

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 251

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SMITH (118).

Read 1<sup>st</sup> time January 22, 2003, and copies ordered printed.

Read 2nd time January 23, 2003, and referred to the Committee on Transportation and Motor Vehicles January 28, 2003.

Reported from the Committee on Transportation and Motor Vehicles March 10, 2003, with recommendation that the bill Do Pass by Consent with House Committee Amendment No. 1.

Perfected by Consent March 17, 2003.

STEPHEN S. DAVIS, Chief Clerk

1004L.01P

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## AN ACT

To repeal section 301.566, RSMo, and to enact in lieu thereof one new section relating to motor vehicle sales or shows.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 301.566, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.566, to read as follows:

301.566. 1. A motor vehicle dealer may participate in any motor vehicle show or sale and conduct sales of motor vehicles away from the dealer's usual, licensed place of business if either the requirements of subsection 2 or 3 of this section are met or the event is conducted for not more than ten days, and if a majority of the motor vehicle dealers within a class of dealers described pursuant to subsection 3 of section 301.550 in a city or town participate or are invited and have the opportunity to participate in the event[, except that a recreational motor vehicle dealer classified in subdivision (5) of subsection 3 of section 301.550 may participate in such a show or sale even if a majority of recreational motor vehicle dealers in a city or town do not participate in the event]. The department shall consider such events to be proper in all respects and as if each dealer participant was conducting business at the dealer's usual business location. Nothing contained in this section shall be construed as applying to the sale of motor vehicles or trailers through either a wholesale motor vehicle auction or public motor vehicle auction.

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

13           2. Any person, partnership, corporation or association disposing of vehicles used and  
14 titled solely in its ordinary course of business as provided in section 301.570 may sell at retail  
15 such vehicles away from that person's bona fide established place of business, thus constituting  
16 an off-site sale, by adhering to each of the following conditions with regard to each and every  
17 off-site sale conducted:

18           (1) Have in effect a valid license, pursuant to sections 301.550 to 301.575, from the  
19 department for the sale of used motor vehicles;

20           (2) No off-site sale may exceed ten days in duration, and only one sale may be held per  
21 year, per county, in counties of the third and fourth classification;

22           (3) Pay to the motor vehicle commission fund, pursuant to section 301.560, a permit fee  
23 of two hundred fifty dollars for each off-site sale event;

24           (4) Advise the department, at least ten days prior to the sale, of the date, location and  
25 duration of each off-site sale;

26           (5) The sale of vehicles at off-site sales shall be limited to sales by a seller of vehicles  
27 used and titled solely in its ordinary course of business, and such sales shall be held in  
28 conjunction with a credit union and limited to members of the credit union, thus constituting a  
29 private sale to be advertised to members only;

30           (6) Off-site sales by a seller of vehicles used and titled solely in its ordinary course of  
31 business may also be held in conjunction with other financial institutions provided that any such  
32 sale event shall be held on the premises of the financial institution, and sales shall be limited to  
33 persons who were customers of the financial institution prior to the date of the sale event.  
34 Off-site sales held with such other financial institutions shall be limited to one sale per year per  
35 institution;

36           (7) The sale of motor vehicles which have the designation of the current model year,  
37 except discontinued models, is prohibited at off-site sales until subsequent model year designated  
38 vehicles of the same manufacture and model are offered for sale to the public.

39           3. A recreational vehicle dealer, as that term is defined in section 700.010, RSMo, who  
40 is licensed in another state may participate in recreational vehicle shows or exhibits with  
41 recreational vehicles within this state, in which less than fifty dealers participate as exhibitors  
42 with permission of the dealer's licensed manufacturer if all of the following conditions exist:

43           (1) The show or exhibition has a minimum of ten recreational vehicle dealers licensed  
44 as motor vehicle dealers in this state;

45           (2) More than fifty percent of the participating recreational vehicle dealers are licensed  
46 motor vehicle dealers in this state; and

47           (3) The state in which the recreational vehicle is licensed is a state contiguous to  
48 Missouri and the state permits recreational vehicle dealers licensed in Missouri to participate in

49 recreational vehicle shows in such state pursuant to conditions substantially equivalent to the  
50 conditions which are imposed on dealers from such state who participate in recreational vehicle  
51 shows in Missouri.

52 4. A recreational vehicle dealer licensed in another state may participate in a vehicle  
53 show or exhibition in Missouri which has, when it opens to the public, at least fifty dealers  
54 displaying recreational vehicles if the show or exhibition is trade-oriented and is predominantly  
55 funded by recreational vehicle manufacturers. All of the participating dealers who are not  
56 licensed in Missouri shall be licensed as recreational vehicle dealers by the state of their  
57 residence.

58 **5. (1) A recreational vehicle association consisting of dealers licensed in Missouri,**  
59 **those holding a valid license as a recreational vehicle dealer by the state of their residence,**  
60 **or any combination thereof may participate in a vehicle show or exhibition at the Missouri**  
61 **state fairgrounds, which may be open to the public, if:**

62 (a) At least five hundred or more recreational vehicles participate in the event; and

63 (b) The event or exhibition is for the purpose of education and entertainment of its  
64 members.

65 (2) Any out-of-state manufacturer shall utilize a Missouri recreational vehicle  
66 dealer at vehicle shows or exhibitions at the Missouri state fairgrounds if a Missouri dealer  
67 carries the same line of recreational vehicles as manufacturers at the show. Missouri  
68 dealers shall not be forced by any manufacturer to buy additional units for a show or  
69 exhibition.

70 (3) The Missouri Recreational Vehicle Dealers Association (MRVDA) shall issue  
71 temporary show permits for a fee of one hundred dollars for each recreational vehicle from  
72 out-of-state being shown at the Missouri state fairgrounds. MRVDA shall collect this fee  
73 which shall be used for MRVDA's administrative expenses relating to such permits.