

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute for Senate Bill No. 23, Page 1, Section A, Line 3, by inserting after all of
2 said section and line the following:

3
4 "137.1050. 1. For the purposes of this section, the following terms shall mean:

5 (1) "Eligible credit amount", the difference between an eligible taxpayer's real property tax
6 liability on such taxpayer's homestead for a given tax year, minus the real property tax liability on
7 such homestead in the year that the taxpayer became an eligible taxpayer;

8 (2) "Eligible taxpayer", a Missouri resident who:

9 (a) Is eligible for Social Security retirement benefits;

10 (b) Is an owner of record of a homestead or has a legal or equitable interest in such property
11 as evidenced by a written instrument; and

12 (c) Is liable for the payment of real property taxes on such homestead;

13 (3) "Homestead", real property actually occupied by an eligible taxpayer as the primary
14 residence. An eligible taxpayer shall not claim more than one primary residence;

15 (4) "Real property tax liability", the amount of revenue derived from the tax imposed on an
16 eligible taxpayer's homestead that is:

17 (a) Collected by the county in which such eligible taxpayer's homestead is located; and

18 (b) Available under state law for appropriation by such county in such county's annual
19 budget for county expenditures.

20 2. Any county authorized to impose a property tax may grant a property tax credit to eligible
21 taxpayers residing in such county in an amount equal to the taxpayer's eligible credit amount,
22 provided that:

23 (1) Such county adopts an ordinance authorizing such credit; or

24 (2) (a) A petition in support of a referendum on such a credit is signed by at least five
25 percent of the registered voters of such county voting in the last gubernatorial election and the
26 petition is delivered to the governing body of the county, which shall subsequently hold a
27 referendum on such credit.

28 (b) The ballot of submission for the question submitted to the voters pursuant to paragraph
29 (a) of this subdivision shall be in substantially the following form:

Shall the County of _____ exempt senior citizens from increases in the

Action Taken _____ Date _____

property tax liability due on such seniors citizens' primary residence?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the credit shall be in effect.

3. A county granting an exemption pursuant to this section shall apply such exemption when calculating the eligible taxpayer's property tax liability for the tax year. The amount of the credit shall be noted on the statement of tax due sent to the eligible taxpayer by the county collector.

4. For the purposes of calculating property tax levies pursuant to section 137.073, the total amount of credits authorized by a county pursuant to this section shall be considered tax revenue, as such term is defined in section 137.073, actually received by the county."; and

Further amend said bill, Page 9, Section 144.070, Line 134, by deleting the word "may" and inserting in lieu thereof the words "[~~may~~] shall"; and

Further amend said bill and section, Pages 10-11, Lines 159-179, by deleting said lines and inserting in lieu thereof the following:

11. (1) Every motor vehicle dealer licensed under section 301.560, as soon as technologically possible following the development and maintenance of a modernized, integrated system for the titling of vehicles, issuance and renewal of vehicle registrations, issuance and renewal of driver's licenses and identification cards, and perfection and release of liens and encumbrances on vehicles, to be funded by the motor vehicle administration technology fund as created in section 301.558, shall collect and remit the sales tax required under this section on all motor vehicles that such dealer sells. In collecting and remitting this sales tax, motor vehicle dealers shall be subject to all applicable provisions under sections 144.010 to 144.527.

(2) The director of revenue may promulgate all necessary rules and regulations for the administration of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This subsection and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void."; and

Further amend said bill and section, Page 11, Line 179, by inserting after all of said section and line the following:

"407.812. 1. Any franchisor obtaining or renewing its license after August 28, 2010, shall be bound by the provisions of the MVFP act and shall comply with it, and no franchise agreement

1 made, entered, modified, or renewed after August 28, 2010, shall avoid the requirements of the
2 MVFP act, or violate its provisions, and no franchise agreement shall be performed after the date the
3 franchisor's license is issued or renewed in such a manner that the franchisor avoids or otherwise
4 does not conform or comply with the requirements of the MVFP act. Notwithstanding the effective
5 date of any franchise agreement, all franchisor licenses and renewals thereof are issued subject to all
6 provisions of the MVFP act and chapter 301 and any regulations in effect upon the date of issuance,
7 as well as all future provisions of the MVFP act and chapter 301 and any regulations which may
8 become effective during the term of the license.

9 2. The provisions of the MVFP act shall apply to each franchise that a franchisor,
10 manufacturer, importer, or distributor has with a franchisee and all agreements between a franchisee
11 and a common entity or any person that is controlled by a franchisor.

12 3. No dealer or manufacturer licensed in this state under sections 301.550 to 301.573 shall
13 allow any subsidiary or related entity to engage in the business of selling motor vehicles, as defined
14 in section 301.010, to retail consumers in this state, except as otherwise permitted by law. Any
15 dealer or manufacturer licensed in this state shall have standing to enforce the provisions of this
16 subsection, provided that a franchise relationship exists between the parties.

