

SECOND REGULAR SESSION

# SENATE BILL NO. 861

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time February 12, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

6007S.011

## AN ACT

To repeal section 407.560, RSMo, and to enact in lieu thereof one new section relating to new motorcycle express warranties.

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

Section A. Section 407.560, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 407.560, to read as follows:

407.560. As used in sections 407.560 to 407.579, the following terms  
2 mean:

3 (1) "Collateral charges", those additional charges to a consumer not  
4 directly attributable to a manufacturer's suggested retail price label for the new  
5 motor vehicle. For the purposes of sections 407.560 to 407.579, "collateral  
6 charges" includes all sales tax, license fees, registration fees, title fees and motor  
7 vehicle inspections;

8 (2) "Comparable motor vehicle", an identical or reasonably equivalent  
9 motor vehicle;

10 (3) "Consumer", the purchaser, other than for the purposes of resale, of  
11 a new motor vehicle, primarily used for personal, family, or household purposes,  
12 and any person to whom such new motor vehicle is transferred for the same  
13 purposes during the duration of an express warranty applicable to such new  
14 motor vehicle, and any other person entitled by the terms of such warranty to  
15 enforce the obligations of the warranty;

16 (4) "Express warranty", any written affirmation of the fact or promise  
17 made by a manufacturer to a consumer in connection with the sale of new motor  
18 vehicles which relates to the nature of the material or workmanship or will meet  
19 a specified level of performance over a specified period of time;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 (5) "Manufacturer", any person engaged in the manufacturing or  
21 assembling of new motor vehicles as a regular business;

22 (6) "New motor vehicle", any motor vehicle being transferred for the first  
23 time from a manufacturer, distributor or new vehicle dealer, which has not been  
24 registered or titled in this state or any other state and which is offered for sale,  
25 barter or exchange by a dealer who is franchised to sell, barter or exchange that  
26 particular make of new motor vehicle. The term "new motor vehicle" shall include  
27 only those vehicles propelled by power other than muscular power, **including**  
28 **motorcycles**, but the term shall not include vehicles used as a commercial motor  
29 vehicle, off-road vehicles, mopeds, [motorcycles] or recreational motor vehicles as  
30 defined in section 301.010, except for the chassis, engine, powertrain and  
31 component parts of recreational motor vehicles. The term "new motor vehicle"  
32 shall also include demonstrators or lease-purchase vehicles as long as a  
33 manufacturer's warranty was issued as a condition of sale.

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Bill

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