

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 399
99TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, Infrastructure and Public Safety, March 15, 2017, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted April 6, 2017.

Taken up April 6, 2017. Read 3rd time and placed upon its final passage; bill passed.

ADRIANE D. CROUSE, Secretary.

1725S.02P

AN ACT

To repeal sections 287.020, 287.040, 288.035, 301.010, 301.031, 301.227, 301.550, 304.170, 304.180, and 407.816, RSMo, and to enact in lieu thereof ten new sections relating to vehicle composition requirements.

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

Section A. Sections 287.020, 287.040, 288.035, 301.010, 301.031, 301.227, 2 301.550, 304.170, 304.180, and 407.816, RSMo, is repealed and ten new sections 3 enacted in lieu thereof, to be known as sections 287.020, 287.040, 288.035, 4 301.010, 301.031, 301.227, 301.550, 304.170, 304.180, and 407.816, to read as 5 follows:

287.020. 1. The word "employee" as used in this chapter shall be 2 construed to mean every person in the service of any employer, as defined in this 3 chapter, under any contract of hire, express or implied, oral or written, or under 4 any appointment or election, including executive officers of corporations. Except 5 as otherwise provided in section 287.200, any reference to any employee who has 6 been injured shall, when the employee is dead, also include his dependents, and 7 other persons to whom compensation may be payable. The word "employee" shall 8 also include all minors who work for an employer, whether or not such minors are 9 employed in violation of law, and all such minors are hereby made of full age for 10 all purposes under, in connection with, or arising out of this chapter. The word 11 "employee" shall not include an individual who is the owner, as defined in 12 [subdivision (42) of] section 301.010, and operator of a motor vehicle which is

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

13 leased or contracted with a driver to a for-hire motor carrier operating within a
14 commercial zone as defined in section 390.020 or 390.041, or operating under a
15 certificate issued by the Missouri department of transportation or by the United
16 States Department of Transportation, or any of its subagencies. The word
17 "employee" also shall not include any person performing services for board,
18 lodging, aid, or sustenance received from any religious, charitable, or relief
19 organization.

20 2. The word "accident" as used in this chapter shall mean an unexpected
21 traumatic event or unusual strain identifiable by time and place of occurrence
22 and producing at the time objective symptoms of an injury caused by a specific
23 event during a single work shift. An injury is not compensable because work was
24 a triggering or precipitating factor.

25 3. (1) In this chapter the term "injury" is hereby defined to be an injury
26 which has arisen out of and in the course of employment. An injury by accident
27 is compensable only if the accident was the prevailing factor in causing both the
28 resulting medical condition and disability. "The prevailing factor" is defined to
29 be the primary factor, in relation to any other factor, causing both the resulting
30 medical condition and disability.

31 (2) An injury shall be deemed to arise out of and in the course of the
32 employment only if:

33 (a) It is reasonably apparent, upon consideration of all the circumstances,
34 that the accident is the prevailing factor in causing the injury; and

35 (b) It does not come from a hazard or risk unrelated to the employment
36 to which workers would have been equally exposed outside of and unrelated to the
37 employment in normal nonemployment life.

38 (3) An injury resulting directly or indirectly from idiopathic causes is not
39 compensable.

40 (4) A cardiovascular, pulmonary, respiratory, or other disease, or
41 cerebrovascular accident or myocardial infarction suffered by a worker is an
42 injury only if the accident is the prevailing factor in causing the resulting medical
43 condition.

44 (5) The terms "injury" and "personal injuries" shall mean violence to the
45 physical structure of the body and to the personal property which is used to make
46 up the physical structure of the body, such as artificial dentures, artificial limbs,
47 glass eyes, eyeglasses, and other prostheses which are placed in or on the body
48 to replace the physical structure and such disease or infection as naturally results

49 therefrom. These terms shall in no case except as specifically provided in this
50 chapter be construed to include occupational disease in any form, nor shall they
51 be construed to include any contagious or infectious disease contracted during the
52 course of the employment, nor shall they include death due to natural causes
53 occurring while the worker is at work.

54 4. "Death" when mentioned as a basis for the right to compensation means
55 only death resulting from such violence and its resultant effects occurring within
56 three hundred weeks after the accident; except that in cases of occupational
57 disease, the limitation of three hundred weeks shall not be applicable.

58 5. Injuries sustained in company-owned or subsidized automobiles in
59 accidents that occur while traveling from the employee's home to the employer's
60 principal place of business or from the employer's principal place of business to
61 the employee's home are not compensable. The extension of premises doctrine is
62 abrogated to the extent it extends liability for accidents that occur on property
63 not owned or controlled by the employer even if the accident occurs on customary,
64 approved, permitted, usual or accepted routes used by the employee to get to and
65 from their place of employment.

