

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NOS. 1735 & 1618

AN ACT

To repeal sections 301.010, 301.700, and 578.120, RSMo, and to enact in lieu thereof three new sections relating to ownership of certain vehicles, with existing penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 301.010, 301.700, and 578.120, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 301.010, 301.700, and 578.120, to read as
4 follows:

5 301.010. As used in this chapter and sections 304.010 to
6 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the
7 following terms mean:

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

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

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

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

11 (5) "Body shop", a business that repairs physical damage on
12 motor vehicles that are not owned by the shop or its officers or
13 employees by mending, straightening, replacing body parts, or
14 painting;

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

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

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

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

28 (10) "Director" or "director of revenue", the director of

1 the department of revenue;

2 (11) "Driveaway operation":

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

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

13 (c) The movement of a motor vehicle by any person who is
14 lawfully engaged in the business of transporting or delivering
15 vehicles that are not the person's own and vehicles of a type
16 otherwise required to be registered, by the driveaway or towaway
17 methods, from a point of manufacture, assembly or distribution or
18 from the owner of the vehicles to a dealer or sales agent of a
19 manufacturer or to any consignee designated by the shipper or
20 consignor;

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

26 (13) "Farm tractor", a tractor used exclusively for
27 agricultural purposes;

28 (14) "Fleet", any group of ten or more motor vehicles owned

1 by the same owner;

2 (15) "Fleet vehicle", a motor vehicle which is included as
3 part of a fleet;

4 (16) "Fullmount", a vehicle mounted completely on the frame
5 of either the first or last vehicle in a saddlemount combination;

6 (17) "Gross weight", the weight of vehicle and/or vehicle
7 combination without load, plus the weight of any load thereon;

8 (18) "Hail-damaged vehicle", any vehicle, the body of which
9 has become dented as the result of the impact of hail;

10 (19) "Highway", any public thoroughfare for vehicles,
11 including state roads, county roads and public streets, avenues,
12 boulevards, parkways or alleys in any municipality;

13 (20) "Improved highway", a highway which has been paved
14 with gravel, macadam, concrete, brick or asphalt, or surfaced in
15 such a manner that it shall have a hard, smooth surface;

16 (21) "Intersecting highway", any highway which joins
17 another, whether or not it crosses the same;

18 (22) "Junk vehicle", a vehicle which is incapable of
19 operation or use upon the highways and has no resale value except
20 as a source of parts or scrap, and shall not be titled or
21 registered;

22 (23) "Kit vehicle", a motor vehicle assembled by a person
23 other than a generally recognized manufacturer of motor vehicles
24 by the use of a glider kit or replica purchased from an
25 authorized manufacturer and accompanied by a manufacturer's
26 statement of origin;

27 (24) "Land improvement contractors' commercial motor
28 vehicle", any not-for-hire commercial motor vehicle the operation

1 of which is confined to:

2 (a) An area that extends not more than a radius of one
3 hundred miles from its home base of operations when transporting
4 its owner's machinery, equipment, or auxiliary supplies to or
5 from projects involving soil and water conservation, or to and
6 from equipment dealers' maintenance facilities for maintenance
7 purposes; or

8 (b) An area that extends not more than a radius of fifty
9 miles from its home base of operations when transporting its
10 owner's machinery, equipment, or auxiliary supplies to or from
11 projects not involving soil and water conservation. Nothing in
12 this subdivision shall be construed to prevent any motor vehicle
13 from being registered as a commercial motor vehicle or local
14 commercial motor vehicle;

15 (25) "Local commercial motor vehicle", a commercial motor
16 vehicle whose operations are confined solely to a municipality
17 and that area extending not more than fifty miles therefrom, or a
18 commercial motor vehicle whose property-carrying operations are
19 confined solely to the transportation of property owned by any
20 person who is the owner or operator of such vehicle to or from a
21 farm owned by such person or under the person's control by virtue
22 of a landlord and tenant lease; provided that any such property
23 transported to any such farm is for use in the operation of such
24 farm;

25 (26) "Local log truck", a commercial motor vehicle which is
26 registered pursuant to this chapter to operate as a motor vehicle
27 on the public highways of this state, used exclusively in this
28 state, used to transport harvested forest products, operated

