

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 2416

101ST GENERAL ASSEMBLY

4840H.01T

2022

AN ACT

To repeal section 301.566, RSMo, and to enact in lieu thereof one new section relating to motor vehicle dealers.

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Section A. Section 301.566, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.566, to read as follows:

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

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

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

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.

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

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

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

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

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

31 (3) A majority of motor vehicle dealers within a class of dealers described in
32 subsection 3 of section 301.550 that are located within the city or town in which the off-
33 premise event is situated participate in the event or are notified via mail or electronic means
34 and have the opportunity to participate in the event;

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

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

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

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

47 5. Provided the requirements of this section are met, the department shall consider
48 such events to be proper in all respects and as if each dealer participant was conducting
49 business at the dealer's usual business location. Nothing contained in this section shall be
50 construed as applying to the sale of motor vehicles or trailers through either a wholesale
51 motor vehicle auction or public motor vehicle auction. A recreational motor vehicle dealer, as
52 classified by subdivision (5) of subsection 3 of section 301.550, may participate in an off-
53 premise event even if a majority of recreational motor vehicle dealers in a city or town do not
54 participate in the event.

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

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

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

63 (3) The state in which the recreational vehicle is licensed is a state contiguous to
64 Missouri and the state permits recreational vehicle dealers licensed in Missouri to participate
65 in recreational vehicle shows in such state pursuant to conditions substantially equivalent to
66 the conditions which are imposed on dealers from such state who participate in recreational
67 vehicle shows in Missouri.

68 7. A recreational vehicle dealer licensed in another state may participate in a vehicle
69 show or exhibition in Missouri which has, when it opens to the public, at least fifty dealers
70 displaying recreational vehicles if the show or exhibition is trade-oriented and is
71 predominantly funded by recreational vehicle manufacturers. All of the participating
72 dealers who are not licensed in Missouri shall be licensed as recreational vehicle dealers by
73 the state of their residence.

74 8. A recreational vehicle dealer licensed in another state who intends to participate in
75 a vehicle show or exhibition in this state shall send written notification of such intended
76 participation to the department of revenue at least thirty days prior to the vehicle show or
77 exhibition. Upon receipt of such written notification, the department of revenue shall make a
78 determination regarding compliance with the provisions of this section. If such recreational
79 vehicle dealer would be unable to participate in the vehicle show or exhibition in this state
80 pursuant to this section, the department of revenue shall notify the recreational vehicle dealer
81 at least fifteen days prior to the vehicle show or exhibition of the inability to participate in the
82 vehicle show or exhibition in this state.

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

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