66 6. The term "total disability" as used in this chapter shall mean inability
67 to return to any employment and not merely mean inability to return to the
68 employment in which the employee was engaged at the time of the accident.

69 7. As used in this chapter and all acts amendatory thereof, the term
70 "commission" shall hereafter be construed as meaning and referring exclusively
71 to the labor and industrial relations commission of Missouri, and the term
72 "director" shall hereafter be construed as meaning the director of the department
73 of insurance, financial institutions and professional registration of the state of
74 Missouri or such agency of government as shall exercise the powers and duties
75 now conferred and imposed upon the department of insurance, financial
76 institutions and professional registration of the state of Missouri.

77 8. The term "division" as used in this chapter means the division of
78 workers' compensation of the department of labor and industrial relations of the
79 state of Missouri.

80 9. For the purposes of this chapter, the term "minor" means a person who
81 has not attained the age of eighteen years; except that, for the purpose of
82 computing the compensation provided for in this chapter, the provisions of section
83 287.250 shall control.

84 10. In applying the provisions of this chapter, it is the intent of the

85 legislature to reject and abrogate earlier case law interpretations on the meaning
86 of or definition of "accident", "occupational disease", "arising out of", and "in the
87 course of the employment" to include, but not be limited to, holdings in: Bennett
88 v. Columbia Health Care and Rehabilitation, 80 S.W.3d 524 (Mo.App. W.D. 2002);
89 Kasl v. Bristol Care, Inc., 984 S.W.2d 852 (Mo.banc 1999); and Drewes v. TWA,
90 984 S.W.2d 512 (Mo.banc 1999) and all cases citing, interpreting, applying, or
91 following those cases.

92 11. For the purposes of this chapter, "occupational diseases due to toxic
93 exposure" shall only include the following: mesothelioma, asbestosis, berylliosis,
94 coal worker's pneumoconiosis, bronchiolitis obliterans, silicosis, silicotuberculosis,
95 manganism, acute myelogenous leukemia, and myelodysplastic syndrome.

287.040. 1. Any person who has work done under contract on or about his
2 premises which is an operation of the usual business which he there carries on
3 shall be deemed an employer and shall be liable under this chapter to such
4 contractor, his subcontractors, and their employees, when injured or killed on or
5 about the premises of the employer while doing work which is in the usual course
6 of his business.

7 2. The provisions of this section shall not apply to the owner of premises
8 upon which improvements are being erected, demolished, altered or repaired by
9 an independent contractor but such independent contractor shall be deemed to
10 be the employer of the employees of his subcontractors and their subcontractors
11 when employed on or about the premises where the principal contractor is doing
12 work.

13 3. In all cases mentioned in the preceding subsections, the immediate
14 contractor or subcontractor shall be liable as an employer of the employees of his
15 subcontractors. All persons so liable may be made parties to the proceedings on
16 the application of any party. The liability of the immediate employer shall be
17 primary, and that of the others secondary in their order, and any compensation
18 paid by those secondarily liable may be recovered from those primarily liable,
19 with attorney's fees and expenses of the suit. Such recovery may be had on
20 motion in the original proceedings. No such employer shall be liable as in this
21 section provided, if the employee was insured by his immediate or any
22 intermediate employer.

23 4. The provisions of this section shall not apply to the relationship
24 between a for-hire motor carrier operating within a commercial zone as defined
25 in section 390.020 or 390.041 or operating under a certificate issued by the

26 Missouri department of transportation or by the United States Department of
27 Transportation, or any of its subagencies, and an owner, as defined in
28 [subdivision (42) of] section 301.010, and operator of a motor vehicle.

288.035. Notwithstanding the provisions of section 288.034, in the case
2 of an individual who is the owner, as defined in [subdivision (42) of] section
3 301.010, and operator of a motor vehicle which is leased or contracted with a
4 driver to a for-hire common or contract motor vehicle carrier operating within a
5 commercial zone as defined in section 390.020 or 390.041, or operating under a
6 certificate issued by the Missouri department of transportation or by the United
7 States Department of Transportation or any of its subagencies, such
8 owner/operator shall not be deemed to be an employee, provided, however, such
9 individual owner and operator shall be deemed to be in employment if the for-hire
10 common or contract vehicle carrier is an organization described in Section
11 501(c)(3) of the Internal Revenue Code or any governmental entity.

