

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 714
96TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, March 1, 2012, with recommendation that the Senate Committee Substitute do pass.

5468S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 301.010, RSMo, and to enact in lieu thereof two new sections relating to the use of recreational off-highway vehicles, with penalty provisions.

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

Section A. Section 301.010, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 301.010 and 304.033, to read as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) "Body shop", a business that repairs physical damage on motor

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

17 vehicles that are not owned by the shop or its officers or employees by mending,
18 straightening, replacing body parts, or painting;

19 (6) "Bus", a motor vehicle primarily for the transportation of a driver and
20 eight or more passengers but not including shuttle buses;

21 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used
22 for carrying freight and merchandise, or more than eight passengers but not
23 including vanpools or shuttle buses;

24 (8) "Cotton trailer", a trailer designed and used exclusively for
25 transporting cotton at speeds less than forty miles per hour from field to field or
26 from field to market and return;

27 (9) "Dealer", any person, firm, corporation, association, agent or subagent
28 engaged in the sale or exchange of new, used or reconstructed motor vehicles or
29 trailers;

30 (10) "Director" or "director of revenue", the director of the department of
31 revenue;

32 (11) "Driveaway operation":

33 (a) The movement of a motor vehicle or trailer by any person or motor
34 carrier other than a dealer over any public highway, under its own power singly,
35 or in a fixed combination of two or more vehicles, for the purpose of delivery for
36 sale or for delivery either before or after sale;

37 (b) The movement of any vehicle or vehicles, not owned by the transporter,
38 constituting the commodity being transported, by a person engaged in the
39 business of furnishing drivers and operators for the purpose of transporting
40 vehicles in transit from one place to another by the driveaway or towaway
41 methods; or

42 (c) The movement of a motor vehicle by any person who is lawfully
43 engaged in the business of transporting or delivering vehicles that are not the
44 person's own and vehicles of a type otherwise required to be registered, by the
45 driveaway or towaway methods, from a point of manufacture, assembly or
46 distribution or from the owner of the vehicles to a dealer or sales agent of a
47 manufacturer or to any consignee designated by the shipper or consignor;

48 (12) "Dromedary", a box, deck, or plate mounted behind the cab and
49 forward of the fifth wheel on the frame of the power unit of a truck
50 tractor-semitrailer combination. A truck tractor equipped with a dromedary may
51 carry part of a load when operating independently or in a combination with a
52 semitrailer;

- 53 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 54 (14) "Fleet", any group of ten or more motor vehicles owned by the same
55 owner;
- 56 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 57 (16) "Fullmount", a vehicle mounted completely on the frame of either the
58 first or last vehicle in a saddlemount combination;
- 59 (17) "Gross weight", the weight of vehicle and/or vehicle combination
60 without load, plus the weight of any load thereon;
- 61 (18) "Hail-damaged vehicle", any vehicle, the body of which has become
62 dented as the result of the impact of hail;
- 63 (19) "Highway", any public thoroughfare for vehicles, including state
64 roads, county roads and public streets, avenues, boulevards, parkways or alleys
65 in any municipality;
- 66 (20) "Improved highway", a highway which has been paved with gravel,
67 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall
68 have a hard, smooth surface;
- 69 (21) "Intersecting highway", any highway which joins another, whether
70 or not it crosses the same;
- 71 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon
72 the highways and has no resale value except as a source of parts or scrap, and
73 shall not be titled or registered;
- 74 (23) "Kit vehicle", a motor vehicle assembled by a person other than a
75 generally recognized manufacturer of motor vehicles by the use of a glider kit or
76 replica purchased from an authorized manufacturer and accompanied by a
77 manufacturer's statement of origin;
- 78 (24) "Land improvement contractors' commercial motor vehicle", any
79 not-for-hire commercial motor vehicle the operation of which is confined to:
- 80 (a) An area that extends not more than a radius of one hundred miles
81 from its home base of operations when transporting its owner's machinery,
82 equipment, or auxiliary supplies to or from projects involving soil and water
83 conservation, or to and from equipment dealers' maintenance facilities for
84 maintenance purposes; or
- 85 (b) An area that extends not more than a radius of fifty miles from its
86 home base of operations when transporting its owner's machinery, equipment, or
87 auxiliary supplies to or from projects not involving soil and water
88 conservation. Nothing in this subdivision shall be construed to prevent any motor

