

SECOND REGULAR SESSION

SENATE BILL NO. 956

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Pre-filed December 16, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

3265S.01I

AN ACT

To repeal sections 307.125 and 307.127, RSMo, and to enact in lieu thereof three new sections relating to operating animal-driven vehicles, with penalty provisions.

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

Section A. Sections 307.125 and 307.127, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 307.125, 307.127, and 307.156 to read as follows:

307.125. 1. Any person who shall place or drive or cause to be placed or driven, upon or along any state or supplementary state highway of this state any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons there shall be no less than seven of such buttons covering an area equal to a circle with a three-inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five hundred feet.

2. In addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half hour before sunrise shall have at least one light flashing at all times the vehicle is on any highway of this state. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a height of no more than six feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred feet. Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

3. Any person operating an animal-driven vehicle during the hours between sunset and one-half hour before sunrise may, in lieu of the requirements of

subsection 2 of this section, use lamps or lanterns complying with the rules promulgated by the director of the department of public safety.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

307.127. 1. No person shall operate on any public highway of this state any slow-moving vehicle or equipment after sunset to one-half hour before sunrise, any animal-drawn vehicle, or any other machinery, designed for use or normally operated at speeds less than twenty-five miles per hour, including all road construction or maintenance machinery except when engaged in actual construction or maintenance work either guarded by a flagman or clearly visible warning signs, which normally travels or is normally used at a speed of less than twenty-five miles per hour unless there is displayed on the rear thereof an emblem as described in, and displayed as provided in subsection 2 in this section. The requirement of such emblem shall be in addition to any lighting devices required by section 307.115.

2. The emblem required by subsection 1 of this section shall be of substantial construction, and shall be a basedown equilateral triangle of fluorescent yellow-orange film or equivalent quality paint with a base of not less than fourteen inches and an altitude of not less than twelve inches. Such triangle shall be bordered with reflective red strips having a minimum width of one and three-fourths inches, with the vertices of the overall triangle truncated such that the remaining altitude shall be a minimum of fourteen inches. Such emblem shall be mounted on the rear of such vehicle near the horizontal geometric center of the rearmost vehicle at a height of not less than four feet above the roadway, and shall be maintained in a clean, reflective condition. The provisions of this section shall not apply to any vehicle or equipment being operated on a gravel or dirt surfaced public highway.

3. Any person who shall violate the provisions of this section shall be guilty of an infraction.

4. No emblem shall be required on machinery or equipment pulled or attached to a farm tractor providing the machinery or equipment does not extend more than twelve feet to the rear of the tractor and permits a clear view of the emblem on the tractor by vehicles approaching from the rear.

5. Any person operating an animal-drawn vehicle on any public highway of

this state may, in lieu of displaying the emblem required by subsections 1 and 2 of this section, equip the animal-drawn vehicle with reflective material complying with rules and regulations promulgated by the director of the department of public safety. The reflective material shall be visible from a distance of not less than five hundred feet to the rear when illuminated by the lower beams of vehicle headlights. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

307.156. Any person, firm, or corporation which owns or operates a business engaged in whole or in part in servicing motor vehicles and installs or purports to install an airbag in a motor vehicle and either: 1) installs an airbag that does not meet all applicable federal safety regulations for an airbag installed in a vehicle of that make, model, and year; or 2) installs an airbag which has previously been installed in another motor vehicle without disclosing in writing to the owner or lessee of the vehicle receiving such airbag installation that a used airbag has been installed in it, shall be guilty of a class D felony.

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