SUBJECT: CERTIFICATION AND INSPECTION PROCEDURES OF MISSOURI DEALERSHIPS

NUMBER: 95-01-2044

DATE OF ISSUE: February 16, 2023 **EFFECTIVE DATE**: February 23, 2023

DISTRIBUTION: A

RELATED DIRECTIVES/FORMS/STANDARDS: General Order 82-03; Section 301.564 and 301.217 to 301.229, RSMo; Report of Investigation, SHP-326; Licensed Vehicle/Boat Dealer Inspection Report; SHP-855; Inspection and Certification for Dealer, Auction, or Manufacturer Business License, DOR Form 5748; Uniform Citation, SHP-3; Inspection and Certification for Missouri Salvage Business License, DOR Form 5747; Std 82.3.5, B-C

INSTRUCTIONS: Rescinds General Orders 95-01-1942 & 95-02-1906 & Forms SHP-854 and SHP-500.

*Motor Vehicle Inspection personnel

PURPOSE: To outline the procedures for the certification, examination, and inspection of motor vehicle/boat dealerships and motor vehicle salvage dealerships.

POLICY: Employees will follow authorized procedures and statutes to ensure Missouri dealerships are complying with applicable laws and regulations.

DEFINITIONS

Certification: Certification of a Missouri dealership refers to an on-site verification of the potential dealership's compliance with basic bona fide business requirements for dealership licensing. The recertification of an existing dealership is included in this definition.

Administrative compliance check: The physical inspection of a Missouri motor/boat dealership facility, records, temporary tags, dealer license plates, etc. The administrative compliance check is separate from the certification process.

Inspection: An inspection of a Missouri business certified or acting as a certified salvage dealership, separate from the certification process, with the purpose of verifying the dealership is operating in statutory compliance.

Regular business hours: Per 12 CSR 10-26.010, for any class of business, a bona fide place of business must be open at least twenty (20) hours per week during regular business hours when the public may contact the owner. Dealerships must be open at least four (4) days of the six (6) days of Monday through Saturday each week. Only the period falling between 0600 and 2200 hours will be considered in determining whether a place of business meets the required minimum business hours a week.

I. DEALER APPLICATION/CERTIFICATION PROCESS

A. Authority

Motor vehicle/boat dealers and manufacturers, along with salvage dealers are licensed by the Department of Revenue through certification or re-certification on a periodic basis. Assigned personnel are tasked with verifying motor vehicle and boat dealership applicants are compliant with Section 301.560, RSMo; and salvage dealership applicants are compliant with Section 301.221, RSMo, thus meeting Missouri's respective bona fide business statutory standards. These standards are outlined on the corresponding dealership applications in checklist form.

B. Duty to Examine

Upon receiving a request for any vehicle/boat dealership or salvage dealership certification, often referred to as "dealer apps", the troop commander will designate a motor vehicle inspector or member to examine the applicant's proposed business premises as soon as practicable. Assigned personnel will determine if the applicant meets the respective statutory requirements of a bona fide business before approving the certification application. In first class counties certification may be completed by metropolitan police.

C. Examination Call-in and Assignment Logs

- 1. Each troop will establish a call-in and assignment log to schedule timely and efficient dealer/salvage certification examinations. When feasible, certification examinations should be scheduled in coordination with members and/or motor vehicle inspectors who will be in the proximity of the requesting business as part of their routine duties.
- **2.** Call-in logs should include the dates/times that applicants call for requested examinations. In addition, the logs should also include the dates/times that unsuccessful attempts to contact the business were made by members and/or motor vehicle inspectors.
- **3.** Call-in logs should include dates of approval and completion of dealer/salvage applications. Disapproval of applications, including the date, time, and reason for disapproval, should also be entered into the log.

D. Certification Forms

1. Application types

Assigned personnel will ensure the dealer applicant has the correct application type for their business provided by the Department of Revenue. DOR Form 5747 (appendix A) is the Inspection and Certification for Missouri Salvage Business License. DOR Form 5748 (appendix B) is the Inspection and Certification for Dealer, Auction, or Manufacturer Business License.

2. Approval

If the applicant meets the bona fide business requirements for their respective dealership, the assigned personnel will complete the "Checklist" section of the application, sign the "Inspection and Certification" section, leave the application with the applicant, and inform their troop of the result for entry into the log.

3. Disapproval

If the applicant fails to meet the bona fide business requirements, assigned personnel will sign the "Inspection and Certification" section and cite the reasons for disapproval in the appropriate spaces on the application, leave the application with the applicant, and inform their troop of the result for entry into the log.

