

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 49, Page
2 1, Section A, Line 2, by inserting after all of said section and line the following:

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4 "301.550. 1. The definitions contained in section 301.010 shall apply to sections 301.550 to
5 301.580, and in addition as used in sections 301.550 to 301.580, the following terms mean:

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

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

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

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

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

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

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

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

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

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

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

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

Action Taken _____ Date _____

1 manufacturer;

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

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

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

17 (9) "New motor vehicle", any motor vehicle being transferred for the first time from a
18 manufacturer, distributor or new vehicle dealer which has not been registered or titled in this state or
19 any other state and which is offered for sale, barter or exchange by a dealer who is franchised to sell,
20 barter or exchange that particular make of motor vehicle. The term "new motor vehicle" shall not
21 include manufactured homes, as defined in section 700.010;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Dealers shall be divided into classes as follows:

- (1) Boat dealers;
- (2) Franchised new motor vehicle dealers;
- (3) Used motor vehicle dealers;
- (4) Wholesale motor vehicle dealers;
- (5) Recreational motor vehicle dealers;
- (6) Historic motor vehicle dealers;
- (7) Classic motor vehicle dealers;
- (8) Powersport dealers; and
- (9) Trailer dealers."; and

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