1 solely at a forested site and in an area extending not more than
2 a one hundred-mile radius from such site, carries a load with
3 dimensions not in excess of twenty-five cubic yards per two axles
4 with dual wheels, and when operated on the national system of
5 interstate and defense highways described in Title 23, Section
6 103(e) of the United States Code, such vehicle shall not exceed
7 the weight limits of section 304.180, does not have more than
8 four axles, and does not pull a trailer which has more than two
9 axles. Harvesting equipment which is used specifically for
10 cutting, felling, trimming, delimiting, debarking, chipping,
11 skidding, loading, unloading, and stacking may be transported on
12 a local log truck. A local log truck may not exceed the limits
13 required by law, however, if the truck does exceed such limits as
14 determined by the inspecting officer, then notwithstanding any
15 other provisions of law to the contrary, such truck shall be
16 subject to the weight limits required by such sections as
17 licensed for eighty thousand pounds;

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

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

6 (28) "Local transit bus", a bus whose operations are
7 confined wholly within a municipal corporation, or wholly within
8 a municipal corporation and a commercial zone, as defined in
9 section 390.020, adjacent thereto, forming a part of a public
10 transportation system within such municipal corporation and such
11 municipal corporation and adjacent commercial zone;

12 (29) "Log truck", a vehicle which is not a local log truck
13 or local log truck tractor and is used exclusively to transport
14 harvested forest products to and from forested sites which is
15 registered pursuant to this chapter to operate as a motor vehicle
16 on the public highways of this state for the transportation of
17 harvested forest products;

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

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

25 (32) "Motor change vehicle", a vehicle manufactured prior
26 to August, 1957, which receives a new, rebuilt or used engine,
27 and which used the number stamped on the original engine as the
28 vehicle identification number;

1 (33) "Motor vehicle", any self-propelled vehicle not
2 operated exclusively upon tracks, except farm tractors;

3 (34) "Motor vehicle primarily for business use", any
4 vehicle other than a recreational motor vehicle, motorcycle,
5 motortricycle, or any commercial motor vehicle licensed for over
6 twelve thousand pounds:

7 (a) Offered for hire or lease; or

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

10 (35) "Motorcycle", a motor vehicle operated on two wheels;

11 (36) "Motorized bicycle", any two-wheeled or three-wheeled
12 device having an automatic transmission and a motor with a
13 cylinder capacity of not more than fifty cubic centimeters, which
14 produces less than three gross brake horsepower, and is capable
15 of propelling the device at a maximum speed of not more than
16 thirty miles per hour on level ground;

17 (37) "Motortricycle", a motor vehicle operated on three
18 wheels, including a motorcycle while operated with any
19 conveyance, temporary or otherwise, requiring the use of a third
20 wheel. A motortricycle shall not be included in the definition
21 of all-terrain vehicle;

22 (38) "Municipality", any city, town or village, whether
23 incorporated or not;

24 (39) "Nonresident", a resident of a state or country other
25 than the state of Missouri;

26 (40) "Non-USA-std motor vehicle", a motor vehicle not
27 originally manufactured in compliance with United States
28 emissions or safety standards;

1 (41) "Operator", any person who operates or drives a motor
2 vehicle;

3 (42) "Owner", any person, firm, corporation or association,
4 who holds the legal title to a vehicle or in the event a vehicle
5 is the subject of an agreement for the conditional sale or lease
6 thereof with the right of purchase upon performance of the
7 conditions stated in the agreement and with an immediate right of
8 possession vested in the conditional vendee or lessee, or in the
9 event a mortgagor of a vehicle is entitled to possession, then
10 such conditional vendee or lessee or mortgagor shall be deemed
11 the owner for the purpose of this law;

12 (43) "Public garage", a place of business where motor
13 vehicles are housed, stored, repaired, reconstructed or repainted
14 for persons other than the owners or operators of such place of
15 business;

16 (44) "Rebuilder", a business that repairs or rebuilds motor
17 vehicles owned by the rebuilder, but does not include
18 certificated common or contract carriers of persons or property;

19 (45) "Reconstructed motor vehicle", a vehicle that is
20 altered from its original construction by the addition or
21 substitution of two or more new or used major component parts,
22 excluding motor vehicles made from all new parts, and new
23 multistage manufactured vehicles;

24 (46) "Recreational motor vehicle", any motor vehicle
25 designed, constructed or substantially modified so that it may be
26 used and is used for the purposes of temporary housing quarters,
27 including therein sleeping and eating facilities which are either
28 permanently attached to the motor vehicle or attached to a unit