II. VEHICLE/BOAT DEALER ADMINISTRATIVE COMPLIANCE CHECK/INSPECTION

A. Authority

Statutory guidance regarding vehicle/boat dealer administrative compliance checks, referred to as inspections, is provided in Section 301.564, RSMo. Administrative compliance checks should be performed by at least one member, who may be assisted by motor vehicle inspectors. Troops may also coordinate checks with Department of Revenue personnel.

https://revisor.mo.gov/main/OneSection.aspx?section=301.564&bid=48754&hl=

B. Procedure

1. Timing and Priorities

- **a.** Administrative compliance checks of licensed vehicle/boat dealers may be conducted any time the business is open, other than during the Bona fide place of business certification process for renewal or start-up. Normally, no more than one administrative compliance check of a licensed vehicle/boat dealership should occur each year.
- b. The first priority will be to check those dealerships certified by Patrol personnel.
- **c.** Administrative compliance checks will be conducted during normal business hours which are required to be posted and visible by the dealer.
- **d**. Administrative compliance checks may be conducted in response to a citizen's complaint or other information concerning possible illegal or improper business practices.

e. Random administrative compliance checks may be conducted at any time to determine compliance with previously noted violations of the law or Department of Revenue rules.

2. Items to be Checked

- **a.** Administrative compliance checks will consist of checking the records required to be maintained by the dealer and determining if the business is operating as a qualified dealer.
- b. All vehicles/vessels displayed for sale, up to a maximum of ten units, will be checked.
- 1) Vehicle Identification Numbers and odometer readings of vehicles should be checked against the titles and odometer statements that are required to be maintained on file by the dealer.
- **2)** Hull Identification Numbers of vessels should be checked against the titles and related documents that are required to be maintained by the boat dealer.
- **3)** Titles should be checked for proper assignment (not left open) meaning the title was signed by the seller without any signature by a purchaser.
- **4)** Dealer sales reports and related records should be checked to determine if the business is operating as a qualified dealer. Dealer sales reports are typically filed electronically and are due by the 15th of the month.

C. Reporting Std 82.3.5 - Item B

A Licensed Vehicle/Boat Dealer Inspection Report, SHP-855, will be completed by the inspecting officer or designee after every administrative compliance check. After supervisory review and approval, a copy of the report should be forwarded electronically to dealerlic@dor.mo.gov. Troop headquarters will retain a copy in the original format, whether electronic or hard copy, in accordance with the Records Retention Schedule.

III. LICENSED SALVAGE OPERATIONS INSPECTIONS

A. Statutory Provisions

1. Section 301.218 (in part)

"No person shall, except as an incident to the sale, repair, rebuilding or servicing of vehicles by a licensed franchised motor vehicle dealer, carry on or conduct the following business unless licensed to do so by the Department of Revenue under Sections 301.217 to 301.229:

- Selling used parts of or used accessories for vehicles as a used part dealer.
- **b.** Salvaging, wrecking or dismantling vehicles for resale of the parts thereof as a salvage dealer or dismantler.
- **c.** Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar year as a rebuilder or body shop.
- d. Processing scrapped vehicles or vehicle parts as a scrap processor."

https://revisor.mo.gov/main/OneSection.aspx?section=301.218&bid=15754&hl=

2. Section 301.225

"Every person licensed or required to be licensed shall maintain for three years on vehicles not more than seven years old a record of:

- **a.** Every vehicle or used transmission, rear end, cowl, frame, body, front end assembly or engine of or for a vehicle received or acquired by him, its description and identifying number, if any, the date of its receipt or acquisition, and the name and address of the person from whom received or acquired.
- **b.** Every vehicle wrecked, dismantled or disposed of by him, and the date of its wrecking or dismantling and, if sold to a scrap metal operator, the operator's name and address. Every such record shall be retained by the person licensed or required to be licensed at his principal place of business and shall be open to inspection by any representative of the department, member, or authorized or designated

employee of the Missouri highway patrol, or any police officer during reasonable business hours. Members of the patrol or any police officer may inspect the premises of every person licensed **or required to be licensed** at any time that business is being conducted or work is being performed, whether or not open to the public to enforce the provisions of sections 301.217 to 301.229."

https://revisor.mo.gov/main/OneSection.aspx?section=301.225&bid=15758&hl=

B. Inspections of Licensed Salvage Dealers/Businesses

1. Designation of Inspecting Officer

At least one officer from each zone should be designated as an inspector for licensed salvage businesses. The officer should have an interest in auto theft and criminal investigations and should be trained to perform inspection duties. Motor Vehicle Inspection personnel are statutorily authorized to conduct salvage dealer inspections but should be accompanied by at least one member while performing salvage dealer inspections due to potential criminal violations requiring immediate action at the time of inspection.

