

HCS SS SCS SBs 56 & 61 -- MOTOR VEHICLES

SPONSOR: Bean (Hovis)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Public Policy by a vote of 7 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 7 to 0.

The following is a summary of the House Committee Substitute for SB 56.

COLLECTION OF SALES TAX BY MOTOR VEHICLE DEALERS (Sections 144.020 and 144.070)

This bill provides that following development of the Department of Revenue's modernized system for vehicle titling and registration, driver licensing, and liens, licensed motor vehicle dealers shall collect and remit to the Department the sales tax due on all motor vehicles the dealer sells.

ADULTS ACCOMPANYING NEW DRIVERS (Sections 302.130 and 302.178)

This bill specifies that the person required to occupy the seat next to a driver who is not fully licensed cannot be under the influence of alcohol, controlled substances, or marijuana.

IGNITION INTERLOCK DEVICE REQUIREMENTS (Sections 302.304, 302.440, 302.525, and 302.574)

Currently, a person who has had his or her driver's license suspended or revoked because of an assessment of points for an intoxication-related traffic offense conviction and who has a prior alcohol-related enforcement contact must show proof to the Director of Revenue that any motor vehicle driven by the person has a certified ignition interlock device installed, and the ignition interlock device must be installed for at least six months. Under this bill, the requirement applies only to a person who has an intoxication-related traffic offense conviction in which the person's blood alcohol content was at least .08 but less than .15 and who has a prior alcohol-related enforcement contact or to a person who has an assessment of points for an intoxication-related traffic offense conviction in which the person's blood alcohol content was found to be .15 or more.

The bill also prohibits restricted driving privileges to be issued to any person whose driving record shows an intoxication-related traffic offense in which the person's blood alcohol content was found to be .15 or more, until the person files proof with the

Department of Revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device.

ELECTRONIC COMMUNICATION DEVICES IN MOTOR VEHICLES (Section 304.822; repeals Section 304.820)

This bill repeals the current prohibitions against operation of motor vehicles while using hand-held electronic wireless communications devices, as defined by law, and enacts different prohibitions in lieu thereof.

The bill establishes the "Siddens Bening Hands Free Law", which prohibits a number of uses of electronic communication devices while operating motor vehicles, as detailed in the bill, as well as provides exceptions.

The bill specifies penalties for violations of the bill, including enhanced penalties for repeat offenders, violations occurring in a work zone when workers are present, violations occurring in a school zone, and violations that are the proximate cause of property damage, personal injury, or death.

Law enforcement officers who stop a noncommercial motor vehicle for a violation of the bill shall inform the operator of the operator's right to decline a search of their device, and shall not access the device without a warrant or confiscate the device while awaiting issuance of a warrant. No warrant shall be issued to confiscate or access an electronic communication device based on a violation of this bill unless the violation results in serious bodily injury or death.

Violations of this bill shall not be used to establish probable cause for any other violation, and the provisions of the bill shall be subject to racial bias reporting as required by law. This bill preempts local regulation of the use of electronic communication devices by the operators of vehicles.

Prior to January 1, 2025, a law enforcement officer who stops a noncommercial motor vehicle for a violation of the bill shall not issue a citation for the violation, and shall only issue a warning. No person shall be stopped, inspected, or detained solely for a violation of this bill.

MOTOR VEHICLE FRANCHISE PRACTICES ACT (Sections 407.812 and 407.828)

This act prohibits certain entities from engaging in the business of selling motor vehicles, except as permitted by the Motor Vehicle Franchise Practices Act (MVFP Act), and specifies parties that shall have standing to enforce the prohibitions.

The act also modifies provisions applicable to warranty services. Under the act, compensation for the services is based on rates charged by the franchisee rather than on rates charged by comparable franchisees in the market. Claims not disapproved by the franchisor in writing within 30 days shall be considered approved and paid within 15 days, rather than within 10 days. The act exempts certain part assemblies from the requirement that franchisors compensate franchisees for recall work in the same manner as warranty work.

Lastly, the act specifies procedures for franchisees to file complaints with the Administrative Hearing Commission. Franchisees may file claims within 60 days, rather than 30 days, after receiving an adverse decision on a claim under the act. Franchisors shall file an answer to the complaint within 30 days, and a hearing shall be held within 60 days of the franchisee's answer. If the Administrative Hearing Commission finds a franchisor has violated the requirements of the warranty statute, the franchisor shall compensate the franchisee as required by law.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the Senate Perfected version of the bill.

**PROPONENTS:** Supporters say that this bill will protect the lives of Missourians. Distracted driving has caused many deaths in Missouri. Our laws need to be updated. This will deter bad driving behaviors.

Testifying in person for the bill were Senator Bean; State Farm Insurance; General Motors Company, LLC; Missouri Insurance Coalition; Missouri College of Emergency Physicians; Greater St Louis; Cynthia Mease, Trailnet; Jeff Porter; Michael Kelley, BikewalkKC; Taylor March, Missourians for Responsible Transportation, Local Motion; Angela Nelson, AAA Missouri; Warren Douglas; Stephany Bening; Missouri Chamber of Commerce; Nicole Hood, Missouri Department of Transportation; Kyle Fischer, Missouri Department of Transportation; Abate for Missouri; Enterprise Leasing St. Louis LLC; Municipal League of Metro STL; Shanon, Mo Society of Eye Physicians and Surgeons; and the Missouri State Medical Association.

**OPPONENTS:** There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say deaths are increasing from traffic accidents. However, as the language is currently drafted, it will make it difficult for the State Highway Patrol to enforce the provisions.

Testifying in person on the bill was Lt. Collin M Stosberg, Missouri Highway Patrol.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under "House Testimony on Senate Bills" on the House website.