17 4. No entity controlling, controlled by, or sharing a common parent entity or sibling entity
18 with a licensed dealer or manufacturer shall engage in the business of selling motor vehicles to retail
19 consumers in this state, except as permitted by sections 301.550 to 301.575 and the MVFP act. Any
20 dealer or manufacturer licensed in this state shall have standing to enforce the provisions of this
21 subsection.

22 5. No dealer or manufacturer not licensed in this state under sections 301.550 to 301.575
23 shall engage in the business of selling motor vehicles to retail consumers in this state, except as
24 permitted by sections 301.550 to 301.575 and the MVFP act. Any dealer or manufacturer in this
25 state shall have standing to enforce the provisions of this subsection, provided that a franchise
26 relationship exists between the parties.

27 6. Notwithstanding any provision of sections 301.550 to 301.575 to the contrary, a
28 manufacturer, importer, or distributor may engage in the business of selling motor vehicles to retail
29 consumers in this state from a dealership if the manufacturer, importer, or distributor owned the
30 dealership and initially submitted a dealer license application to the Missouri department of revenue
31 on or before August 28, 2023, provided that the license is subsequently granted, and the ownership
32 or controlling interest of such dealership is not transferred, sold, or conveyed to another person or
33 entity required to be licensed under this chapter.

34 407.828. 1. Notwithstanding any provision in a franchise to the contrary, each franchisor
35 shall specify in writing to each of its franchisees in this state the franchisee's obligations for
36 preparation, delivery, and warranty service on its products. The franchisor shall fairly and
37 reasonably compensate the franchisee for preparation, delivery, and warranty service required of the
38 franchisee by the franchisor. The franchisor shall provide the franchisee with the schedule of
39 compensation to be paid to the franchisee for parts, labor, and service, and the time allowance for

1 the performance of the labor and service for the franchisee's obligations for preparation, delivery,
2 and warranty service.

3 2. The schedule of compensation shall include reasonable compensation for diagnostic
4 work, as well as repair service and labor for the franchisee to meet its obligations for preparation,
5 delivery, and warranty service. The schedule shall also include reasonable and adequate time
6 allowances for the diagnosis and performance of preparation, delivery, and warranty service to be
7 performed in a careful and professional manner. In the determination of what constitutes reasonable
8 compensation for labor and service pursuant to this section, the principal factor to be given
9 consideration shall be the prevailing wage rates being charged for similar labor and service by
10 ~~[franchisees in the market in which the franchisee is doing business, and in no event shall the~~
11 ~~compensation of a franchisee for labor and service be less than the rates charged by]~~ the franchisee
12 for similar labor and service to retail customers for nonwarranty labor and service~~[-, provided that~~
13 ~~such rates are reasonable]~~. The primary factor in determining ~~[a fair and]~~ reasonable compensation
14 for parts under this section shall be the ~~[prevailing amount charged for similar parts by other same~~
15 ~~line make franchisees in the market in which the franchisee is doing business and the fair and~~
16 ~~reasonable compensation for parts shall not be less than the]~~ amount charged by the franchisee for
17 similar parts to retail customers for nonwarranty parts~~[-, provided that such rates are reasonable. If~~
18 ~~another same line make franchisee is not available within the market, then the prevailing amount~~
19 ~~charged for similar parts by other franchisees in the market shall be used as the primary factor]~~.

20 3. A franchisor shall perform all warranty obligations, including recall notices; include in
21 written notices of franchisor recalls to new motor vehicle owners and franchisees the expected date
22 by which necessary parts and equipment will be available to franchisees for the correction of the
23 defects; and ~~[reasonably]~~ compensate any of the franchisees in this state for repairs required by the
24 recall. ~~[Reasonable]~~ Compensation for parts~~[-]~~ and labor~~[-, and service]~~ for recall repairs shall be
25 determined under subsection 2 of this section.

26 4. No franchisor shall require a franchisee to submit a claim authorized under this section
27 sooner than thirty days after the franchisee completes the preparation, delivery, or warranty service
28 authorizing the claim for preparation, delivery, or warranty service. All claims made by a franchisee
29 under this section shall be paid within thirty days after their approval. All claims shall be either
30 approved or disapproved by the franchisor within thirty days after their receipt on a proper form
31 generally used by the franchisor and containing the usually required information therein. Any
32 claims not specifically disapproved in writing within thirty days after the receipt of the form shall be
33 considered to be approved and payment shall be made within fifteen days thereafter. A franchisee
34 shall not be required to maintain defective parts for more than thirty days after submission of a
35 claim.

36 5. A franchisor shall compensate the franchisee for franchisor-sponsored sales or service
37 promotion events, including but not limited to, rebates, programs, or activities in accordance with
38 established written guidelines for such events, programs, or activities, which guidelines shall be
39 provided to each franchisee.

