

SECOND REGULAR SESSION

HOUSE BILL NO. 3051

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PERKINS.

6479H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 301.550 and 301.553, RSMo, and to enact in lieu thereof three new sections relating to the establishment of the Missouri motor vehicle commission.

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

Section A. Sections 301.550 and 301.553, RSMo, are repealed and three new sections 2 enacted in lieu thereof, to be known as sections 301.550, 301.552, and 301.553, to read as 3 follows:

301.550. 1. The definitions contained in section 301.010 shall apply to sections 2 301.550 to 301.580, and in addition as used in sections 301.550 to 301.580, the following 3 terms mean:

(1) "Boat dealer", any natural person, partnership, or corporation who, for a 5 commission or with an intent to make a profit or gain of money or other thing of value, sells, 6 barters, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or 7 negotiates the sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is 8 owned by such person. The sale of **[six]** **eight** or more vessels or vessel trailers or both in any 9 calendar year shall be required as evidence that such person is eligible for licensure as a boat 10 dealer under sections 301.550 to 301.580; except that, such sales requirements shall be 11 waived for entities also licensed as boat manufacturers under section 301.559 who custom 12 manufacture boats:

(a) For use with biological research and management equipment for fisheries; or 13 (b) For use with scientific sampling and for geological or chemistry purposes.

15

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.

16 The boat dealer shall demonstrate eligibility for renewal of his license by selling six or more
17 vessels or vessel trailers or both in the prior calendar year while licensed as a boat dealer
18 pursuant to sections 301.550 to 301.580;

19 (2) "Boat manufacturer", any person engaged in the manufacturing, assembling or
20 modification of new vessels or vessel trailers as a regular business, including a person,
21 partnership or corporation which acts for and is under the control of a manufacturer or
22 assembly in connection with the distribution of vessels or vessel trailers;

23 (3) **"Commission", the Missouri motor vehicle commission established under
24 section 301.552;**

25 (4) "Department", the Missouri department of revenue;

26 [(4)] (5) "Director", the director of the Missouri department of revenue;

27 [(5)] (6) "Emergency vehicles", motor vehicles used as ambulances, law enforcement
28 vehicles, and fire fighting and assistance vehicles;

29 (7) **"Executive director", the executive director of the Missouri motor vehicle
30 commission;**

31 [(6)] (8) "Manufacturer", any person engaged in the manufacturing, assembling or
32 modification of new motor vehicles or trailers as a regular business, including a person,
33 partnership or corporation which acts for and is under the control of a manufacturer or
34 assembly in connection with the distribution of motor vehicles or accessories for motor
35 vehicles;

36 [(7)] (9) "Motor vehicle broker", a person who holds himself **or herself** out through
37 solicitation, advertisement, or otherwise as one who offers to arrange a transaction involving
38 the retail sale of a motor vehicle, and who is not:

39 (a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a
40 dealer;

41 (b) A manufacturer, or any agent, or employee of a manufacturer when acting on
42 behalf of a manufacturer;

43 (c) The owner of the vehicle involved in the transaction; or

44 (d) A public motor vehicle auction or wholesale motor vehicle auction where buyers
45 are licensed dealers in this or any other jurisdiction;

46 [(8)] (10) "Motor vehicle dealer" or "dealer", any person who, for commission or with
47 an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges,
48 leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the
49 sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by
50 such person; provided, however, an individual auctioneer or auction conducted by an
51 auctioneer licensed pursuant to chapter 343 shall not be included within the definition of a
52 motor vehicle dealer. The sale of eight or more motor vehicles or trailers in any calendar year

53 shall be required as evidence that such person is engaged in the motor vehicle business and is
54 eligible for licensure as a motor vehicle dealer under sections 301.550 to 301.580. Any
55 licensed motor vehicle dealer failing to meet the minimum vehicle sales requirements as
56 referenced in this subsection shall not be qualified to renew his or her license for one year. To
57 be eligible for license renewal, applicants shall meet the minimum requirement of eight sales
58 per year;

