

SECOND REGULAR SESSION

# SENATE BILL NO. 791

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS PARSON AND SCHAAF.

Read 1st time January 28, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5585S.011

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## AN ACT

To repeal section 578.120, RSMo, and to enact in lieu thereof one new section relating to Sunday motorcycle sales, with an existing penalty provision.

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

Section A. Section 578.120, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 578.120, to read as follows:

578.120. 1. Notwithstanding any provision in this chapter to the contrary,  
2 no dealer, distributor or manufacturer licensed under section 301.559 may keep  
3 open, operate, or assist in keeping open or operating any established place of  
4 business for the purpose of buying, selling, bartering or exchanging, or offering  
5 for sale, barter or exchange, any motor vehicle, whether new or used, on  
6 Sunday. However, this section does not apply to the sale of manufactured  
7 housing; the sale of recreational motor vehicles; washing, towing, wrecking or  
8 repairing operations; the sale of petroleum products, tires, and repair parts and  
9 accessories; or new vehicle shows or displays participated in by five or more  
10 franchised dealers or in towns or cities with five or fewer dealers, a majority.

11 2. No association consisting of motor vehicle dealers, distributors or  
12 manufacturers licensed under section 301.559 shall be in violation of antitrust or  
13 restraint of trade statutes under chapter 416 or regulation promulgated  
14 thereunder solely because it encourages its members not to open or operate on  
15 Sunday a place of business for the purpose of buying, selling, bartering or  
16 exchanging any motor vehicle.

17 3. Any person who violates the provisions of this section shall be guilty  
18 of a class C misdemeanor.

19 4. **The provisions of this section shall not apply to the sale of a**  
20 **motorcycle, as defined in subdivision (36) of section 301.010, in any**

21 county with a charter form of government and with more than six  
22 hundred thousand but fewer than seven hundred thousand inhabitants  
23 and in any county of the first classification with more than eighty-three  
24 thousand but fewer than ninety-two thousand inhabitants and with a  
25 city of the fourth classification with more than four thousand five  
26 hundred but fewer than five thousand inhabitants as the county seat.

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Bill

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