

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 1948, 2066, 1721 & 2276, Page 9,
2 Section 570.031, Line 11, by inserting after said section and line the following:

3
4 "578.120. [~~1. Notwithstanding any provision in this chapter to the contrary, no dealer,~~
5 ~~distributor or manufacturer licensed under section 301.559 may keep open, operate, or assist in~~
6 ~~keeping open or operating any established place of business for the purpose of buying, selling,~~
7 ~~bartering or exchanging, or offering for sale, barter or exchange, any motor vehicle, whether new or~~
8 ~~used, on Sunday. However, this section does not apply to the sale of manufactured housing; the sale~~
9 ~~of recreational motor vehicles; the sale of motorcycles as that term is defined in section 301.010; the~~
10 ~~sale of motortricycles, motorized bicycles, electric bicycles as defined in section 300.010, all terrain~~
11 ~~vehicles, recreational off-highway vehicles, utility vehicles, personal watercraft, or other motorized~~
12 ~~vehicles customarily sold by powersports dealers licensed pursuant to sections 301.550 to 301.560;~~
13 ~~washing, towing, wrecking or repairing operations; the sale of petroleum products, tires, and repair~~
14 ~~parts and accessories; or new vehicle shows or displays participated in by five or more franchised~~
15 ~~dealers or in towns or cities with five or fewer dealers, a majority.~~

16 ~~———2.] No association consisting of motor vehicle dealers, distributors or manufacturers~~
17 ~~licensed under section 301.559 shall be in violation of antitrust or restraint of trade statutes under~~
18 ~~chapter 416 or regulation promulgated thereunder solely because it encourages its members not to~~
19 ~~open or operate on Sunday a place of business for the purpose of buying, selling, bartering or~~
20 ~~exchanging any motor vehicle.~~

21 ~~[3. Any person who violates the provisions of this section shall be guilty of a class C~~
22 ~~misdemeanor.]~~

23 ~~[578.100. 1. Whoever engages on Sunday in the business of selling or sells or offers for sale~~
24 ~~on such day, at retail, motor vehicles; clothing and wearing apparel; clothing accessories; furniture;~~
25 ~~housewares; home, business or office furnishings; household, business or office appliances;~~
26 ~~hardware; tools; paints; building and lumber supply materials; jewelry; silverware; watches; clocks;~~
27 ~~luggage; musical instruments and recordings or toys; excluding novelties and souvenirs; is guilty of~~
28 ~~a misdemeanor and shall upon conviction for the first offense be sentenced to pay a fine of not~~
29 ~~exceeding one hundred dollars, and for the second or any subsequent offense be sentenced to pay a~~
30 ~~fine of not exceeding two hundred dollars or undergo confinement not exceeding thirty days in the~~
31 ~~county jail in default thereof.~~

32 ~~———2. Each separate sale or offer to sell shall constitute a separate offense.~~

33 ~~———3. Information charging violations of this section shall be brought within five days after the~~
34 ~~commission of the alleged offense and not thereafter.~~

35 ~~———4. The operation of any place of business where any goods, wares or merchandise are sold~~
36 ~~or exposed for sale in violation of this section is hereby declared to be a public and common~~

Action Taken _____ Date _____

1 nuisance.

2 ~~———5. Any county of this state containing all or part of a city with a population of over four~~
 3 ~~hundred thousand may exempt itself from the application of this section by submission of the~~
 4 ~~proposition to the voters of the county at a general election or a special election called for that~~
 5 ~~purpose, and the proposition receiving a majority of the votes cast therein. The proposal to exempt~~
 6 ~~the county from the provisions of this section shall be submitted to the voters of the county upon a~~
 7 ~~majority vote of the governing body of the county or when a petition requesting the submission of~~
 8 ~~the proposal to the voters and signed by a number of qualified voters residing in the county equal to~~
 9 ~~eight percent of the votes cast in the county in the next preceding gubernatorial election is filed with~~
 10 ~~the governing body of the county. The ballot of submission shall contain, but not be limited to, the~~
 11 ~~following language:~~