59 **[{9}] (11)** "New motor vehicle", any motor vehicle being transferred for the first time
60 from a manufacturer, distributor or new vehicle dealer which has not been registered or titled
61 in this state or any other state and which is offered for sale, barter or exchange by a dealer
62 who is franchised to sell, barter or exchange that particular make of motor vehicle. The term
63 "new motor vehicle" shall not include manufactured homes, as defined in section 700.010;

64 **[{10}] (12)** "New motor vehicle franchise dealer", any motor vehicle dealer who has
65 been franchised to deal in a certain make of motor vehicle by the manufacturer or distributor
66 of that make and motor vehicle and who may, in line with conducting his business as a
67 franchise dealer, sell, barter or exchange used motor vehicles;

68 **[{11}] (13)** "Person" includes an individual, a partnership, corporation, **limited**
69 **liability company**, an unincorporated society or association, joint venture, or any other entity;

70 **[{12}] (14)** "Powersport dealer", any motor vehicle dealer who sells, either pursuant
71 to a franchise agreement or otherwise, primarily motor vehicles including but not limited to
72 motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this
73 chapter and chapter 306;

74 **[{13}] (15)** "Public motor vehicle auction", any person, firm or corporation who takes
75 possession of a motor vehicle whether by consignment, bailment or any other arrangement,
76 except by title, for the purpose of selling motor vehicles at a public auction by a licensed
77 auctioneer;

78 **[{14}] (16)** "Recreational motor vehicle dealer", a dealer of new or used motor
79 vehicles designed, constructed or substantially modified for use as temporary housing
80 quarters, including sleeping and eating facilities which are either permanently attached to the
81 motor vehicle or attached to a unit which is securely attached to the motor vehicle;

82 **[{15}] (17)** "Storage lot", an area within the same city or county where a dealer may
83 store excess vehicle inventory;

84 **[{16}] (18)** "Trailer dealer", any person selling, either exclusively or otherwise,
85 trailers as defined in section 301.010. A trailer dealer may acquire a motor vehicle for resale
86 only as a trade-in for a trailer. Notwithstanding the provisions of section 301.010 and section
87 301.069, trailer dealers may purchase one driveway license plate to display such motor
88 vehicle for demonstration purposes. The sale of **[six]** **eight** or more trailers in any calendar
89 year shall be required as evidence that such person is engaged in the trailer business and is

90 eligible for licensure as a trailer dealer under sections 301.550 to 301.580. Any licensed
91 trailer dealer failing to meet the minimum trailer and vehicle sales requirements as referenced
92 in this subsection shall not be qualified to renew his or her license for one year. Applicants
93 who reapply after the one-year period shall meet the requirement of **[six] eight** sales per year;

94 **[17] (19)** "Used motor vehicle", any motor vehicle which is not a new motor
95 vehicle, as defined in sections 301.550 to 301.580, and which has been sold, bartered,
96 exchanged or given away or which may have had a title issued in this state or any other state,
97 or a motor vehicle so used as to be what is commonly known as a secondhand motor vehicle.
98 In the event of an assignment of the statement of origin from an original franchise dealer to
99 any individual or other motor vehicle dealer other than a new motor vehicle franchise dealer
100 of the same make, the vehicle so assigned shall be deemed to be a used motor vehicle and a
101 certificate of ownership shall be obtained in the assignee's name. The term "used motor
102 vehicle" shall not include manufactured homes, as defined in section 700.010;

103 **[18] (20)** "Used motor vehicle dealer", any motor vehicle dealer who is not a new
104 motor vehicle franchise dealer;

105 **[19] (21)** "Vessel", every boat and watercraft defined as a vessel in section 306.010;

106 **[20] (22)** "Vessel trailer", any trailer, as defined by section 301.010 which is
107 designed and manufactured for the purposes of transporting vessels;

108 **[21] (23)** "Wholesale motor vehicle auction", any person, firm or corporation in the
109 business of providing auction services solely in wholesale transactions at its established place
110 of business in which the purchasers are motor vehicle dealers licensed by this or any other
111 jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the
112 ordinary course of its business. Except as required by law with regard to the auction sale of a
113 government-owned motor vehicle, a wholesale motor vehicle auction shall not provide
114 auction services in connection with the retail sale of a motor vehicle;

115 **[22] (24)** "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor
116 vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or
117 via auctions limited to other dealers of any class.

