

HCS SS SCS SB 398 -- MOTOR VEHICLES

SPONSOR: Schroer (Knight)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Public Policy by a vote of 5 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 8 to 0.

The following is a summary of the House Committee Substitute for SB 398.

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.

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.

Violations of this bill shall not be used to establish probable cause for any other violation. 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.

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.

The bill also modifies provisions applicable to warranty services. As specified in the bill, 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 bill exempts certain part assemblies from the requirement that franchisors compensate franchisees for recall work in the same manner as warranty work.

The bill 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 bill. 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 language has already been supported by the House in another bill. This bill ensures that distributors that are not currently licensed in the state do not sell in the state without following our procedures.

Testifying in person for the bill were Senator Schroer; and the Missouri Automobile Dealers Association.

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

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.