

SECOND REGULAR SESSION

SENATE BILL NO. 982

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

Read 1st time February 10, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5348S.011

AN ACT

To repeal section 407.1329, RSMo, and to enact in lieu thereof one new section relating to recreational vehicle dealer agreements.

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

Section A. Section 407.1329, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.1329, to read as follows:

407.1329. If the RV dealer agreement is terminated, cancelled, or not renewed by the manufacturer for cause, **or if the dealer voluntarily terminates an RV dealer agreement in a manner permitted by such agreement, or if the manufacturer terminates or discontinues a franchise by discontinuing a line-make, ceasing to do business in the state, or changing the distributor or method of distribution of its products in the state**, the manufacturer shall, at the election of the RV dealer, within thirty days of termination, repurchase:

(1) [(a) All new, untitled current model year recreation vehicle inventory, acquired from the manufacturer, which has not been used (except for demonstration purposes), altered or damaged to the extent that such damage must be disclosed to the consumer pursuant to section 407.1343, at one hundred percent of the net invoice cost, including transportation, less applicable rebates and discounts to the dealer; and

(b) All new, untitled recreation vehicle inventory of the prior model year, acquired from the manufacturer, provided the prior model year vehicles have not been altered, used (except for demonstration purposes) or damaged to the extent that such damage must be disclosed to the consumer pursuant to section 407.1343, and were drafted on the dealer's financing source or paid within one

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

20 hundred twenty days prior to the effective date of the termination, cancellation,
21 or nonrenewal.

22 In the event any of the vehicles repurchased pursuant to this subdivision are
23 damaged, but do not trigger the consumer disclosure requirement, the amount
24 due the dealer shall be reduced by the cost to repair the vehicle. Damage prior
25 to delivery to dealer that is disclosed at the time of delivery will not disqualify
26 repurchase under this provision;] **All new, untitled recreation vehicle**
27 **inventory, acquired from the manufacturer in the previous eighteen**
28 **months, which have not been altered or damaged to the extent that**
29 **such damage must be disclosed to the consumer pursuant to section**
30 **407.1343, at one hundred percent of net invoice cost, including**
31 **transportation, less applicable rebates and discounts to the dealer;**

32 (2) All current and undamaged manufacturer's accessories and proprietary
33 parts sold to the dealer for resale, if accompanied by the original invoice, at one
34 hundred five percent of the original net price paid to the manufacturer to
35 compensate the dealer for handling, packing, and shipping the parts; and

36 (3) Any fully and correctly functioning diagnostic equipment, special tools,
37 current signage and other equipment and machinery, at one hundred percent of
38 the dealer's net cost plus freight, destination, delivery and distribution charges
39 and sales taxes, if any, provided it was purchased by the dealer within five years
40 before termination and upon the manufacturer's request and can no longer be
41 used in the normal course of the dealer's ongoing business.

42 The manufacturer shall pay the dealer within thirty days of receipt of [the
43 returned] **all items returned for repurchase under this section.**

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