118 2. For purposes of sections 301.550 to 301.580, neither the term motor vehicle nor the
119 term trailer shall include manufactured homes, as defined in section 700.010.

120 3. Dealers shall be divided into classes as follows:

- 121 (1) Boat dealers;
- 122 (2) Franchised new motor vehicle dealers;
- 123 (3) Used motor vehicle dealers;
- 124 (4) Wholesale motor vehicle dealers;
- 125 (5) Recreational motor vehicle dealers;
- 126 (6) Historic motor vehicle dealers;

127 (7) Classic motor vehicle dealers;
128 (8) Powersport dealers; ~~and~~
129 (9) Trailer dealers; **and**
130 (10) **Public motor vehicle auctions.**

301.552. 1. The "Missouri Motor Vehicle Commission" is hereby created and
2 shall be responsible for the licensing of all motor vehicle manufacturers, motor vehicle
3 dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions,
4 and wholesale motor vehicle dealers under the provisions of sections 301.550 to 301.580
5 and under any rules and regulations which the commission may adopt. The
6 commission's main office shall be in Jefferson City in quarters provided by the office
7 of administration, division of facilities management, design, and construction. That
8 division shall also arrange for other needed office space for the commission or its staff.

9 2. All the powers and duties of the department of revenue under sections 301.550
10 to 301.580 are transferred by type III transfer, as provided in the Omnibus State
11 Reorganization Act of 1974, to the Missouri motor vehicle commission. The director of
12 the department of revenue shall have no supervision, authority, or control over the
13 actions or decisions of the Missouri motor vehicle commission or the executive director
14 of the commission. The director of revenue, the commission, and the commission's
15 executive director shall collaborate to ensure proper administration of sections 301.550
16 to 301.580 and any other applicable laws and regulations.

17 3. The Missouri motor vehicle commission shall be comprised of nine members,
18 to be selected and appointed by the governor by and with the advice and consent of the
19 senate, not more than five of whom shall be of the same political party. Five members
20 shall be licensed franchised new motor vehicle dealers, two members shall be licensed
21 used motor vehicle dealers, one member shall be a licensed powersport dealer, and there
22 shall be one public member with no pecuniary interest in any motor vehicle or boat
23 dealership. Each member shall be:

24 (1) A citizen of the United States; and
25 (2) A resident of the state for at least five years prior to appointment.

26 4. Commission members shall serve four-year terms. For the initial
27 appointments, three members shall serve two-year terms, three members shall serve
28 three-year terms, and three members shall serve four-year terms. Subsequent
29 appointments shall be for four years and members shall serve until their term expires
30 or until their successor is appointed and qualified. Vacancies shall be filled by the
31 governor, by and with the advice and consent of the senate, for the remainder of the
32 unexpired term.

33 **5. The commission shall elect from among its members a chair and a secretary, each of whom shall serve a one-year term. Meetings shall be held as prescribed by the commission, but shall meet at least quarterly. Special meetings may be called by the chair upon adequate notice provided by the executive director. To conduct business, a quorum of five members of the commission shall be in attendance. Members shall receive no salary or other compensation for their services as members but shall receive their necessary and actual travel and related expenses incurred while engaged in the discharge of their official duties.**

41 **6. The commission shall have the authority to adopt an official seal which shall contain the official seal of the state of Missouri bordered by the inscription "Missouri Motor Vehicle Commission".**

44 **7. All orders or decisions of the commission shall be in writing and signed by the current chair with the official seal affixed thereto.**

46 **8. All officials, employees, and individuals providing information or participating in commission operations shall be immune from civil liability, provided their actions were performed in good faith, without malice, and reasonably related to the scope of the commission's inquiry.**

50 **9. The commission shall employ an executive director, who shall serve at the pleasure of the commission. Additional staff may be employed as required to fulfill the commission's duties and responsibilities under sections 301.500 to 301.580. The executive director's duties shall include, but not be limited to:**