1 which is securely attached to the motor vehicle. Nothing herein
2 shall prevent any motor vehicle from being registered as a
3 commercial motor vehicle if the motor vehicle could otherwise be
4 so registered;

5 (47) "Recreational off-highway vehicle", any motorized
6 vehicle manufactured and used exclusively for off-highway use
7 which is [~~sixty-four~~] more than fifty inches [or less] but no
8 more than sixty-seven inches in width, with an unladen dry weight
9 of two thousand pounds or less, traveling on four or more
10 nonhighway tires[, with a nonstraddle seat, and steering wheel,]
11 and which may have access to ATV trails;

12 (48) "Rollback or car carrier", any vehicle specifically
13 designed to transport wrecked, disabled or otherwise inoperable
14 vehicles, when the transportation is directly connected to a
15 wrecker or towing service;

16 (49) "Saddlemount combination", a combination of vehicles
17 in which a truck or truck tractor tows one or more trucks or
18 truck tractors, each connected by a saddle to the frame or fifth
19 wheel of the vehicle in front of it. The "saddle" is a mechanism
20 that connects the front axle of the towed vehicle to the frame or
21 fifth wheel of the vehicle in front and functions like a fifth
22 wheel kingpin connection. When two vehicles are towed in this
23 manner the combination is called a "double saddlemount
24 combination". When three vehicles are towed in this manner, the
25 combination is called a "triple saddlemount combination";

26 (50) "Salvage dealer and dismantler", a business that
27 dismantles used motor vehicles for the sale of the parts thereof,
28 and buys and sells used motor vehicle parts and accessories;

1 (51) "Salvage vehicle", a motor vehicle, semitrailer, or
2 house trailer which:

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

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

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

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

17 (e) Is abandoned property which is titled pursuant to
18 section 304.155 or section 304.157 and designated with the words
19 "salvage/abandoned property". The total cost of repairs to
20 rebuild or reconstruct the vehicle shall not include the cost of
21 repairing, replacing, or reinstalling inflatable safety
22 restraints, tires, sound systems, or damage as a result of hail,
23 or any sales tax on parts or materials to rebuild or reconstruct
24 the vehicle. For purposes of this definition, "fair market
25 value" means the retail value of a motor vehicle as:

26 a. Set forth in a current edition of any nationally
27 recognized compilation of retail values, including automated
28 databases, or from publications commonly used by the automotive

1 and insurance industries to establish the values of motor
2 vehicles;

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

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

8 (52) "School bus", any motor vehicle used solely to
9 transport students to or from school or to transport students to
10 or from any place for educational purposes;

11 (53) "Scrap processor", a business that, through the use of
12 fixed or mobile equipment, flattens, crushes, or otherwise
13 accepts motor vehicles and vehicle parts for processing or
14 transportation to a shredder or scrap metal operator for
15 recycling;

16 (54) "Shuttle bus", a motor vehicle used or maintained by
17 any person, firm, or corporation as an incidental service to
18 transport patrons or customers of the regular business of such
19 person, firm, or corporation to and from the place of business of
20 the person, firm, or corporation providing the service at no fee
21 or charge. Shuttle buses shall not be registered as buses or as
22 commercial motor vehicles;

23 (55) "Special mobile equipment", every self-propelled
24 vehicle not designed or used primarily for the transportation of
25 persons or property and incidentally operated or moved over the
26 highways, including farm equipment, implements of husbandry, road
27 construction or maintenance machinery, ditch-digging apparatus,
28 stone crushers, air compressors, power shovels, cranes, graders,

1 rollers, well-drillers and wood-sawing equipment used for hire,
2 asphalt spreaders, bituminous mixers, bucket loaders, ditchers,
3 leveling graders, finished machines, motor graders, road rollers,
4 scarifiers, earth-moving carryalls, scrapers, drag lines,
5 concrete pump trucks, rock-drilling and earth-moving equipment.
6 This enumeration shall be deemed partial and shall not operate to
7 exclude other such vehicles which are within the general terms of
8 this section;

9 (56) "Specially constructed motor vehicle", a motor vehicle
10 which shall not have been originally constructed under a
11 distinctive name, make, model or type by a manufacturer of motor
12 vehicles. The term specially constructed motor vehicle includes
13 kit vehicles;

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

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

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

26 (60) "Trailer", any vehicle without motive power designed
27 for carrying property or passengers on its own structure and for
28 being drawn by a self-propelled vehicle, except those running

