (10) years prior to the date of the application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a prosecution under the laws of any state or of the United States for any offense reasonably related to the qualifications, functions, or duties of any business licensed under sections 301.550 to 301.573, RSMo; for any offense, an essential element of which is fraud, dishonesty, or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

(D) Use of fraud, deception, misrepresentation, or bribery by the applicant or seminar provider or its seminar instructor in securing any certificate issued pursuant to section 301.560.9, RSMo;

(E) The applicant's or seminar provider's or its seminar instructor's obtaining or attempting to obtain any money, commission, fee, barter, exchange, or other compensation by fraud, deception, or misrepresentation;

(F) The applicant's or seminar provider's or its seminar instructor's violation of, or assisting or enabling any person to violate any provisions of Chapters 301, 306, 307, 407, 578, and 643, RSMo, or of any lawful rule or regulation adopted pursuant to Chapters 301, 306, 307, 407, 578, and 643, RSMo;

(G) The applicant or seminar provider or its seminar instructor has filed an application for certification which, as of its effective date, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(H) The applicant or seminar provider or its seminar instructor has failed to pay the proper application or license fee or other fees required pursuant to Chapter 301 or 306, RSMo, or fails to establish or maintain a



bona fide place of business as required by law;

(I) The applicant or seminar provider or its seminar instructor is finally adjudged insane or incompetent by a court of competent jurisdiction;

(J) The applicant's or seminar provider's or its seminar instructor's use of any advertisement or solicitation which is false; or

(K) The applicant's or seminar provider's or its seminar instructor's violations of sections 407.511 to 407.556, RSMo, or section 578.120, RSMo, which resulted in a conviction or finding of guilt or violation of any federal motor vehicle laws which result in a conviction or finding of guilt.

(9) The decision to revoke or refuse to issue or renew a certification of a provider is the final decision of the director.

(10) Seminar providers must apply to the department for recertification by September 1 of each year.

(11) Failure to hold scheduled or rescheduled seminars or maintain acceptable standards of training or providing false information to the director will result in the provider's certification becoming invalid upon notice by the director.

AUTHORITY: sections 301.560 to 301.573, RSMo 2000 and Supp. 2007. Original rule filed May 15, 2008, effective Dec. 30, 2008.*

**Original authority: 301.560-301.573, see Missouri Revised Statutes.*

12 CSR 10-26.220 Dealer Disciplinary Hearings

PURPOSE: The department must provide an opportunity for a hearing on the issue of the discipline to be imposed against a license upon a finding by the Administrative Hearing Commission that grounds exist to discipline that license. This rule establishes the procedure for scheduling and conducting that hearing.

(1) As used in this rule the following terms mean—

(A) The term "dealer" as used in this rule shall include the classes of dealers set forth in section 301.550.3, RSMo.

(B) The term "department" as used in this rule shall mean the Missouri Department of Revenue.

(C) The term "director" as used in this rule means the Director of Revenue.

(2) Within thirty (30) days of the receipt of the certification of the Administrative Hearing Commission's record, findings of fact, conclusions of law, and transcript finding that cause exists to discipline a dealer's license, the director shall set the matter for hearing and notify the dealer of the time and place of the hearing.

(3) The notice will be given by U.S. mail, first class, postage prepaid to the dealer's business address or the registered agent, if applicable, or to the dealer's attorney, and to the dealer at the dealer's address as shown on the dealer license application, together with the sanction, if any, recommended by the Motor Vehicle Bureau of the department.

(4) The hearing will be held in Jefferson City, Missouri. A hearing officer designated by the director shall conduct the hearing.

(5) The sole issue at the hearing shall be the appropriate disciplinary sanction to be imposed.

(6) The provisions of Chapter 536, RSMo shall apply to the hearing.

(7) Each party shall be allowed one (1) continuance; any further continuance shall only be for good cause shown. Requests for continuance shall be in writing signed by the party requesting the continuance or that party's attorney. Requests for continuance must be filed not later than ten (10) days prior to the scheduled hearing date.

(8) Each party shall be allowed to submit one (1) brief to the hearing officer within thirty (30) days of the date of the hearing. No rebuttal or reply briefs are permitted.

(9) The hearing officer shall make findings of fact, conclusions of law, and recommendations as to any sanctions to be imposed.

(10) Nothing contained herein shall prevent the dealer waiving his right to a hearing and accepting the sanction, if any, recommended by the Motor Vehicle Bureau of the department or otherwise mutually agreeing to a sanction with the department. Any waiver of the hearing and agreement as to the sanction must be in writing, signed by both parties, and transmitted to the hearing officer prior to the date of the hearing for final approval.

(11) The director may accept, reject, or modify the hearing officer's recommendations, or impose any other sanction permitted by section 301.562, RSMo, including refusing to

renew the dealer's license, as the director deems appropriate in the circumstances.

(12) The decision of the director shall become final on the date of mailing of that decision to the parties.

AUTHORITY: section 301.553.4, RSMo 2000. Original rule filed July 1, 2008, effective Dec. 30, 2008.*

**Original authority: 301.553, RSMo 1988, amended 1989, 1993, 1995, 1997.*