54 **(1) Supervising and directing commission staff;**
55 **(2) Receiving and promptly addressing correspondence and inquiries;**
56 **(3) Serving as custodian of commission files and records;**
57 **(4) Maintaining minutes of commission proceedings;**
58 **(5) Keeping public records of annual new and used motor vehicle sales by individual dealers;**

60 **(6) Managing complaints against licensees submitted to the commission and maintaining a log to be made available for public inspection, subject to applicable law regarding disclosure. The complaints shall be logged into the record, which shall include at a minimum the licensee's name; the name of the complaining party, if given; the date of the complaint; and a brief statement of the complaint and its ultimate disposition. The executive director shall ensure licensees are informed of complaints filed against them;**

67 **(7) Maintaining custody of the commission's official seal and affixing such seal to licenses and orders; and**

(8) Performing any other duties necessary to administer sections 301.500 to 301.580 and rules and regulations promulgated thereto.

71 10. The annual salary of the executive director shall be set according to the state
72 uniform classification and pay system and shall not be below range G14 as defined by
73 that system.

74 11. The department of revenue and the Missouri motor vehicle commission shall
75 work collaboratively with each other to:

76 (1) Carry out the provisions of sections 301.550 to 301.580 in order to promote
77 compliance with all laws, ordinances, and administrative rules and regulations relating
78 to the conduct of motor vehicle manufacturers, motor vehicle dealers, boat dealers,
79 wholesale motor vehicle auctions, public motor vehicle auctions, and wholesale motor
80 vehicle dealers; and

81 (2) Jointly manage and utilize the Missouri motor vehicle commission funds and
82 motor vehicle and driver license system for the purpose of dealer licensing, which shall
83 include, but not be limited to, activities related to compliance, investigations, and dealer
84 licensing operations.

85 **12. Nothing in sections 301.550 to 301.580 shall limit or restrain the enforcement**
86 **powers of the director of the department of revenue in matters not specifically granted**
87 **by the commission.**

88 13. The commission shall have the authority to promulgate those rules and
89 regulations necessary to perform the provisions of sections 301.550 to 301.580. Any rule
90 or portion of a rule, as that term is defined in section 536.010, that is created under the
91 authority delegated in this section shall become effective only if it complies with and is
92 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
93 section and chapter 536 are nonseverable and if any of the powers vested with the
94 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
95 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
96 rulemaking authority and any rule proposed or adopted after August 28, 2026, shall be
97 invalid and void.

301.553. [1. The department of revenue shall be responsible for the licensing of all
2 manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public
3 motor vehicle auctions and wholesale motor vehicle dealers pursuant to the provisions of
4 sections 301.550 to 301.580 and the rules and regulations which it may adopt.

5 2. All the powers, duties and functions of the Missouri motor vehicle commission,
6 ~~sections 301.550 to 301.573, in effect immediately prior to July 1, 1997, are transferred by~~
7 type I transfer, as provided in the Omnibus State Reorganization Act of 1974, to the
8 department of revenue. The rules and regulations adopted by the commission which were

9 ~~adopted pursuant to this section prior to July 1, 1997, shall continue in effect after July 1,~~
10 ~~1997.~~

11 ~~3. All orders or decisions of the department shall be in writing, signed by the director~~
12 ~~and the official seal affixed thereto.~~

13 ~~4. The department shall have the authority to promulgate those rules and regulations~~
14 ~~necessary to perform the provisions of sections 301.550 to 301.580 and is vested with those~~
15 ~~powers and duties necessary and proper to enable it to fully and effectively carry out the~~
16 ~~provisions of sections 301.550 to 301.580. No rule or portion of a rule promulgated under the~~
17 ~~authority of sections 301.550 to 301.580 shall become effective unless it has been~~
18 ~~promulgated pursuant to the provisions of section 536.024.] The Missouri motor vehicle~~
19 ~~commission shall have authority to mitigate complaints, hold hearings, arbitrate any~~
20 ~~disputes involving dealers as described under subsection 3 of section 301.550, and assess~~
21 ~~punitive fines and damages which shall be deposited into the motor vehicle commission~~
22 ~~fund established under section 301.560.~~

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