2. Procedures

Inspections will consist of checking vehicles, vehicle parts, and those salvage records required to be maintained by the salvage dealer. Troops may coordinate inspection efforts with other police agencies in counties of the first class and in the city of St. Louis, as well as the Missouri Department of Revenue. Inspecting personnel may inquire with the Missouri Information Analysis Center (MIAC) for pertinent dealership history by requesting a dealership lookup.

3. Troop Commanders

Troop commanders should establish a licensed salvage dealer inspection program for their troop authorizing a standardized approach to salvage dealer inspections. Examples include authorizing annual inspections of all salvage dealers in their troop, authorizing a rotation of salvage dealership inspections over a longer period than one year, or authorizing inspections at the discretion of each zone's designated inspection officer.

4. Guidelines and Timing

Inspections of businesses defined in Section 301.218, RSMo., will be conducted following the guidelines set forth in Section 301.225, RSMo., and with the authorization of the troop commander. Normally, no more than one inspection of a salvage dealership should occur each year. Inspections will be conducted as follows:

- **a.** Only during normal business hours, or at other times a member observes business being conducted on the premises.
- **b.** In response to a citizen's credible complaint or other credible information concerning possible illegal or improper business practices. When a member has probable cause to believe the business is committing a felony violation of law, the member should consult with the prosecuting attorney for search warrant consideration prior to the inspection; or
- **c**. As part of troop's salvage dealership inspection program.
- **d**. In addition, a random follow-up inspection of a salvage dealership may be conducted following a previously noted violation of law to ensure the business has become compliant.

5. Reporting Std 82.3.5 - Item C

A Licensed Vehicle/Boat Dealer Inspection Report, SHP-855, will be completed by the inspecting officer or designee after every inspection. After supervisory review and approval, a copy of the report should be forwarded electronically to dealerlic@dor.mo.gov. Troop headquarters will retain a copy in the original format, whether electronic or hard copy, in accordance with the Records Retention Schedule.

IV. VIOLATIONS OF LAWS

- **A.** Personnel conducting dealership certification examinations, administrative compliance checks, and/or inspections may observe indicators of criminal activity associated with the dealership. If no member is present, Motor Vehicle Inspectors should report the suspected violations of law through proper channels and a member will be assigned to investigate. If violations of law are found, members should warn or arrest the violator as appropriate, considering the severity of the violation.
- **B.** Members, and any assisting MVI personnel, will report all enforcement actions in accordance with General Order 82-03. In addition, violations of law will be reported on a Licensed Vehicle/Boat Dealer Inspection Report, SHP-855, which will be forwarded electronically to the Department of Revenue at dealerlic@dor.mo.gov

V. OFFICIAL LIAISON

The Driver and Vehicle Safety Division will be the department's official liaison in all matters concerning dealership certifications, enforcement of statutes related to salvage operations, and related policies and forms.

ERIC T. OLSON, Colonel

Superintendent

Eine T. Desar

Appendix A DOR Form 5747

The most recent version of this form may be viewed at https://dor.mo.gov/forms/5747.pdf

Reset Form Print Form

Person to Contact

State Zip Code +4



Visit mydmv.mo.gov/ to renew or apply online.

City

Any false statement in this application is a violation of the law and may be punished by fine or imprisonment or both.

DBA Name

Business Name

Street Address (Physical Address)

퍨									_	+	
Business Informati	Missouri Secre	tary of State	Registration N	iumber (if applicable)	Telepi (Telephone Number		County			
988	Complete if mail to address is different than above (requires letter from postal authority).										
sin	Business Name	9				Ξ					
쥷									_		
	Street Address				City			State	Zip (Code +4	
				rate officer required. the above information and any atta	ched sunnlement	ie t	nue complete and c	orract L	do en	lemnly affirm that I maintain a	
				as defined by Section 301.221, RS							
Signature				on any attachments hereto are tru revocation of any salvage license the					Any	false or erroneous information	
gus	Signature			,,		,	Title	,			
S											
	Printed Name									Date (MM/DD/YYYY)	
						_					
	Bona Fide	Place of	Business	Section 301.221, RSMo							
	Yes	■ No	■ NA	Is there a permanently enclosed building occupied by the salvage business license applicant?							
	Yes Yes	■ No	■ NA	If the office is a trailer, is it anchored and are the wheels removed?							
	Yes	■ No	■ NA	If the location is occupied by more than one business, are the areas clearly designated and segregated?							
	Yes	■ No	■ NA	Are the titles, books, records, and files kept at the business location?							
ᅓ	Yes	■ No	■ NA	Are the titles, books, records, and files in order?							
Business Requirements Checklist	Yes	No	☐ NA	If the salvage business licensee is selling used parts or used accessories, does the license maintain related sales records?							
nts C	Yes	No	☐ NA	If the salvage business licensee is rebuilding and repairing wrecked or dismantled vehicles, is there a facility and are there tools for this purpose?							
eme	Yes	■ No	■ NA	If the salvage business licensee is a scrap vehicle processor, is there a lot or area to process scrapped							
튎				vehicles parts?							
Š	Sales Tax I	License		Section 144.221, RSMo							
Yes No NA If the salvage business licensee is making retail sales								ales of parts or accessories, does the licensee have a			
isi				retail sales tax license or a sta	atement indicatin	g p	arts or accessories	s are so	ld for	wholesale only?	
B	Lot			Section 301.221, RSMo							
Yes No NA Is there a lot area to accommodate vehicles?											
	Yes	□ No	□ NA	Is there an area for the salvac	ge business licensee to salvage, wreck, or dismantle vehicles?						
	☐ Yes	□ No	□ NA	Is the lot area in close proximi							
					,						
						_					