12
 13 ~~——— FOR the exemption of _____ County from the Sunday sales law~~

14 ~~——— AGAINST the exemption of _____ County from the Sunday sales law~~

15
 16
 17 ~~If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county~~
 18 ~~are in favor of the proposal, then the provisions of this section shall no longer apply within that~~
 19 ~~county. If a majority of the votes cast on the proposal by the qualified voters voting thereon in the~~
 20 ~~county are opposed to the proposal, then the provisions of this section shall continue to apply and be~~
 21 ~~enforced within that county. The exemption of any county from the provisions of this section shall~~
 22 ~~not become effective in that county until the results of the vote exempting the county have been~~
 23 ~~filed with the secretary of state and with the revisor of statutes and have been certified as received~~
 24 ~~by those officers. The revisor of statutes shall note which counties are exempt from the provisions~~
 25 ~~of this section in the Missouri revised statutes.~~

26 ~~———6. In addition to any other method of exemption provided by law, the governing body of any~~
 27 ~~county of this state may exempt itself from the application of this section by order or ordinance of~~
 28 ~~the governing body of the county after public hearing upon the matter. Such public hearing shall be~~
 29 ~~preceded by public notice which shall, at a minimum, be published at least three different times in~~
 30 ~~the newspaper with the greatest circulation in the county. Upon such order or ordinance becoming~~
 31 ~~effective, such county shall be exempt from the provisions of this section and no election or other~~
 32 ~~method of exemption shall be required. The exemption of any county from the provisions of this~~
 33 ~~section by order or ordinance shall not become effective in that county until the order or ordinance~~
 34 ~~has been filed with the secretary of state and the revisor of statutes and has been certified as~~
 35 ~~received by those officers. The revisor of statutes shall note which counties are exempt from the~~
 36 ~~provisions of this section in the Missouri revised statutes.]~~

37 ~~[578.105. If any county of the first class having a charter form of government containing the~~
 38 ~~major portion of a city of over four hundred fifty thousand inhabitants exempts itself from the~~
 39 ~~application of section 578.100 by a vote of the voters of the county pursuant to provisions of law~~
 40 ~~permitting such vote, then a county in the following classification may also exempt itself from the~~
 41 ~~application of section 578.100: Any county of the second class as of 1977 that is adjacent to any~~
 42 ~~county containing a portion of a city with a population of more than four hundred thousand~~
 43 ~~inhabitants in the 1970 census. The county may exempt itself from the provisions of section~~
 44 ~~578.100 by submission of the proposition to the voters of the county at a general election or a~~
 45 ~~primary election, and the proposition receiving a majority of the votes cast therein. The proposal to~~
 46 ~~exempt the county from the provisions of section 578.100 shall be submitted to the voters of the~~
 47 ~~county upon a majority vote of the governing body of the county or when a petition requesting the~~
 48 ~~submission of the proposal to the voters and signed by a number of qualified voters residing in the~~

1 county equal to eight percent of the votes cast in the county in the next preceding gubernatorial
 2 election is filed with the governing body of the county. The ballot of submission shall contain, but
 3 not be limited to, the following language:

4
 5 _____ To exempt _____ County from the Sunday sales law.
 6 _____ YES _____ NO

7
 8
 9 If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county
 10 are in favor of the proposal, then the provisions of section 578.100 shall no longer apply within that
 11 county. If a majority of the votes cast on the proposal by the qualified voters voting thereon in the
 12 county are opposed to the proposal, then the provisions of section 578.100 shall continue to apply
 13 and be enforced within that county. The exemption of any county from the provisions of section
 14 578.100 shall not become effective in that county until the results of the vote exempting the county
 15 have been filed with the secretary of state and with the revisor of statutes and have been certified as
 16 received by those officers. The revisor of statutes shall note which counties are exempt from the
 17 provisions of section 578.100 in the Missouri revised statutes.]

18 [578.106. 1. The governing body of any city not within a county may, by ordinance, exempt
 19 areas of the city located within two thousand five hundred yards of a convention center owned by
 20 the city or within two thousand five hundred yards of a municipal auditorium owned by the city, or
 21 either of such areas, or parts of either or both of such areas, from the application of section 578.100.
 22 The ordinance of exemption shall specifically define the area or areas to be exempted and upon
 23 passage of such ordinance and filing with the secretary of state and the revisor of statutes, the
 24 provisions of section 578.100 shall no longer apply within the designated area or areas of the city
 25 but shall continue to apply and be enforced in all parts of the city not included within the designated
 26 area or areas. However, the sale of automobiles shall not be permitted within the exempted area or
 27 areas. The governing body of any city adopting an ordinance pursuant to this section shall file a
 28 copy of such ordinance with the secretary of state and with the revisor of statutes and such officer
 29 shall certify the receipt of the ordinance. The revisor of statutes shall note in the Missouri revised
 30 statutes that an area or areas of the named city are exempt from the provisions of section 578.100.

