

FIRST REGULAR SESSION

SENATE BILL NO. 350

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIMS.

Read 1st time January 23, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1019S.04I

AN ACT

To amend chapter 316, RSMo, by adding thereto three new sections relating to the regulation of hay rides, with penalty provisions.

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

Section A. Chapter 316, RSMo, is amended by adding thereto three new sections, to be known as sections 316.240, 316.243 and 316.246, to read as follows:

316.240. As used in sections 316.243 to 316.246, the following terms shall mean:

- (1) "Department", the department of public safety;**
- (2) "Director", the director of the department of public safety;**
- (3) "Hay ride", the transport, other than on a public roadway, of passengers on a truck bed or trailer pulled by animals, a truck, tractor or any other motor vehicle for the purpose of giving its passengers amusement or pleasure. A hay ride shall not include the operation of any parking lot tram, tour tram or similar vehicle used solely for the transportation of passengers to a specific location or for the viewing of a specific public attraction;**
- (4) "Hay ride enterprise", the operation of a hay ride more than two times during any twelve month period for a fee;**
- (5) "Owner", a person or the agent of a person who owns or controls, or has the duty to control, the operation of a hay ride.**

316.243. A person shall not operate a hay ride enterprise unless the person provides the department proof of:

- (1) A state operating permit issued by the department and affixed to the designated hay ride equipment. Any permit fees shall not exceed actual administrative**

costs;

(2) (a) A general liability insurance policy currently in force and written by an insurance company authorized to do business in this state in an amount of not less than one million dollars per insured incident; or

(b) A bond in the same amount as such person's policy from paragraph (a) of this subdivision, provided that the aggregate liability of the surety under such bond shall not exceed the face amount of the bond; or

(c) Cash or other surety acceptable to the department;

(3) Notwithstanding chapter 303, RSMo, proof of liability insurance, as required by chapter 303, RSMo, on the animal, tractor, trailer or any other motor vehicle used for the purpose of operating a hay ride enterprise.

316.246. Any owner or agent of an owner of a hay ride enterprise who knowingly violates section 316.243 is guilty of a class B misdemeanor. Any person pleading guilty to or found guilty of such an offense shall be presumed negligent in any claim for damages incurred in an accident involving such a hay ride enterprise. Such a presumption of negligence shall be rebuttable.

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