Appendix A condinued

	Certification of Business	Section 301.218-221, RSMo						
1	The business location and the application's business qualifies as a bona fide:							
	Used Parts Dealer	A business that buys and sells used motor vehicle parts or accessories, but not including a business th sells only new, remanufactured, or rebuilt parts.						
	Salvage Dealer & Dismantle	A business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts, and accessories.						
	Body Shop	A business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting.						
	Rebuilder		A business that repairs or rebuilds four or more motor vehicles in a calendar year that are owned by the rebuilder, but does not include certified common or contract carries of person or property.					
	Mobile Scrap Processor		A business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling.					
1	Comments:							
-1								
	See instructions for who must complete	this sartion						
		this section. e above location and that the applicant's buddefined in Sections 301.010 and 301.218		s as a bona fide used parts dealer, sal	vage dealer and dismantler, body			
	I certify that I have physically inspected the shop or rebuilder, or scrap processor as of	e above location and that the applicant's bu		s as a bona fide used parts dealer, sal Department, Troop, and District	vage dealer and dismantler, body Badge Number			
	I certify that I have physically inspected the shop or rebuilder, or scrap processor as of	e above location and that the applicant's bu defined in Sections 301.010 and 301.218		Department, Troop, and District				
	I certify that I have physically inspected th shop or rebuilder, or scrap processor as of Date Approved (MM/DD/YYYY) Signature	e above location and that the applicant's bu defined in Sections 301.010 and 301.218	RSMo.	Department, Troop, and District				
	I certify that I have physically inspected th shop or rebuilder, or scrap processor as of Date Approved (MM/DD/YYYY) Signature	e above location and that the applicant's budefined in Sections 301.010 and 301.218 me and Rank	RSMo.	Department, Troop, and District Department, Troop, and District	Badge Number			

Mail to: Motor Vehicle Bureau

Dealer Licensing Section

PO Box 43

301 West High Street, Room 370 Jefferson City, MO 65105-0043

Phone: (573) 526-3669 Opt. 7 Fax: (573) 522-4197 TTY: (800) 735-2966



E-mail: dealerlic@dor.mo.gov

Visit dor.mo.gov/motor-vehicle/ for additional information.

Ever served on active duty in the United States Armed Forces? If yes, visit dor.mo.gov/military/ to see the services and benefits we offer to all eligible military individuals. A list of all state agency resources and benefits can be found at veteranbenefits.mo.gov/state-benefits/.

Form 5747 (Revised 07-2022)

Appendix B DOR Form 5748

The most recent version of this form may be viewed at https://dor.mo.gov/forms/5748.pdf

