

FIRST REGULAR SESSION

HOUSE BILL NO. 469

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SATER (Sponsor), DARROUGH, PAGE, WILDBERGER,
WILSON (119) AND DENISON (Co-sponsors).

Read 1st time February 7, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1255L.011

AN ACT

To repeal section 407.560, RSMo, and to enact in lieu thereof one new section relating to motor vehicle warranties.

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

Section A. Section 407.560, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.560, to read as follows:

407.560. As used in sections 407.560 to 407.579, the following terms mean:

- (1) "Collateral charges", those additional charges to a consumer not directly attributable to a manufacturer's suggested retail price label for the new motor vehicle. For the purposes of sections 407.560 to 407.579, "collateral charges" includes all sales tax, license fees, registration fees, title fees and motor vehicle inspections;
- (2) "Comparable motor vehicle", an identical or reasonably equivalent motor vehicle;
- (3) "Consumer", the purchaser, other than for the purposes of resale, of a new motor vehicle, primarily used for personal, family, or household purposes, and any person to whom such new motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to such new motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty;
- (4) "Express warranty", any written affirmation of the fact or promise made by a manufacturer to a consumer in connection with the sale of new motor vehicles which relates to the nature of the material or workmanship or will meet a specified level of performance over a specified period of time;

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.

16 (5) "Manufacturer", any person engaged in the manufacturing or assembling of new
17 motor vehicles as a regular business;

18 (6) "New motor vehicle", any motor vehicle being transferred for the first time from a
19 manufacturer, distributor or new vehicle dealer, which has not been registered or titled in this
20 state or any other state and which is offered for sale, barter or exchange by a dealer who is
21 franchised to sell, barter or exchange that particular make of new motor vehicle. The term "new
22 motor vehicle" shall include only those vehicles propelled by power other than muscular power,
23 but the term shall not include vehicles used as a commercial motor vehicle, off-road vehicles,
24 mopeds, [motorcycles] or recreational motor vehicles as defined in section 301.010, RSMo,
25 except for the chassis, engine, powertrain and component parts of recreational motor vehicles.
26 The term "new motor vehicle" shall also include demonstrators or lease-purchase vehicles as
27 long as a manufacturer's warranty was issued as a condition of sale.