



DENNY HOSKINS, CPA
 SECRETARY OF STATE
 STATE OF MISSOURI

March 31, 2025

The Honorable Scott Fitzpatrick
 State Auditor
 State Capitol Building
 Jefferson City, MO 65101

RECEIVED

MAR 31 2025

STATE AUDITORS OFFICE

RE: Petition approval request from Bradley Ketcher regarding a proposed statutory amendment to Chapter 407, version 2 (2026-038)

Dear Auditor Fitzpatrick:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Revised Statutes of Missouri filed by Bradley Ketcher on March 28, 2025.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

Denny Hoskins

Denny Hoskins

cc: Hon. Andrew Bailey
 Sheri Hoffman
 Claudia Sands

County _____

Page No. _____

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable Denny Hoskins, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and _____ County (or city of St. Louis), respectfully order that the following proposed law shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 3rd day of November, 2026, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and _____ County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

[Official Ballot title]

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF _____

I, _____, being first duly sworn, say (print or type names of signers)

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Denny Hoskins
M/O. SEC OF STATE

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Number) (Street), (City, Town, or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County (or city of St. Louis).

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do ___ do not ___ (check one) expect to be paid for circulating this petition.

If paid, list the payer:

(Name of payer)

Signature of Affiant (Person obtaining signatures)

Printed Name of Affiant

Address of Affiant (Street, City, State & Zip Code)

Subscribed and sworn to before me this ___ day of _____, A.D. 202__.

Notary Public (Seal)

Signature of Notary

My commission expires _____

Address of Notary (Street, City, State & Zip Code)

Be it enacted by the people of the state of Missouri:

Sections 407.812 and 407.826 are amended to read as follows:

407.812. Compliance with act required — applicability of act — engaging in business of selling motor vehicles, entities prohibited from, exception. — 1. Any franchisor obtaining or renewing its license after August 28, 2010, shall be bound by the provisions of the MVFP act and shall comply with it, and no franchise agreement made, entered, modified, or renewed after August 28, 2010, shall avoid the requirements of the MVFP act, or violate its provisions, and no franchise agreement shall be performed after the date the franchisor's license is issued or renewed in such a manner that the franchisor avoids or otherwise does not conform or comply with the requirements of the MVFP act. Notwithstanding the effective date of any franchise agreement, all franchisor licenses and renewals thereof are issued subject to all provisions of the MVFP act and chapter 301 and any regulations in effect upon the date of issuance, as well as all future provisions of the MVFP act and chapter 301 and any regulations which may become effective during the term of the license.

2. The provisions of the MVFP act shall apply to each franchise that a franchisor, manufacturer, importer, or distributor has with a franchisee and all agreements between a franchisee and a common entity or any person that is controlled by a franchisor.

3. No dealer or manufacturer licensed in this state under sections 301.550 to 301.573 shall allow any subsidiary or related entity to engage in the business of selling motor vehicles, as defined in section 301.010, to retail consumers in this state, except as otherwise permitted by law. Any dealer or manufacturer licensed in this state shall have standing to enforce the provisions of this subsection provided that a franchise relationship exists between the parties.

4. No entity controlling, controlled by, or sharing a common parent entity or sibling entity with a licensed dealer or manufacturer shall engage in the business of selling motor vehicles to retail consumers in this state, except as permitted by sections 301.550 to 301.575 and the MVFP act. Any dealer or manufacturer licensed in this state shall have standing to enforce the provisions of this subsection.

5. No dealer or manufacturer not licensed in this state under sections 301.550 to 301.575 shall engage in the business of selling motor vehicles to retail consumers in this state, except as permitted by sections 301.550 to 301.575 and the MVFP act. Any dealer or manufacturer in this state shall have standing to enforce the provisions of this subsection, provided that a franchise relationship exists between the parties.

[6. Notwithstanding any provision of sections 301.550 to 301.575 to the contrary, a manufacturer, importer, or distributor may engage in the business of selling motor vehicles to retail consumers in this state from a dealership if the manufacturer, importer, or distributor owned the dealership and initially submitted a dealer license application to the Missouri department of revenue on or before August 28, 2023, provided that the license is subsequently granted, and the ownership or controlling interest of such dealership is not transferred, sold, or conveyed to another person or entity required to be licensed under this chapter.]

