

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:

3  
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

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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, Page 4, Section 306.221, Line 14, by inserting after said section and line the following:

"307.380. 1. Every vehicle of the type required to be inspected upon having been involved in an accident and when so directed by a police officer must be inspected and an official certificate of inspection and approval, sticker, seal or other device be obtained for such vehicle before it is again operated on the highways of this state. At the seller's expense every used motor vehicle of the type required to be inspected by section 307.350[~~whether new or used,~~] shall immediately prior to sale be fully inspected regardless of any current certificate of inspection and approval, and an appropriate new certificate of inspection and approval, sticker, seal or other device shall be obtained.

2. Nothing contained in the provisions of this section shall be construed to prohibit a dealer or any other person from selling a vehicle without a certificate of inspection and approval if the

vehicle is sold for junk, salvage, or for rebuilding, or for vehicles sold at public auction or from dealer to dealer. The purchaser of any vehicle which is purchased for junk, salvage, or for rebuilding, shall give to the seller an affidavit, on a form prescribed by the superintendent of the Missouri state highway patrol, stating that the vehicle is being purchased for one of the reasons stated herein. No vehicle of the type required to be inspected by section 307.350 which is purchased as junk, salvage, or for rebuilding shall again be registered in this state until the owner has submitted the vehicle for inspection and obtained an official certificate of inspection and approval, sticker, seal or other device for such vehicle.

3. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.

650.125. 1. The provisions of this section shall be known and may be cited as the "Missouri Cybersecurity Act".

2. There is hereby established within the department of public safety the "Missouri Cybersecurity Commission". The commission shall have as its purpose identifying risk to and vulnerability of the state and critical infrastructure with regard to cyber attacks of any nature from within or outside the United States and advising the governor on such matters. The commission shall consist of the following members:

(1) Eight members to be appointed by the governor, one from each congressional district, with four members from each party;

(2) The state chief information officer as designated by the governor and commissioner of the office of administration;

(3) One representative of the Missouri state highway patrol, ex officio;

(4) One representative of the state emergency management agency, ex officio; and

(5) One representative of the Missouri national guard, ex officio.

No more than five of the nine members appointed by the governor shall be of the same political party. To be eligible for appointment by the governor, a person shall have demonstrated expertise in cybersecurity or experience in a field that directly correlates to a need of the state relating to cyber defense. The membership of the commission shall reflect both private sector and public sector expertise and experience in cybersecurity. Appointed members of the commission shall serve three-year terms, except that of the initial appointments made by the governor, three shall be for one-year terms, three shall be for two-year terms, and three shall be for three-year terms. No appointed member of the commission shall serve more than six years total. Any vacancy on the commission shall be filled in the same manner as the original appointment.

3. The members of the commission shall serve without compensation, but shall be reimbursed for the actual and necessary expenses incurred in the discharge of the members' official duties.

4. A chair of the commission shall be selected by the members of the commission.

5. The department of public safety shall furnish administrative support and staff for the effective operation of the commission.

6. The commission shall meet at least quarterly and at such other times as the chair deems necessary.

7. The commission shall be funded by an appropriation limited to that purpose. Any expenditure constituting more than ten percent of the commission's annual appropriation shall be based on a competitive bid process.

8. The commission shall:

(1) Advise the governor on the state of cybersecurity in the state of Missouri;

(2) Solicit data from state agencies, political subdivisions of the state, public institutions of higher education, and public schools relating to cybersecurity;

1       (3) Make recommendations to reduce the state's risk of cyber attack and to identify best  
2 practices for the state to work offensively against cyber threats.

3       9. State agencies, public institutions of higher education, and public schools shall provide  
4 any data requested by the commission under this section unless such information is protected from  
5 disclosure under chapter 610 or is required to be kept confidential under a code of ethics from a  
6 profession licensed in the state. The provisions of this section shall not be construed to compel  
7 private sector organizations to provide information or data to the commission.

8       10. The commission shall prepare and present an annual report to the governor by December  
9 thirty-first of each year. Any content from the report protected under section 610.021, including any  
10 cybersecurity vulnerabilities identified by the commission, shall be held confidential."; and

11  
12 Further amend said bill by amending the title, enacting clause, and intersectional references  
13 accordingly.