31 _____ 2. Following the effective date of any exemption adopted pursuant to subsection 1 of this
 32 section, no person who leases any structure, or portion thereof, within the area to which such
 33 exemption applies to any person engaged in selling merchandise at retail, may include in the lease,
 34 contract, or other document governing such lease any provision which would, directly or indirectly,
 35 require the lessee to open his business to the general public on Sundays.

36 _____ 3. Following the effective date of any exemption adopted pursuant to subsection 1 of this
 37 section, no lease, contract, or other document governing the lease of any structure, or portion
 38 thereof, to any person engaged in selling merchandise at retail, which was in effect prior to the date
 39 of such exemption shall be interpreted to require the lessee to open his business to the general public
 40 on Sundays if the lessee was not required to open his business to the general public at the time he
 41 signed such lease, contract, or other document.

42 _____ 4. If any portion of this section is found by a court of competent jurisdiction to be
 43 unconstitutional, all remaining portions of this section shall remain valid unless the court finds that
 44 the valid provisions of this section are so essentially and inseparably connected with the invalid
 45 provision that they cannot stand alone.]

46
 47 [578.110. 1. As used in this section, the term "area" includes all cities not within a county,
 48 all first class counties having a charter form of government and adjoining such cities not within a
 49 county and all first class counties which adjoin such first class counties having a charter form of

1 government and adjoining cities not within a county; and the term "county" means any county of
2 this state not within an area.

3 ——— 2. In addition to the counties which may exempt themselves from the application of section
4 578.100, under the provisions of section 578.100 or section 578.105, any other county or area may
5 also exempt itself from the application of section 578.100 by a vote of the qualified voters of the
6 county or area; provided that, before any area may so exempt itself from the provisions of section
7 578.100, the qualified voters of each city not within a county and each county within such area shall
8 vote on the proposal for exemption from the provisions of section 578.100 at the same election and a
9 majority of the total votes cast in such area shall be in favor of the proposal before either such city
10 or any of such counties may be exempted from the provisions of section 578.100.

11 ——— 3. In order to exempt itself from the provisions of section 578.100, the county or area shall
12 submit the proposition to the voters of the county or area at any election, and the proposition shall
13 receive a majority of the votes cast. The proposition to exempt the county from the provisions of
14 section 578.100 shall be submitted to the voters of the county upon a majority vote of the governing
15 body of the county or when a petition requesting the submission of the proposition to the voters and
16 signed by a number of registered voters residing in the county equal to eight percent of the votes
17 east in the county in the next preceding gubernatorial election is filed with the governing body of the
18 county. When a petition signed by a number of registered voters residing in the area equal to eight
19 percent of the votes cast in the area in the next preceding gubernatorial election requesting the
20 submission of a proposition to exempt the area from the provisions of section 578.100 is filed with
21 each of the governing bodies of the area, the proposition shall be submitted to the voters of the area.
22 The ballot of submission shall contain, but need not be limited to, the following language:

23
24 ——— To exempt _____ County (or the area consisting of _____ city and _____ counties) from
25 the Sunday sales law.

26 ——— YES ——— NO
27
28

29 If a majority of the votes cast on the proposal by the registered voters voting thereon in the county
30 or area are in favor of the proposal, then the provisions of section 578.100 shall no longer apply
31 within that county or area. If a majority of the votes cast on the proposal by the registered voters
32 voting thereon in the county or area are opposed to the proposal, then the provisions of section
33 578.100 shall continue to apply and be enforced within that county or area. The exemption of the
34 county or area from the provisions of section 578.100 shall not become effective in that county or
35 area until the results of the vote exempting the county or area have been filed with the secretary of
36 state and with the revisor of statutes and have been certified as received by those officers. The
37 revisor of statutes shall note which counties or areas are exempt from the provisions of section
38 578.100 in the Missouri revised statutes.]; and

39
40 Further amend said bill by amending the title, enacting clause, and intersectional references
41 accordingly.