89 vehicle from being registered as a commercial motor vehicle or local commercial
90 motor vehicle;

91 (25) "Local commercial motor vehicle", a commercial motor vehicle whose
92 operations are confined solely to a municipality and that area extending not more
93 than fifty miles therefrom, or a commercial motor vehicle whose property-carrying
94 operations are confined solely to the transportation of property owned by any
95 person who is the owner or operator of such vehicle to or from a farm owned by
96 such person or under the person's control by virtue of a landlord and tenant lease;
97 provided that any such property transported to any such farm is for use in the
98 operation of such farm;

99 (26) "Local log truck", a commercial motor vehicle which is registered
100 pursuant to this chapter to operate as a motor vehicle on the public highways of
101 this state, used exclusively in this state, used to transport harvested forest
102 products, operated solely at a forested site and in an area extending not more
103 than a one hundred-mile radius from such site, carries a load with dimensions not
104 in excess of twenty-five cubic yards per two axles with dual wheels, and when
105 operated on the national system of interstate and defense highways described in
106 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed
107 the weight limits of section 304.180, does not have more than four axles, and does
108 not pull a trailer which has more than two axles. Harvesting equipment which
109 is used specifically for cutting, felling, trimming, delimiting, debarking, chipping,
110 skidding, loading, unloading, and stacking may be transported on a local log
111 truck. A local log truck may not exceed the limits required by law, however, if
112 the truck does exceed such limits as determined by the inspecting officer, then
113 notwithstanding any other provisions of law to the contrary, such truck shall be
114 subject to the weight limits required by such sections as licensed for eighty
115 thousand pounds;

116 (27) "Local log truck tractor", a commercial motor vehicle which is
117 registered under this chapter to operate as a motor vehicle on the public
118 highways of this state, used exclusively in this state, used to transport harvested
119 forest products, operated solely at a forested site and in an area extending not
120 more than a one hundred-mile radius from such site, operates with a weight not
121 exceeding twenty-two thousand four hundred pounds on one axle or with a weight
122 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and
123 when operated on the national system of interstate and defense highways
124 described in Title 23, Section 103(e) of the United States Code, such vehicle does

125 not exceed the weight limits contained in section 304.180, and does not have more
126 than three axles and does not pull a trailer which has more than two
127 axles. Violations of axle weight limitations shall be subject to the load limit
128 penalty as described for in sections 304.180 to 304.220;

129 (28) "Local transit bus", a bus whose operations are confined wholly
130 within a municipal corporation, or wholly within a municipal corporation and a
131 commercial zone, as defined in section 390.020, adjacent thereto, forming a part
132 of a public transportation system within such municipal corporation and such
133 municipal corporation and adjacent commercial zone;

134 (29) "Log truck", a vehicle which is not a local log truck or local log truck
135 tractor and is used exclusively to transport harvested forest products to and from
136 forested sites which is registered pursuant to this chapter to operate as a motor
137 vehicle on the public highways of this state for the transportation of harvested
138 forest products;

139 (30) "Major component parts", the rear clip, cowl, frame, body, cab,
140 front-end assembly, and front clip, as those terms are defined by the director of
141 revenue pursuant to rules and regulations or by illustrations;

142 (31) "Manufacturer", any person, firm, corporation or association engaged
143 in the business of manufacturing or assembling motor vehicles, trailers or vessels
144 for sale;

145 (32) "Mobile scrap processor", a business located in Missouri or any other
146 state that comes onto a salvage site and crushes motor vehicles and parts for
147 transportation to a shredder or scrap metal operator for recycling;

148 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957,
149 which receives a new, rebuilt or used engine, and which used the number
150 stamped on the original engine as the vehicle identification number;

151 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively
152 upon tracks, except farm tractors;

153 (35) "Motor vehicle primarily for business use", any vehicle other than a
154 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor
155 vehicle licensed for over twelve thousand pounds:

156 (a) Offered for hire or lease; or

157 (b) The owner of which also owns ten or more such motor vehicles;

158 (36) "Motorcycle", a motor vehicle operated on two wheels;

159 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having
160 an automatic transmission and a motor with a cylinder capacity of not more than

