

SECOND REGULAR SESSION

# SENATE BILL NO. 714

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAGER.

Read 1st time January 26, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5468S.02I

## AN ACT

To amend chapter 304, RSMo, by adding thereto one new section 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. Chapter 304, RSMo, is amended by adding thereto one new section, to be known as section 304.033, to read as follows:

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

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

**(2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;**

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

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

**2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or 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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