

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 707**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on Transportation and Infrastructure, March 13, 2014, with recommendation that the Senate Committee Substitute do pass.

4810S.04C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal section 301.010, RSMo, and to enact in lieu thereof one new section relating to off-highway motorized vehicles.

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

Section A. Section 301.010, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 301.010, to read as follows:

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

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

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

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

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

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

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

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

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

150 (34) "Motor vehicle primarily for business use", any vehicle other than a  
151 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor  
152 vehicle licensed for over twelve thousand pounds:

153 (a) Offered for hire or lease; or

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

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

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

161 (37) "Motortricycle", a motor vehicle operated on three wheels, including  
162 a motorcycle while operated with any conveyance, temporary or otherwise,

163 requiring the use of a third wheel. A motortricycle shall not be included in the  
164 definition of all-terrain vehicle;

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

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

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

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

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

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

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

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

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

195 (47) "Recreational off-highway vehicle", any motorized vehicle  
196 manufactured and used exclusively for off-highway use which is **[sixty-four] more**  
197 **than fifty inches [or] but less than sixty-seven inches** in width, with an  
198 unladen dry weight of two thousand pounds or less, traveling on four or more

199 nonhighway tires[, with a nonstraddle seat, and steering wheel,] **and** which may  
200 have access to ATV trails;

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

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

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

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

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

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

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

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

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

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

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

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

244 (52) "School bus", any motor vehicle used solely to transport students to  
245 or from school or to transport students to or from any place for educational  
246 purposes;

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

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

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

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



271 vehicle includes kit vehicles;

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

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

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

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

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

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

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

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

307 (65) "Utility vehicle", any motorized vehicle manufactured and used  
308 exclusively for off-highway use which is [sixty-three] **more than fifty** inches [or  
309 less] **but no more than sixty-seven inches** in width, with an unladen dry  
310 weight of [one] **two** thousand [eight hundred fifty] pounds or less, traveling on  
311 four or six wheels, to be used primarily for landscaping, lawn care, or  
312 maintenance purposes;

313 (66) "Vanpool", any van or other motor vehicle used or maintained by any  
314 person, group, firm, corporation, association, city, county or state agency, or any  
315 member thereof, for the transportation of not less than eight nor more than  
316 forty-eight employees, per motor vehicle, to and from their place of employment;  
317 however, a vanpool shall not be included in the definition of the term bus or  
318 commercial motor vehicle as defined by subdivisions (6) and (7) of this section,  
319 nor shall a vanpool driver be deemed a chauffeur as that term is defined by  
320 section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements,  
321 recreational, personal, or maintenance uses constitute an unlicensed use of the  
322 motor vehicle, unless used for monetary profit other than for use in a ride-sharing  
323 arrangement;

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

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

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

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