161 fifty cubic centimeters, which produces less than three gross brake horsepower,
162 and is capable of propelling the device at a maximum speed of not more than
163 thirty miles per hour on level ground;

164 (38) "Motortricycle", a motor vehicle operated on three wheels, including
165 a motorcycle while operated with any conveyance, temporary or otherwise,
166 requiring the use of a third wheel. A motortricycle shall not be included in the
167 definition of all-terrain vehicle;

168 (39) "Municipality", any city, town or village, whether incorporated or not;

169 (40) "Nonresident", a resident of a state or country other than the state
170 of Missouri;

171 (41) "Non-USA-std motor vehicle", a motor vehicle not originally
172 manufactured in compliance with United States emissions or safety standards;

173 (42) "Operator", any person who operates or drives a motor vehicle;

174 (43) "Owner", any person, firm, corporation or association, who holds the
175 legal title to a vehicle or in the event a vehicle is the subject of an agreement for
176 the conditional sale or lease thereof with the right of purchase upon performance
177 of the conditions stated in the agreement and with an immediate right of
178 possession vested in the conditional vendee or lessee, or in the event a mortgagor
179 of a vehicle is entitled to possession, then such conditional vendee or lessee or
180 mortgagor shall be deemed the owner for the purpose of this law;

181 (44) "Public garage", a place of business where motor vehicles are housed,
182 stored, repaired, reconstructed or repainted for persons other than the owners or
183 operators of such place of business;

184 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned
185 by the rebuilder, but does not include certificated common or contract carriers of
186 persons or property;

187 (46) "Reconstructed motor vehicle", a vehicle that is altered from its
188 original construction by the addition or substitution of two or more new or used
189 major component parts, excluding motor vehicles made from all new parts, and
190 new multistage manufactured vehicles;

191 (47) "Recreational motor vehicle", any motor vehicle designed, constructed
192 or substantially modified so that it may be used and is used for the purposes of
193 temporary housing quarters, including therein sleeping and eating facilities
194 which are either permanently attached to the motor vehicle or attached to a unit
195 which is securely attached to the motor vehicle. Nothing herein shall prevent any
196 motor vehicle from being registered as a commercial motor vehicle if the motor

197 vehicle could otherwise be so registered;

198 (48) "Recreational off-highway vehicle", any motorized vehicle
199 manufactured and used exclusively for off-highway use which is sixty inches or
200 less in width, with an unladen dry weight of [one] ~~two~~ thousand [eight hundred
201 fifty] pounds or less, traveling on four or more nonhighway tires, [with a
202 nonstraddle seat, and steering wheel,] which may have access to ATV trails;

203 (49) "Rollback or car carrier", any vehicle specifically designed to
204 transport wrecked, disabled or otherwise inoperable vehicles, when the
205 transportation is directly connected to a wrecker or towing service;

206 (50) "Saddlemount combination", a combination of vehicles in which a
207 truck or truck tractor tows one or more trucks or truck tractors, each connected
208 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"
209 is a mechanism that connects the front axle of the towed vehicle to the frame or
210 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
211 connection. When two vehicles are towed in this manner the combination is
212 called a "double saddlemount combination". When three vehicles are towed in
213 this manner, the combination is called a "triple saddlemount combination";

214 (51) "Salvage dealer and dismantler", a business that dismantles used
215 motor vehicles for the sale of the parts thereof, and buys and sells used motor
216 vehicle parts and accessories;

217 (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

218 (a) Was damaged during a year that is no more than six years after the
219 manufacturer's model year designation for such vehicle to the extent that the
220 total cost of repairs to rebuild or reconstruct the vehicle to its condition
221 immediately before it was damaged for legal operation on the roads or highways
222 exceeds eighty percent of the fair market value of the vehicle immediately
223 preceding the time it was damaged;

224 (b) By reason of condition or circumstance, has been declared salvage,
225 either by its owner, or by a person, firm, corporation, or other legal entity
226 exercising the right of security interest in it;

227 (c) Has been declared salvage by an insurance company as a result of
228 settlement of a claim;

229 (d) Ownership of which is evidenced by a salvage title; or

230 (e) Is abandoned property which is titled pursuant to section 304.155 or
231 section 304.157 and designated with the words "salvage/abandoned
232 property". The total cost of repairs to rebuild or reconstruct the vehicle shall not