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;

7 (2) "Automobile transporter", any vehicle combination **capable of**
8 **carrying cargo on the power unit** designed and used [specifically] for the
9 transport of assembled motor vehicles, **including truck camper units**;

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

13 (4) "**Backhaul**", **the return trip of a vehicle transporting cargo or**
14 **general freight, especially when carrying goods back over all or part of**
15 **the same route**;

16 (5) "Boat transporter", any vehicle combination **capable of carrying**
17 **cargo on the power unit and** designed and used specifically to transport
18 assembled boats and boat hulls. **Boats may be partially disassembled to**
19 **facilitate transporting**;

20 [(5)] (6) "Body shop", a business that repairs physical damage on motor
21 vehicles that are not owned by the shop or its officers or employees by mending,
22 straightening, replacing body parts, or painting;

23 [(6)] (7) "Bus", a motor vehicle primarily for the transportation of a
24 driver and eight or more passengers but not including shuttle buses;

25 [(7)] (8) "Commercial motor vehicle", a motor vehicle designed or
26 regularly used for carrying freight and merchandise, or more than eight
27 passengers but not including vanpools or shuttle buses;

28 [(8)] (9) "Cotton trailer", a trailer designed and used exclusively for
29 transporting cotton at speeds less than forty miles per hour from field to field or
30 from field to market and return;

31 [(9)] (10) "Dealer", any person, firm, corporation, association, agent or
32 subagent engaged in the sale or exchange of new, used or reconstructed motor
33 vehicles or trailers;

34 [(10)] (11) "Director" or "director of revenue", the director of the
35 department of revenue;

36 [(11)] (12) "Driveaway operation":

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

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

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

52 [(12)] (13) "Dromedary", a box, deck, or plate mounted behind the cab
53 and forward of the fifth wheel on the frame of the power unit of a truck
54 tractor-semitrailer combination. A truck tractor equipped with a dromedary may
55 carry part of a load when operating independently or in a combination with a
56 semitrailer;

57 [(13)] (14) "Farm tractor", a tractor used exclusively for agricultural
58 purposes;

59 [(14)] (15) "Fleet", any group of ten or more motor vehicles owned by the
60 same owner;

61 [(15)] (16) "Fleet vehicle", a motor vehicle which is included as part of
62 a fleet;

63 [(16)] (17) "Fullmount", a vehicle mounted completely on the frame of
64 either the first or last vehicle in a saddlemount combination;

65 [(17)] (18) "Gross weight", the weight of vehicle and/or vehicle
66 combination without load, plus the weight of any load thereon;

67 [(18)] (19) "Hail-damaged vehicle", any vehicle, the body of which has
68 become dented as the result of the impact of hail;

69 [(19)] (20) "Highway", any public thoroughfare for vehicles, including
70 state roads, county roads and public streets, avenues, boulevards, parkways or
71 alleys in any municipality;

72 [(20)] (21) "Improved highway", a highway which has been paved with
73 gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that
74 it shall have a hard, smooth surface;

75 [(21)] (22) "Intersecting highway", any highway which joins another,
76 whether or not it crosses the same;

77 [(22)] (23) "Junk vehicle", a vehicle which:

78 (a) Is incapable of operation or use upon the highways and has no resale
79 value except as a source of parts or scrap; or

80 (b) Has been designated as junk or a substantially equivalent designation
81 by this state or any other state;

82 [(23)] (24) "Kit vehicle", a motor vehicle assembled by a person other
83 than a generally recognized manufacturer of motor vehicles by the use of a glider
84 kit or replica purchased from an authorized manufacturer and accompanied by
85 a manufacturer's statement of origin;

86 [(24)] (25) "Land improvement contractors' commercial motor vehicle",
87 any not-for-hire commercial motor vehicle the operation of which is confined to:

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

93 (b) An area that extends not more than a radius of fifty miles from its
94 home base of operations when transporting its owner's machinery, equipment, or

95 auxiliary supplies to or from projects not involving soil and water
96 conservation. Nothing in this subdivision shall be construed to prevent any motor
97 vehicle from being registered as a commercial motor vehicle or local commercial
98 motor vehicle;

99 [(25)] **(26)** "Local commercial motor vehicle", a commercial motor vehicle
100 whose operations are confined solely to a municipality and that area extending
101 not more than fifty miles therefrom, or a commercial motor vehicle whose
102 property-carrying operations are confined solely to the transportation of property
103 owned by any person who is the owner or operator of such vehicle to or from a
104 farm owned by such person or under the person's control by virtue of a landlord
105 and tenant lease; provided that any such property transported to any such farm
106 is for use in the operation of such farm;