Reset Form

Print Form

Form 1	Increation	n and Co	rtification for D	oalor		License Nur	mber	License Year (Y	YYY)
5748₹			acturer Busines					1 1	1
	3	or mariar	dotaror Daonio	JO EIGGIIGG					
	#								
Any fa	alse stateme	nt in this a	pplication is a viol	ation of the	law and may be po	unished by	fine or imprison	ment or both.	
r vehicle d	ealers must i	make a mi	nimum of eight sa	ales per vea	r and boat, trailer,	and power	rsport dealers m	ust make a minir	num o
	ear to be eligi			,					
Business Na	me				Doing Business As	(DBA)			
503111535116					Doning Duamicus 115	(2211)			
Contact Pers	ion				Missouri Secretary	of State Reg	istration Number (if a	nnlicable)	
Outline T CTS					missour occiony	or ottate rieg	istation realised (in a	ppilodoloj	
E-mail Addre	100								
E-IIIali Addie	33								
Physical Stre	et Address					Te	lephone Number		
0.11				les -	THE C. L. IS AS AS AS	(_			
City				State	ZIP Code (9-digit)	Co	ounty		
	Comp	lete if mai	il-to address is o	different tha	an above (require	es letter fr	rom postal auth	nority).	
					· · ·			**	
Business Na	me								
Mailing Addr	ess			City			State	ZIP Code (9-digit)	
Business Ho									
	Monday	to	Tuesday	to	Wednesday	to	Thursday _	to	
	Friday	to	Saturday	to	(Sunday	to	Trailer, RV, and	Powersport only)	
I de coloma	lu awar and aff	on that this a	andication is made to	and of busins	an an a bana fida dani	or oueton o	· manufacturer on ne	orded by Costions	204 57
					ss as a bona fide deale curate and that I have				
				ntain, during th	e entire period of regis	tration, financ	cial responsibility for	every motor vehicle	it owns
through 301.580, RSMo., that the information set forth herein is true and accurate and that I have the authority to provide all such information and to application. This shall further certify that the business shall maintain, during the entire period of registration, financial responsibility for every motor vehicle licenses, or operates on the streets and highways. Signature of an owner listed above Date (MM/DD/YYYY)							(MM/DD/YYYY)		
								1 1	
			Checklist to	be comple	ted by the Inspe	ctor/Office	er		
Bona Eig	de Place of E	Rueinage	Section 301.56	n PSMo					
		Jusiness				10			
Yes	_								
Yes		□ NA	If the office is a tr	ailer, is it anch	hored and are the wh	neels remov	ed?		
Yes No NA If the location is occupied by more than one (1) business, are the areas clearly designated and segregated Yes No Valid landline or cell phone?									egated
Yes	No No		Valid email adres	ss?					
□Yes	s		Are titles, books.	records, and f	files kept at the deale	er location?			
Yes No NA If an Auction and Dealer, are the records kept separate?									
,	1110	1,140	arr recount dilu	Danier, are u	зооно о корт обра				

Appendix B continued

	Display Lot	:		Section 301.560, RSMo						
	Yes	No		Is the lot of sufficient size to accommodate multiple units?						
	Yes	No		Is the lot in an exclusive area for this dealership and in close proximity to the office?						
	Yes	No		Does the lot provide unen	cumber	ed visibility from the public stre	eet?			
	Yes	No	NA	For auctions, is the display area or lot seperate from the MV dealership lot?						
	Signs			Section 301.560, RSM	lo					
	Yes	No		Is there a permanent exterior sign? Is the sign clearly visible to the public with letters at least six inches tall?						
	Yes	No								
	Yes	No		Does the sign display the	name o	f dealership as it is known to t	he public?			
	Yes	No	NA	If different than the license Secretary of State?	e, has the dealer filed a Fictitio	us Name Registration with the Office of				
ã	Yes	No	□ NA	If a temporary sign, did yo	u reviev	v the order for a permanent sig	gn?			
Ē	Yes	No	NA	If a public auction, are two	signs o	fisplayed?				
Checklist Continued	Business H	oure		12 CSR 10-26.010						
풄	Yes	No		Are the business hours posted?						
ธ์				Are the business flours po	steu:					
	Comments:									
See instructions for who must complete this section. I certify that I have physically inspected the above location and that the applicant's business qualifies as a box										
fide place of business for manufacturing, selling, or auctioning motor vehicles, powersports, trailers, and boats.										
Inspection and Certification	Approved	☐ Den	nied	(MM/DD/YYYY) Name and Rank						
Ē	Department, Tro	op, or District	t				Badge Number			
ğ	Signature					Printed Name				
a l										
喜	Reason for Disa	pproval or Ad	ditional Com	ments:						
eds										
=										

Mail to: Motor Vehicle Bureau

Dealer Licensing Section

PO Box 43

301 West High Street, Room 370 Jefferson City, MO 65105-0043

Phone: (573) 526-3669 Opt. 7 Fax: (573) 522-4197 TTY: (800) 735-2966

E-mail: dealerlic@dor.mo.gov

Visit mydmv.mo.gov to renew or apply online.

Visit dor.mo.gov/motor-vehicle/dealers-lienholders for additional information.

Ever served on active duty in the United States Armed Forces? If yes, visit dor.mo.gov/military! to see the services and benefits we offer to all eligible military individuals. A list of all state agency resources and benefits can be found at veteranbenefits.mo.gov/state-benefits/.

Form 5748 (Revised 07-2022)