233 include the cost of repairing, replacing, or reinstalling inflatable safety restraints,
234 tires, sound systems, or damage as a result of hail, or any sales tax on parts or
235 materials to rebuild or reconstruct the vehicle. For purposes of this definition,
236 "fair market value" means the retail value of a motor vehicle as:

237 a. Set forth in a current edition of any nationally recognized compilation
238 of retail values, including automated databases, or from publications commonly
239 used by the automotive and insurance industries to establish the values of motor
240 vehicles;

241 b. Determined pursuant to a market survey of comparable vehicles with
242 regard to condition and equipment; and

243 c. Determined by an insurance company using any other procedure
244 recognized by the insurance industry, including market surveys, that is applied
245 by the company in a uniform manner;

246 (53) "School bus", any motor vehicle used solely to transport students to
247 or from school or to transport students to or from any place for educational
248 purposes;

249 (54) "Shuttle bus", a motor vehicle used or maintained by any person,
250 firm, or corporation as an incidental service to transport patrons or customers of
251 the regular business of such person, firm, or corporation to and from the place of
252 business of the person, firm, or corporation providing the service at no fee or
253 charge. Shuttle buses shall not be registered as buses or as commercial motor
254 vehicles;

255 (55) "Special mobile equipment", every self-propelled vehicle not designed
256 or used primarily for the transportation of persons or property and incidentally
257 operated or moved over the highways, including farm equipment, implements of
258 husbandry, road construction or maintenance machinery, ditch-digging apparatus,
259 stone crushers, air compressors, power shovels, cranes, graders, rollers,
260 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,
261 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
262 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag
263 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This
264 enumeration shall be deemed partial and shall not operate to exclude other such
265 vehicles which are within the general terms of this section;

266 (56) "Specially constructed motor vehicle", a motor vehicle which shall not
267 have been originally constructed under a distinctive name, make, model or type
268 by a manufacturer of motor vehicles. The term specially constructed motor

269 vehicle includes kit vehicles;

270 (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the
271 fifth wheel is located on a drop frame located behind and below the rearmost axle
272 of the power unit;

273 (58) "Tandem axle", a group of two or more axles, arranged one behind
274 another, the distance between the extremes of which is more than forty inches
275 and not more than ninety-six inches apart;

276 (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor
277 vehicle designed for drawing other vehicles, but not for the carriage of any load
278 when operating independently. When attached to a semitrailer, it supports a part
279 of the weight thereof;

280 (60) "Trailer", any vehicle without motive power designed for carrying
281 property or passengers on its own structure and for being drawn by a
282 self-propelled vehicle, except those running exclusively on tracks, including a
283 semitrailer or vehicle of the trailer type so designed and used in conjunction with
284 a self-propelled vehicle that a considerable part of its own weight rests upon and
285 is carried by the towing vehicle. The term "trailer" shall not include cotton
286 trailers as defined in subdivision (8) of this section and shall not include
287 manufactured homes as defined in section 700.010;

288 (61) "Truck", a motor vehicle designed, used, or maintained for the
289 transportation of property;

290 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in
291 which the two trailing units are connected with a B-train assembly which is a
292 rigid frame extension attached to the rear frame of a first semitrailer which
293 allows for a fifth-wheel connection point for the second semitrailer and has one
294 less articulation point than the conventional A-dolly connected truck-tractor
295 semitrailer-trailer combination;

296 (63) "Truck-trailer boat transporter combination", a boat transporter
297 combination consisting of a straight truck towing a trailer using typically a ball
298 and socket connection with the trailer axle located substantially at the trailer
299 center of gravity rather than the rear of the trailer but so as to maintain a
300 downward force on the trailer tongue;

301 (64) "Used parts dealer", a business that buys and sells used motor vehicle
302 parts or accessories, but not including a business that sells only new,
303 remanufactured or rebuilt parts. "Business" does not include isolated sales at a
304 swap meet of less than three days;

305 (65) "Utility vehicle", any motorized vehicle manufactured and used
306 exclusively for off-highway use which is sixty-three inches or less in width, with
307 an unladen dry weight of one thousand eight hundred fifty pounds or less,
308 traveling on four or six wheels, to be used primarily for landscaping, lawn care,
309 or maintenance purposes;