107 [(26)] **(27)** "Local log truck", a commercial motor vehicle which is
108 registered pursuant to this chapter to operate as a motor vehicle on the public
109 highways of this state, used exclusively in this state, used to transport harvested
110 forest products, operated solely at a forested site and in an area extending not
111 more than a one hundred-mile radius from such site, carries a load with
112 dimensions not in excess of twenty-five cubic yards per two axles with dual
113 wheels, and when operated on the national system of interstate and defense
114 highways described in 23 U.S.C. Section 103, as amended, such vehicle shall not
115 exceed the weight limits of section 304.180, does not have more than four axles,
116 and does not pull a trailer which has more than two axles. Harvesting equipment
117 which is used specifically for cutting, felling, trimming, delimiting, debarking,
118 chipping, skidding, loading, unloading, and stacking may be transported on a
119 local log truck. A local log truck may not exceed the limits required by law,
120 however, if the truck does exceed such limits as determined by the inspecting
121 officer, then notwithstanding any other provisions of law to the contrary, such
122 truck shall be subject to the weight limits required by such sections as licensed
123 for eighty thousand pounds;

124 [(27)] **(28)** "Local log truck tractor", a commercial motor vehicle which is
125 registered under this chapter to operate as a motor vehicle on the public
126 highways of this state, used exclusively in this state, used to transport harvested
127 forest products, operated solely at a forested site and in an area extending not
128 more than a one hundred-mile radius from such site, operates with a weight not
129 exceeding twenty-two thousand four hundred pounds on one axle or with a weight
130 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and

131 when operated on the national system of interstate and defense highways
132 described in [Title 23, Section 103(e) of the United States Code] **23 U.S.C.**
133 **Section 103, as amended**, such vehicle does not exceed the weight limits
134 contained in section 304.180, and does not have more than three axles and does
135 not pull a trailer which has more than two axles. Violations of axle weight
136 limitations shall be subject to the load limit penalty as described for in sections
137 304.180 to 304.220;

138 [(28)] **(29)** "Local transit bus", a bus whose operations are confined
139 wholly within a municipal corporation, or wholly within a municipal corporation
140 and a commercial zone, as defined in section 390.020, adjacent thereto, forming
141 a part of a public transportation system within such municipal corporation and
142 such municipal corporation and adjacent commercial zone;

143 [(29)] **(30)** "Log truck", a vehicle which is not a local log truck or local log
144 truck tractor and is used exclusively to transport harvested forest products to and
145 from forested sites which is registered pursuant to this chapter to operate as a
146 motor vehicle on the public highways of this state for the transportation of
147 harvested forest products;

148 [(30)] **(31)** "Major component parts", the rear clip, cowl, frame, body, cab,
149 front-end assembly, and front clip, as those terms are defined by the director of
150 revenue pursuant to rules and regulations or by illustrations;

151 [(31)] **(32)** "Manufacturer", any person, firm, corporation or association
152 engaged in the business of manufacturing or assembling motor vehicles, trailers
153 or vessels for sale;

154 [(32)] **(33)** "Motor change vehicle", a vehicle manufactured prior to
155 August, 1957, which receives a new, rebuilt or used engine, and which used the
156 number stamped on the original engine as the vehicle identification number;

157 [(33)] **(34)** "Motor vehicle", any self-propelled vehicle not operated
158 exclusively upon tracks, except farm tractors;

159 [(34)] **(35)** "Motor vehicle primarily for business use", any vehicle other
160 than a recreational motor vehicle, motorcycle, motortricycle, or any commercial
161 motor vehicle licensed for over twelve thousand pounds:

162 (a) Offered for hire or lease; or

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

164 [(35)] **(36)** "Motorcycle", a motor vehicle operated on two wheels;

165 [(36)] **(37)** "Motorized bicycle", any two-wheeled or three-wheeled device
166 having an automatic transmission and a motor with a cylinder capacity of not

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

170 [(37)] (38) "Motortricycle", a motor vehicle operated on three wheels,
171 including a motorcycle while operated with any conveyance, temporary or
172 otherwise, requiring the use of a third wheel. A motortricycle shall not be
173 included in the definition of all-terrain vehicle;

174 [(38)] (39) "Municipality", any city, town or village, whether incorporated
175 or not;

176 [(39)] (40) "Nonresident", a resident of a state or country other than the
177 state of Missouri;

