

FIRST REGULAR SESSION

HOUSE BILL NO. 1266

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RAILSBACK.

2431H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 301.550, RSMo, and to enact in lieu thereof one new section relating to boat dealer licensing.

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

Section A. Section 301.550, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.550, to read as follows:

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

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

(a) **For use with biological research and management equipment for fisheries; or**

(b) **For use with scientific sampling and for geological or chemistry purposes.**

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

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.

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

21 (3) "Department", the Missouri department of revenue;

22 (4) "Director", the director of the Missouri department of revenue;

23 (5) "Emergency vehicles", motor vehicles used as ambulances, law enforcement vehicles,
24 and fire fighting and assistance vehicles;

25 (6) "Manufacturer", any person engaged in the manufacturing, assembling or
26 modification of new motor vehicles or trailers as a regular business, including a person,
27 partnership or corporation which acts for and is under the control of a manufacturer or assembly
28 in connection with the distribution of motor vehicles or accessories for motor vehicles;

29 (7) "Motor vehicle broker", a person who holds himself out through solicitation,
30 advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale
31 of a motor vehicle, and who is not:

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

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

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

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

38 (8) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent
39 to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents
40 with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor
41 vehicles or trailers whether or not the motor vehicles or trailers are owned by such person;
42 provided, however, an individual auctioneer or auction conducted by an auctioneer licensed
43 pursuant to chapter 343 shall not be included within the definition of a motor vehicle dealer. The
44 sale of eight or more motor vehicles or trailers in any calendar year shall be required as evidence
45 that such person is engaged in the motor vehicle business and is eligible for licensure as a motor
46 vehicle dealer under sections 301.550 to 301.580. Any licensed motor vehicle dealer failing to
47 meet the minimum vehicle sales requirements as referenced in this subsection shall not be
48 qualified to renew his or her license for one year. To be eligible for license renewal, applicants
49 shall meet the minimum requirement of eight sales per year;

50 (9) "New motor vehicle", any motor vehicle being transferred for the first time from a
51 manufacturer, distributor or new vehicle dealer which has not been registered or titled in this
52 state or any other state and which is offered for sale, barter or exchange by a dealer who is

53 franchised to sell, barter or exchange that particular make of motor vehicle. The term "new
54 motor vehicle" shall not include manufactured homes, as defined in section 700.010;

55 (10) "New motor vehicle franchise dealer", any motor vehicle dealer who has been
56 franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that
57 make and motor vehicle and who may, in line with conducting his business as a franchise dealer,
58 sell, barter or exchange used motor vehicles;

59 (11) "Person" includes an individual, a partnership, corporation, an unincorporated
60 society or association, joint venture or any other entity;

61 (12) "Powersport dealer", any motor vehicle dealer who sells, either pursuant to a
62 franchise agreement or otherwise, primarily motor vehicles including but not limited to
63 motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this
64 chapter and chapter 306;

65 (13) "Public motor vehicle auction", any person, firm or corporation who takes
66 possession of a motor vehicle whether by consignment, bailment or any other arrangement,
67 except by title, for the purpose of selling motor vehicles at a public auction by a licensed
68 auctioneer;

69 (14) "Recreational motor vehicle dealer", a dealer of new or used motor vehicles
70 designed, constructed or substantially modified for use as temporary housing quarters, including
71 sleeping and eating facilities which are either permanently attached to the motor vehicle or
72 attached to a unit which is securely attached to the motor vehicle;

73 (15) "Storage lot", an area within the same city or county where a dealer may store
74 excess vehicle inventory;

75 (16) "Trailer dealer", any person selling, either exclusively or otherwise, trailers as
76 defined in section 301.010. A trailer dealer may acquire a motor vehicle for resale only as a
77 trade-in for a trailer. Notwithstanding the provisions of section 301.010 and section 301.069,
78 trailer dealers may purchase one driveaway license plate to display such motor vehicle for
79 demonstration purposes. The sale of six or more trailers in any calendar year shall be required
80 as evidence that such person is engaged in the trailer business and is eligible for licensure as a
81 trailer dealer under sections 301.550 to 301.580. Any licensed trailer dealer failing to meet the
82 minimum trailer and vehicle sales requirements as referenced in this subsection shall not be
83 qualified to renew his or her license for one year. Applicants who reapply after the one-year
84 period shall meet the requirement of six sales per year;

85 (17) "Used motor vehicle", any motor vehicle which is not a new motor vehicle, as
86 defined in sections 301.550 to 301.580, and which has been sold, bartered, exchanged or given
87 away or which may have had a title issued in this state or any other state, or a motor vehicle so
88 used as to be what is commonly known as a secondhand motor vehicle. In the event of an

89 assignment of the statement of origin from an original franchise dealer to any individual or other
90 motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the
91 vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership
92 shall be obtained in the assignee's name. The term "used motor vehicle" shall not include
93 manufactured homes, as defined in section 700.010;

94 (18) "Used motor vehicle dealer", any motor vehicle dealer who is not a new motor
95 vehicle franchise dealer;

96 (19) "Vessel", every boat and watercraft defined as a vessel in section 306.010;

97 (20) "Vessel trailer", any trailer, as defined by section 301.010 which is designed and
98 manufactured for the purposes of transporting vessels;

99 (21) "Wholesale motor vehicle auction", any person, firm or corporation in the business
100 of providing auction services solely in wholesale transactions at its established place of business
101 in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and
102 which neither buys, sells nor owns the motor vehicles it auctions in the ordinary course of its
103 business. Except as required by law with regard to the auction sale of a government-owned
104 motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection
105 with the retail sale of a motor vehicle;

106 (22) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor vehicles
107 only to other new motor vehicle franchise dealers or used motor vehicle dealers or via auctions
108 limited to other dealers of any class.

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

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

112 (1) Boat dealers;

113 (2) Franchised new motor vehicle dealers;

114 (3) Used motor vehicle dealers;

115 (4) Wholesale motor vehicle dealers;

116 (5) Recreational motor vehicle dealers;

117 (6) Historic motor vehicle dealers;

118 (7) Classic motor vehicle dealers;

119 (8) Powersport dealers; and

120 (9) Trailer dealers.

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