

SECOND REGULAR SESSION

SENATE BILL NO. 716

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Pre-filed December 22, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

4074S.011

AN ACT

To amend chapter 301, RSMo, by adding thereto one new section relating to special event motor vehicle auction licenses, with penalty provisions.

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

Section A. Chapter 301, RSMo, is amended by adding thereto one new section, to be known as section 301.580, to read as follows:

301.580. 1. The department of revenue may issue special event motor vehicle auction licenses under the provisions of this section. For purposes of this section, a "special event motor vehicle auction" is a motor vehicle auction in which:

(1) Ninety percent of the vehicles being auctioned are at least ten years old or older; and

(2) The duration is no more than three consecutive calendar days and is held no more than two times in a calendar year by a licensee.

2. A special event motor vehicle auction shall be considered a public motor vehicle auction, for purposes of sections 301.559 and 301.564.

3. Special event motor vehicle auction licensees shall be exempt from the requirements of section 301.560, with the exception of subdivision (4) of subsection 1 of section 301.560.

4. An application for a special event motor vehicle auction license shall be received by the department at least ninety days prior to the beginning of the special event auction.

5. Applicants for a special event motor vehicle auction are limited to no more than two special event auctions in any calendar year. A separate application is required for each special event motor vehicle auction.

22 6. At least ninety percent of the vehicles being auctioned at a
23 special event motor vehicle auction shall be ten years old or older. The
24 licensee shall, within ten days of the conclusion of a special event
25 motor vehicle auction, submit a report in the form approved by the
26 director to the department that includes the make, model, year, and
27 vehicle identification number of each vehicle included in the
28 auction. Every vehicle included in the special event auction shall be
29 listed, including those vehicles that were auctioned and sold and those
30 vehicles that were auctioned but did not sell. Violation of this
31 subsection is a class A misdemeanor.

32 7. The applicant for the special event motor vehicle auction shall
33 be responsible for ensuring that a sales tax license or special event
34 sales tax license is obtained for the event if one is required.

35 8. The fee for a special event motor vehicle auction license shall
36 be one thousand dollars. For every vehicle auctioned in violation of
37 subsection 6 of this section, an administrative fee of five hundred
38 dollars shall be paid to the department. Such fees shall be deposited
39 in like manner as other license fees of this section.

40 9. In addition to the causes set forth in section 301.562, the
41 department may promulgate rules that establish additional causes to
42 refuse to issue or to revoke a special event license.

43 10. A special motor vehicle auction shall last no more than three
44 consecutive days.

45 11. The applicant for a special event motor vehicle auction shall
46 be registered to conduct business in this state.

47 12. Every applicant for a special event motor vehicle auction
48 license shall furnish with the application a corporate surety bond or an
49 irrevocable letter of credit as defined in section 400.5-103, issued by
50 any state or federal financial institution in the penal sum of one
51 hundred thousand dollars on a form approved by the department. The
52 bond or irrevocable letter of credit shall be conditioned upon the
53 applicant complying with the provisions of the statutes applicable to
54 a special event auction license holder and the bond shall be an
55 indemnity for any loss sustained by reason of the acts of the person
56 bonded when such acts constitute grounds for the revocation or denial
57 of a special event auction license. The bond shall be executed in the
58 name of the state of Missouri for the benefit of all aggrieved parties or

59 the irrevocable letter of credit shall name the state of Missouri as the
60 beneficiary. The aggregate liability of the surety or financial
61 institution to the aggrieved parties shall not exceed the amount of the
62 bond or irrevocable letter of credit. The proceeds of the bond or
63 irrevocable letter of credit shall be paid upon receipt by the
64 department of a final judgment from a Missouri court of competent
65 jurisdiction against the principal and in favor of an aggrieved party.

66 13. No dealer, driveaway, auction, or wholesale plates, or
67 temporary permit booklets, shall be issued in conjunction with a
68 special event motor vehicle auction license.

69 14. Any person or entity who sells a vehicle at a special event
70 motor vehicle auction shall provide, to the buyer, current contact
71 information including, but not limited to, name, address, and telephone
72 number.

73 15. Any rule or portion of a rule, as that term is defined in
74 section 536.010 that is created under the authority delegated in this
75 section shall become effective only if it complies with and is subject to
76 all of the provisions of chapter 536, and, if applicable, section
77 536.028. This section and chapter 536 are nonseverable and if any of
78 the powers vested with the general assembly pursuant to chapter 536,
79 to review, to delay the effective date, or to disapprove and annul a rule
80 are subsequently held unconstitutional, then the grant of rulemaking
81 authority and any rule proposed or adopted after August 28, 2010, shall
82 be invalid and void.

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