

FIRST REGULAR SESSION

HOUSE BILL NO. 78

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLAND.

Pre-filed December 8, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0359L.011

AN ACT

To amend chapter 301, RSMo, by adding thereto one new section relating to used motor vehicle dealer practices.

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

Section A. Chapter 301, RSMo, is amended by adding thereto one new section, to be
2 known as section 301.580, to read as follows:

301.580. 1. Every used motor vehicle dealer shall prominently display a buyers
2 guide on any used motor vehicle the used motor vehicle dealer offers for sale. In addition
3 to the federal requirements for a buyers guide set out in 16 CFR Part 455, the buyers guide
4 shall be signed and dated by the buyer. The buyers guide shall include a signature line for
5 the buyer's signature and shall include a disclosure in the immediate proximity to the
6 signature line stating: "I hereby acknowledge receipt of the buyers guide at the closing of
7 this sale". The used motor vehicle dealer shall give the buyer a copy of the signed buyers
8 guide. The used motor vehicle dealer shall keep a copy of the signed buyers guide in the
9 used motor vehicle dealer's records. Such record shall be subject to inspection by the
10 department of revenue.

11 2. A violation of this section shall constitute an unlawful trade practice as provided
12 in section 407.020, RSMo, and shall be subject to any remedies or penalties available for
13 a violation of that section. If the requirements of subsection 1 of this section are not met,
14 the buyer may cancel the sale within thirty days. The buyer shall have the right to return
15 the used motor vehicle to the used motor vehicle dealer and obtain a full refund of all
16 payments made toward the purchase of the used motor vehicle, less any damage to the used

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

17 motor vehicle incurred while ownership was vested in the buyer, and less a reasonable
18 amount for the use not to exceed one-half the amount allowed per mile by the Internal
19 Revenue Service, as provided by regulation, revenue procedure, or revenue ruling
20 promulgated pursuant to Section 162 of the Internal Revenue Code, for use of a personal
21 vehicle for business purposes.

22 **3. The department of revenue shall establish and maintain a statewide toll-free**
23 **number service which shall be operated on a twenty-four-hour schedule. The telephone**
24 **system shall be capable of receiving complaints from used car buyers who were not given**
25 **a buyers guide apprising them of their warranty rights. The director, upon his or her own**
26 **information or upon the complaint of any person, may institute an investigation, including**
27 **an inspection of the used motor vehicle dealer premises, to determine whether the used**
28 **motor vehicle dealer is complying with the provisions of this section.**

29 **4. As used in this section, the term "buyers guide" means the window form**
30 **required by the Federal Trade Commission's "Used Motor Vehicle Trade Regulation**
31 **Rule", 16 CFR Part 455.2.**