1 6. No franchisor shall require a franchisee to submit a claim authorized under subsection 5
2 of this section sooner than thirty days after the franchisee becomes eligible to submit the claim. All
3 claims made by a franchisee pursuant to subsection 5 of this section for promotion events, including
4 but not limited to rebates, programs, or activities shall be paid within ten days after their approval.
5 All claims shall be either approved or disapproved by the franchisor within thirty days after their
6 receipt on a proper form generally used by the franchisor and containing the usually required
7 information therein. Any claim not specifically disapproved in writing within thirty days after the
8 receipt of this form shall be considered to be approved and payment shall be made within ~~ten~~
9 fifteen days.

10 7. In calculating the retail rate customarily charged by the franchisee for parts, service, and
11 labor, the following work shall not be included in the calculation:

12 (1) Repairs for franchisor, manufacturer, or distributor special events, specials, or
13 promotional discounts for retail customer repairs;

14 (2) Parts sold at wholesale;

15 (3) Engine assemblies and transmission assemblies;

16 (4) Routine maintenance not covered under any retail customer warranty, such as fluids,
17 filters, and belts not provided in the course of repairs;

18 (5) Nuts, bolts, fasteners, and similar items that do not have an individual part number;

19 (6) Tires; and

20 (7) Vehicle reconditioning.

21 8. If a franchisor, manufacturer, importer, or distributor furnishes a part or component to a
22 franchisee, at no cost, to use in performing repairs under a recall, campaign service action, or
23 warranty repair, the franchisor shall compensate the franchisee for the part or component in the
24 same manner as warranty parts compensation under this section by compensating the franchisee at
25 the average markup on the cost for the part or component as listed in the price schedule of the
26 franchisor, manufacturer, importer, or distributor, less the cost for the part or component. This
27 subsection shall not apply to entire engine assemblies, propulsion engine assemblies, including
28 electric vehicle batteries, or entire transmission assemblies.

29 9. A franchisor shall not require a franchisee to establish the retail rate customarily charged
30 by the franchisee for parts, service, or labor by an unduly burdensome or time-consuming method or
31 by requiring information that is unduly burdensome or time consuming to provide, including, but
32 not limited to, part-by-part or transaction-by-transaction calculations. A franchisee shall not request
33 a franchisor to approve a different labor rate or parts rate more than twice in one calendar year.

34 10. If a franchisee submits any claim under this section to a franchisor that is incomplete,
35 inaccurate, or lacking any information usually required by the franchisor, then the franchisor shall
36 promptly notify the franchisee, and the time limit to submit the claim shall be extended for a
37 reasonable length of time, not less than five business days following notice by the franchisor to the
38 franchisee, for the franchisee to provide the complete, accurate, or lacking information to the
39 franchisor.

11. (1) A franchisor may only audit warranty, sales, or incentive claims and charge-back to the franchisee unsubstantiated claims for a period of twelve months following payment, subject to all of the provisions of this section. Furthermore, if the franchisor has good cause to believe that a franchisee has submitted fraudulent claims, then the franchisor may only audit suspected fraudulent warranty, sales, or incentive claims and charge-back to the franchisee fraudulent claims for a period of two years following payment, subject to all provisions of this section.

(2) A franchisor shall not require documentation for warranty, sales, or incentive claims more than twelve months after the claim was paid.

(3) Prior to requiring any charge-back, reimbursement, or credit against a future transaction arising out of an audit, the franchisor shall submit written notice to the franchisee along with a copy of its audit and the detailed reason for each intended charge-back, reimbursement, or credit.

12. A franchisee may file a complaint with the administrative hearing commission pursuant to section 407.822 within ~~[thirty]~~ sixty days after receipt of any ~~[such]~~ written notice ~~[challenging such action]~~ by a franchisor of any adverse decision on any claim for reimbursement submitted pursuant to this section, including, but not limited to, specific claims for reimbursement in individual warranty repair transactions, and requests for an increase in labor or parts rate. If a complaint is filed within the ~~[thirty]~~ sixty days, then the ~~[charge-back, reimbursement, or credit]~~ denial or reduction of reimbursement, denial of a request for an increase in labor or parts rate, charge-back, or other determination by a franchisor which is adverse to a franchisee shall be stayed pending a hearing and determination of the matter under section 407.822. The franchisor shall file an answer to the complaint within thirty days after service of the complaint. If, following a hearing which shall be held within sixty days following service of the franchisor's answer, the administrative hearing commission determines that [any portion of the charge-back, reimbursement, or credit is improper, then that portion of the charge-back, reimbursement, or credit shall be void and not allowed] a franchisor has violated any requirements of this section, then the denial or reduction of reimbursement, denial of a request for an increase in labor or parts rate, or charge-back shall be void and the franchisor shall, within fifteen days of the commission's order, fairly compensate the franchisee as required by the provisions of this section. Section 407.835 shall apply to proceedings pursuant to this section."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.