310 (66) "Vanpool", any van or other motor vehicle used or maintained by any
311 person, group, firm, corporation, association, city, county or state agency, or any
312 member thereof, for the transportation of not less than eight nor more than
313 forty-eight employees, per motor vehicle, to and from their place of employment;
314 however, a vanpool shall not be included in the definition of the term bus or
315 commercial motor vehicle as defined by subdivisions (6) and (7) of this section,
316 nor shall a vanpool driver be deemed a chauffeur as that term is defined by
317 section 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements,
318 recreational, personal, or maintenance uses constitute an unlicensed use of the
319 motor vehicle, unless used for monetary profit other than for use in a ride-sharing
320 arrangement;

321 (67) "Vehicle", any mechanical device on wheels, designed primarily for
322 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn
323 by horses or human power, or vehicles used exclusively on fixed rails or tracks,
324 or cotton trailers or motorized wheelchairs operated by handicapped persons;

325 (68) "Wrecker" or "tow truck", any emergency commercial vehicle
326 equipped, designed and used to assist or render aid and transport or tow disabled
327 or wrecked vehicles from a highway, road, street or highway rights-of-way to a
328 point of storage or repair, including towing a replacement vehicle to replace a
329 disabled or wrecked vehicle;

330 (69) "Wrecker or towing service", the act of transporting, towing or
331 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not
332 owned by the operator of the wrecker, tow truck, rollback or car carrier for which
333 the operator directly or indirectly receives compensation or other personal gain.

**304.033. 1. No person shall operate a recreational off-highway
2 vehicle, as defined in section 301.010, upon the highways of this state,
3 except as follows:**

4 **(1) Recreational off-highway vehicles owned and operated by a
5 governmental entity for official use;**

6 **(2) Recreational off-highway vehicles operated for agricultural
7 purposes or industrial on-premises purposes between the official**

8 sunrise and sunset on the day of operation;

9 (3) Recreational off-highway vehicles operated within three miles
10 of the operator's primary residence;

11 (4) Recreational off-highway vehicles operated by handicapped
12 persons for short distances occasionally only on the state's secondary
13 roads when operated between the hours of sunrise and sunset.

14 2. No person shall operate a recreational off-highway vehicle
15 within any stream or river in this state, except that recreational
16 off-highway vehicles may be operated within waterways which flow
17 within the boundaries of land which a recreational off-highway vehicle
18 operator owns, or for agricultural purposes within the boundaries of
19 land which a recreational off-highway vehicle operator owns or has
20 permission to be upon, or for the purpose of fording such stream or
21 river of this state at such road crossings as are customary or part of the
22 highway system. All law enforcement officials or peace officers of this
23 state and its political subdivisions or department of conservation
24 agents or department of natural resources park rangers shall enforce
25 the provisions of this subsection within the geographic area of their
26 jurisdiction.

27 3. A person operating a recreational off-highway vehicle on a
28 highway pursuant to an exception covered in this section shall have a
29 valid operator's or chauffeur's license, except that a handicapped
30 person operating such vehicle pursuant to subdivision (4) of subsection
31 1 of this section, but shall not be required to have passed an
32 examination for the operation of a motorcycle. An individual shall not
33 operate a recreational off-highway vehicle upon on a highway in this
34 state without displaying a lighted headlamp and a lighted tail lamp. A
35 person may not operate a recreational off-highway vehicle upon a
36 highway of this state unless such person wears a seat belt. When
37 operated on a highway, a recreational off-highway vehicle shall be
38 equipped with a roll bar or roll cage construction to reduce the risk of
39 injury to an occupant of the vehicle in case of the vehicle's rollover.

40 4. No persons shall operate a recreational off-highway vehicle:

41 (1) In any careless way so as to endanger the person or property
42 of another;

43 (2) While under the influence of alcohol or any controlled
44 substance.

45 **5. A violation of this section shall be a class C misdemeanor. In**
46 **addition to other legal remedies, the attorney general or county**
47 **prosecuting attorney may institute a civil action in a court of**
48 **competent jurisdiction for injunctive relief to prevent such violation or**
49 **future violations and for the assessment of a civil penalty not to exceed**
50 **one thousand dollars per day of violation.**

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