

SECOND REGULAR SESSION

HOUSE BILL NO. 1912

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAILEY.

4417H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 407.1329, RSMo, and to enact in lieu thereof one new section relating to recreation vehicle dealers.

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

Section A. Section 407.1329, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.1329, to read as follows:

407.1329. If the RV dealer agreement is terminated, cancelled, or not renewed by the manufacturer for cause, **or if the dealer voluntarily terminates an RV dealer agreement in a manner permitted by such agreement, or if the manufacturer terminates or discontinues a franchise by discontinuing a line-make, ceasing to do business in the state, or changing the distributor or method of distribution of its products in the state,** the manufacturer shall, at the election of the RV dealer, within thirty days of termination, repurchase:

(1) (a) All new, untitled current model year recreation vehicle inventory, acquired from the manufacturer, ~~[which has not been used (except for demonstration purposes)]~~ **with less than five thousand miles of usage, and which has not been** altered or damaged to the extent that such damage must be disclosed to the consumer pursuant to section 407.1343, at one hundred percent of the net invoice cost, including transportation, less applicable rebates and discounts to the dealer; and

(b) All new, untitled recreation vehicle inventory of the prior model year, acquired from the manufacturer, **with less than five thousand miles of usage,** provided the prior model year vehicles have not been altered~~[, used (except for demonstration purposes)]~~ or damaged to the extent that such damage must be disclosed to the consumer pursuant to section 407.1343, and

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 were drafted on the dealer's financing source or paid within one hundred twenty days prior to the
18 effective date of the termination, cancellation, or nonrenewal.

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20 In the event any of the vehicles repurchased pursuant to this subdivision are damaged, but do not
21 trigger the consumer disclosure requirement, the amount due the dealer shall be reduced by the
22 **actual** cost to repair the vehicle. Damage prior to delivery to dealer that is disclosed at the time
23 of delivery will not disqualify repurchase under this provision;

24 (2) All current and undamaged manufacturer's accessories and proprietary parts sold to
25 the dealer for resale, if accompanied by the original invoice, at one hundred five percent of the
26 original net price paid to the manufacturer to compensate the dealer for handling, packing, and
27 shipping the parts; and

28 (3) Any fully and correctly functioning diagnostic equipment, special tools, current
29 signage and other equipment and machinery, at one hundred percent of the dealer's net cost plus
30 freight, destination, delivery and distribution charges and sales taxes, if any, provided it was
31 purchased by the dealer within five years before termination and upon the manufacturer's request
32 and can no longer be used in the normal course of the dealer's ongoing business. The
33 manufacturer shall pay the dealer within thirty days of receipt of ~~[the returned]~~ **all** items
34 **returned for repurchase under this section.**

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