1 exclusively on tracks, including a semitrailer or vehicle of the
2 trailer type so designed and used in conjunction with a
3 self-propelled vehicle that a considerable part of its own weight
4 rests upon and is carried by the towing vehicle. The term
5 "trailer" shall not include cotton trailers as defined in
6 subdivision (8) of this section and shall not include
7 manufactured homes as defined in section 700.010;

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

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

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

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

28 (65) "Utility vehicle", any motorized vehicle manufactured

1 and used exclusively for off-highway use which is [sixty-three]
2 more than fifty inches [or less] but no more than sixty-seven
3 inches in width, with an unladen dry weight of [one] two thousand
4 [eight hundred fifty] pounds or less, traveling on four or six
5 wheels, to be used primarily for landscaping, lawn care, or
6 maintenance purposes;

7 (66) "Vanpool", any van or other motor vehicle used or
8 maintained by any person, group, firm, corporation, association,
9 city, county or state agency, or any member thereof, for the
10 transportation of not less than eight nor more than forty-eight
11 employees, per motor vehicle, to and from their place of
12 employment; however, a vanpool shall not be included in the
13 definition of the term bus or commercial motor vehicle as defined
14 by subdivisions (6) and (7) of this section, nor shall a vanpool
15 driver be deemed a chauffeur as that term is defined by section
16 303.020; nor shall use of a vanpool vehicle for ride-sharing
17 arrangements, recreational, personal, or maintenance uses
18 constitute an unlicensed use of the motor vehicle, unless used
19 for monetary profit other than for use in a ride-sharing
20 arrangement;

21 (67) "Vehicle", any mechanical device on wheels, designed
22 primarily for use, or used, on highways, except motorized
23 bicycles, vehicles propelled or drawn by horses or human power,
24 or vehicles used exclusively on fixed rails or tracks, or cotton
25 trailers or motorized wheelchairs operated by handicapped
26 persons;

27 (68) "Wrecker" or "tow truck", any emergency commercial
28 vehicle equipped, designed and used to assist or render aid and

1 transport or tow disabled or wrecked vehicles from a highway,
2 road, street or highway rights-of-way to a point of storage or
3 repair, including towing a replacement vehicle to replace a
4 disabled or wrecked vehicle;

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

10 301.700. All-terrain vehicles shall be treated in the same
11 manner as motor vehicles, pursuant to this chapter, for the
12 purposes of transfer, titling, perfection of liens and
13 encumbrances, and the collection of all taxes, fees and other
14 charges. Funds collected by the department of revenue pursuant
15 to sections 301.700 to 301.714 shall be deposited by the director
16 in the state treasury to the credit of the general revenue fund.
17 An applicant that purchases a used all-terrain vehicle after
18 August 28, 2014, that was defined as a utility or recreation off-
19 highway vehicle prior to August 28, 2014, may present a notarized
20 bill of sale as evidence of lawful ownership when a certificate
21 of title has not been issued for such all-terrain vehicle.

22 578.120. 1. Notwithstanding any provision in this chapter
23 to the contrary, no dealer, distributor or manufacturer licensed
24 under section 301.559 may keep open, operate, or assist in
25 keeping open or operating any established place of business for
26 the purpose of buying, selling, bartering or exchanging, or
27 offering for sale, barter or exchange, any motor vehicle, whether
28 new or used, on Sunday. However, this section does not apply to

1 the sale of manufactured housing; the sale of recreational motor
2 vehicles; the sale of motorcycles as that term is defined in
3 section 301.010; the sale of motortricycles, motorized bicycles,
4 all-terrain vehicles, recreational off-highway vehicles, utility
5 vehicles, personal watercraft, or other motorized vehicles
6 customarily sold by powersports dealers licensed pursuant to
7 sections 301.550 to 301.560; washing, towing, wrecking or
8 repairing operations; the sale of petroleum products, tires, and
9 repair parts and accessories; or new vehicle shows or displays
10 participated in by five or more franchised dealers or in towns or
11 cities with five or fewer dealers, a majority.

12 2. No association consisting of motor vehicle dealers,
13 distributors or manufacturers licensed under section 301.559
14 shall be in violation of antitrust or restraint of trade statutes
15 under chapter 416 or regulation promulgated thereunder solely
16 because it encourages its members not to open or operate on
17 Sunday a place of business for the purpose of buying, selling,
18 bartering or exchanging any motor vehicle.

19 3. Any person who violates the provisions of this section
20 shall be guilty of a class C misdemeanor.