

SENATE BILL NO. 1022

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

4943S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 301.566, RSMo, and to enact in lieu thereof one new section relating to vehicle dealers, with existing penalty provisions.

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

Section A. Section 301.566, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 301.566,
3 to read as follows:

301.566. 1. Except as provided in this section, it
2 shall be unlawful for a motor vehicle dealer to sell or
3 offer to sell any motor vehicle away from the dealer's
4 registered place of business. **It shall not be a violation**
5 **of this section for a motor vehicle dealer to deliver a**
6 **motor vehicle to a customer for a test drive away from the**
7 **dealer's registered place of business; to deliver documents**
8 **to a customer to sign away from the dealer's registered**
9 **place of business; to deliver documents to, or obtain**
10 **documents from, a customer away from the dealer's registered**
11 **place of business; or to deliver a motor vehicle to a**
12 **customer away from the dealer's registered place of business.**

13 2. The sale of vehicles at off-site sales shall be
14 limited to sales by a seller of vehicles used and titled
15 solely in its ordinary course of business, and such sales
16 shall be held in conjunction with a credit union and limited
17 to members of the credit union, thus constituting a private
18 sale to be advertised to members only.

19 3. Off-site sales by a seller of vehicles used and
20 titled solely in its ordinary course of business may also be
21 held in conjunction with other financial institutions
22 provided that any such sale event shall be held on the
23 premises of the financial institution, and sales shall be
24 limited to persons who were customers of the financial
25 institution prior to the date of the sale event. Off-site
26 sales held with such other financial institutions shall be
27 limited to one sale per year per institution.

28 4. A motor vehicle dealer may participate in up to two
29 off-premise motor vehicle shows or sales annually and
30 conduct sales of motor vehicles away from the dealer's
31 registered place of business, which for purposes of this
32 section shall be considered off-premise events provided the
33 following:

34 (1) The off-premise event shall be conducted for not
35 more than five consecutive days;

36 (2) The off-premise event shall not require any motor
37 vehicle dealer participant to pay an unreasonably
38 prohibitive participation fee:

39 (a) Participation fees may include those costs
40 reasonably necessary for the off-premise event such as
41 rental of real property and provision of insurance coverage;

42 (b) If a participation fee is required, the fee shall
43 be the same for all motor vehicle dealers participating in
44 the event, but in no event shall any participation fee
45 exceed five hundred dollars per participant;

46 (3) A majority of motor vehicle dealers within a class
47 of dealers described in subsection 3 of section 301.550 that
48 are located within the city or town in which the off-premise
49 event is situated participate in the event or are notified

50 via mail or electronic means and have the opportunity to
51 participate in the event;

52 (4) A majority of motor vehicle dealers within a class
53 of dealers described in subsection 3 of section 301.550 that
54 are located within a ten-mile radius of the location of the
55 off-premise event participate in the event or are notified
56 via mail or electronic means and have the opportunity to
57 participate in the event;

58 (5) Notices provided pursuant to subdivisions (3) and
59 (4) of this subsection shall be provided not less than forty-
60 five days before the off-premise event is to take place and
61 invited dealers shall be given at least five business days
62 to respond to the notice;

63 (6) The organizer of the off-premise event shall
64 provide a copy of the notices issued pursuant to
65 subdivisions (3) and (4) of this subsection to the director
66 at the time they are mailed or electronically transmitted to
67 the prospective participants; and

68 (7) No motor vehicle dealer shall participate in any
69 off-premise event that is more than ten miles from its
70 licensed location.

71 5. Provided the requirements of this section are met,
72 the department shall consider such events to be proper in
73 all respects and as if each dealer participant was
74 conducting business at the dealer's usual business
75 location. Nothing contained in this section shall be
76 construed as applying to the sale of motor vehicles or
77 trailers through either a wholesale motor vehicle auction or
78 public motor vehicle auction. A recreational motor vehicle
79 dealer, as classified by subdivision (5) of subsection 3 of
80 section 301.550, may participate in an off-premise event

81 even if a majority of recreational motor vehicle dealers in
82 a city or town do not participate in the event.

83 6. A recreational vehicle dealer, as that term is
84 defined in section 700.010, who is licensed in another state
85 may participate in recreational vehicle shows or exhibits
86 with recreational vehicles within this state in which less
87 than fifty dealers participate as exhibitors with permission
88 of the dealer's licensed manufacturer if all of the
89 following conditions exist:

90 (1) The show or exhibition has a minimum of ten
91 recreational vehicle dealers licensed as motor vehicle
92 dealers in this state;

93 (2) More than fifty percent of the participating
94 recreational vehicle dealers are licensed motor vehicle
95 dealers in this state; and

96 (3) The state in which the recreational vehicle is
97 licensed is a state contiguous to Missouri and the state
98 permits recreational vehicle dealers licensed in Missouri to
99 participate in recreational vehicle shows in such state
100 pursuant to conditions substantially equivalent to the
101 conditions which are imposed on dealers from such state who
102 participate in recreational vehicle shows in Missouri.

103 7. A recreational vehicle dealer licensed in another
104 state may participate in a vehicle show or exhibition in
105 Missouri which has, when it opens to the public, at least
106 fifty dealers displaying recreational vehicles if the show
107 or exhibition is trade-oriented and is predominantly funded
108 by recreational vehicle manufacturers. All of the
109 participating dealers who are not licensed in Missouri shall
110 be licensed as recreational vehicle dealers by the state of
111 their residence.

112 8. A recreational vehicle dealer licensed in another
113 state who intends to participate in a vehicle show or
114 exhibition in this state shall send written notification of
115 such intended participation to the department of revenue at
116 least thirty days prior to the vehicle show or exhibition.
117 Upon receipt of such written notification, the department of
118 revenue shall make a determination regarding compliance with
119 the provisions of this section. If such recreational
120 vehicle dealer would be unable to participate in the vehicle
121 show or exhibition in this state pursuant to this section,
122 the department of revenue shall notify the recreational
123 vehicle dealer at least fifteen days prior to the vehicle
124 show or exhibition of the inability to participate in the
125 vehicle show or exhibition in this state.

126 9. The department may assess a fine of up to one
127 thousand dollars for the off-premise sale or display of any
128 motor vehicle in violation of this section.

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