407.826. New motor vehicle dealership, restrictions on operation of or ownership by a franchisor. — 1. (1) A franchisor shall be prohibited from owning or operating a new motor vehicle dealership in this state. It is not a violation of this section for a franchisor to own or operate a new motor vehicle dealership:

(a) For a temporary period of not more than twenty-four months if the dealership is for sale at a reasonable price and on reasonable terms and conditions to an independent qualified buyer. On showing by a franchisor of good cause, the time limit set forth above may be extended for an additional period of up to twelve months; or

(b) In a bona fide relationship with an independent person (i) who is required to make a significant investment in the new motor vehicle dealership subject to loss and (ii) operates the dealership and can reasonably expect to acquire full ownership of the dealership within a reasonable time and under reasonable terms and conditions.

(2) Nothing in this section shall be deemed to prohibit a franchisor from owning a minority interest in an entity that owns motor vehicle dealerships of the same line-make manufactured and franchised by the factory, provided that all of the following conditions are met at the time of acquisition and continue to be met during the time the entity maintains ownership:

(a) The interest owned by the factory in said entity shall not exceed forty-five percent of the total ownership;

(b) Any dealership in which the entity owns an interest shall be no less than nine miles of any unaffiliated new motor vehicle dealership trading in the same line-make of vehicle;

(c) All of the licensed dealerships for the sale of such factory's new motor vehicle in the state trade exclusively in the factory's line-make;

(d) During any period in which the entity has such ownership interest, the factory shall have no more than four franchise agreements governing such line-make with dealers licensed to do business in this state;

(e) All the factory's franchise agreements confer rights on the franchisee of the line-make to develop and operate, within a defined geographic territory or area, as many dealership facilities as the franchisee and factory shall agree are appropriate;

(f) At the time the entity first acquires an ownership interest, not fewer than seventy-five percent of the franchisees of the line-make within this state own and operate two or more dealership facilities in the geographic territory or area covered by the franchise agreement with the factory;

(g) As of January 1, 2001, there were no more than ten dealerships of such line-make licensed as a new motor vehicle dealer in this state; and

(h) Prior to August 28, 2001, the factory has been continuously engaged, at least since July 1, 1998, in the retail sale of motor vehicles of its own line-make through direct or indirect ownership of dealerships in at least five states.

2. A franchisor shall not sell new motor vehicles directly to any retail consumer except through a franchisee for the line-make that includes the new motor vehicle unless such consumer is an employee of the franchisor, or is a not-for-profit organization or an agency of the federal, state or local governments. This subsection shall not preclude a franchisor from providing information to consumers for the purpose of marketing or facilitating the sale of a new motor vehicle or from establishing programs to sell or offer to sell new motor vehicles through participating franchisees. This subsection shall not apply to a franchisor who does not manufacture, distribute, or sell motor vehicles as defined in section 301.010, but who does manufacture engines for any such motor vehicle with a gross vehicle rating of more than sixteen thousand pounds that is registered for operation on the public highways of this state under chapter 301, provided the franchisor:

(1) Is not otherwise a manufacturer of motor vehicles, as defined in section 407.815, and is not owned or controlled by such a manufacturer;

(2) Owned, operated, or controlled a facility in this state as of January 1, 2016, to sell or provide warranty service to engines that it manufactured;

(3) Does not own, operate, or control more than seven facilities in this state which sell or provide warranty service for engines it manufactures; and

(4) Provides its franchisees or dealers with access to support for completing repairs substantially equal to the support the manufacturer provides to facilities owned, operated, or controlled by it, including but not limited to parts and assemblies, training and technical bulletins, and other information concerning installation and repairs for its engines.

3. For purposes of this section, "franchisor" shall be deemed to include any manufacturer of new motor vehicles which establishes any business location or facility within the state of

Missouri, when such facilities are used by the manufacturer to inform, entice, or otherwise market to potential customers, or where customer orders for the manufacturer's new motor vehicles are placed, received, or processed, whether or not any sales of such vehicles are finally consummated, and whether or not any such vehicles are actually delivered to the retail customer, at such business location or facility. Accordingly, for purposes of this section, "new motor vehicle dealership" shall be deemed to include any business location or facility as described in this subsection.

4. In enacting subsection 3 of this section, it is the express intent of the people to prevent any manufacturer of new motor vehicles from circumventing the public policy as stated in section 407.811, by engaging in methods of retailing new motor vehicles which are designed to avoid the provisions of sections 407.810 to 407.835.

5. The remedies and relief available pursuant to section 407.835 shall apply to this section.