178 [(40)] (41) "Non-USA-std motor vehicle", a motor vehicle not originally
179 manufactured in compliance with United States emissions or safety standards;

180 [(41)] (42) "Operator", any person who operates or drives a motor vehicle;

181 [(42)] (43) "Owner", any person, firm, corporation or association, who
182 holds the legal title to a vehicle or in the event a vehicle is the subject of an
183 agreement for the conditional sale or lease thereof with the right of purchase
184 upon performance of the conditions stated in the agreement and with an
185 immediate right of possession vested in the conditional vendee or lessee, or in the
186 event a mortgagor of a vehicle is entitled to possession, then such conditional
187 vendee or lessee or mortgagor shall be deemed the owner for the purpose of this
188 [law] **subdivision**;

189 [(43)] (44) "Public garage", a place of business where motor vehicles are
190 housed, stored, repaired, reconstructed or repainted for persons other than the
191 owners or operators of such place of business;

192 [(44)] (45) "Rebuilder", a business that repairs or rebuilds motor vehicles
193 owned by the rebuilder, but does not include certificated common or contract
194 carriers of persons or property;

195 [(45)] (46) "Reconstructed motor vehicle", a vehicle that is altered from
196 its original construction by the addition or substitution of two or more new or
197 used major component parts, excluding motor vehicles made from all new parts,
198 and new multistage manufactured vehicles;

199 [(46)] (47) "Recreational motor vehicle", any motor vehicle designed,
200 constructed or substantially modified so that it may be used and is used for the
201 purposes of temporary housing quarters, including therein sleeping and eating
202 facilities which are either permanently attached to the motor vehicle or attached

203 to a unit which is securely attached to the motor vehicle. Nothing herein shall
204 prevent any motor vehicle from being registered as a commercial motor vehicle
205 if the motor vehicle could otherwise be so registered;

206 [(47)] **(48)** "Recreational off-highway vehicle", any motorized vehicle
207 manufactured and used exclusively for off-highway use which is more than fifty
208 inches but no more than sixty-seven inches in width, with an unladen dry weight
209 of two thousand pounds or less, traveling on four or more nonhighway tires and
210 which may have access to ATV trails;

211 [(48)] **(49)** "Rollback or car carrier", any vehicle specifically designed to
212 transport wrecked, disabled or otherwise inoperable vehicles, when the
213 transportation is directly connected to a wrecker or towing service;

214 [(49)] **(50)** "Saddlemount combination", a combination of vehicles in
215 which a truck or truck tractor tows one or more trucks or truck tractors, each
216 connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The
217 "saddle" is a mechanism that connects the front axle of the towed vehicle to the
218 frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
219 connection. When two vehicles are towed in this manner the combination is
220 called a "double saddlemount combination". When three vehicles are towed in
221 this manner, the combination is called a "triple saddlemount combination";

222 [(50)] **(51)** "Salvage dealer and dismantler", a business that dismantles
223 used motor vehicles for the sale of the parts thereof, and buys and sells used
224 motor vehicle parts and accessories;

225 [(51)] **(52)** "Salvage vehicle", a motor vehicle, semitrailer, or house trailer
226 which:

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

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

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

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

239 (e) Is abandoned property which is titled pursuant to section 304.155 or
240 section [304.157] **304.156** and designated with the words "salvage/abandoned
241 property". The total cost of repairs to rebuild or reconstruct the vehicle shall not
242 include the cost of repairing, replacing, or reinstalling inflatable safety restraints,
243 tires, sound systems, or damage as a result of hail, or any sales tax on parts or
244 materials to rebuild or reconstruct the vehicle. For purposes of this definition,
245 "fair market value" means the retail value of a motor vehicle as:

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

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

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

255 [(52)] **(53)** "School bus", any motor vehicle used solely to transport
256 students to or from school or to transport students to or from any place for
257 educational purposes;

258 [(53)] **(54)** "Scrap processor", a business that, through the use of fixed or
259 mobile equipment, flattens, crushes, or otherwise accepts motor vehicles and
260 vehicle parts for processing or transportation to a shredder or scrap metal
261 operator for recycling;

262 [(54)] **(55)** "Shuttle bus", a motor vehicle used or maintained by any
263 person, firm, or corporation as an incidental service to transport patrons or
264 customers of the regular business of such person, firm, or corporation to and from
265 the place of business of the person, firm, or corporation providing the service at
266 no fee or charge. Shuttle buses shall not be registered as buses or as commercial
267 motor vehicles;

268 [(55)] **(56)** "Special mobile equipment", every self-propelled vehicle not
269 designed or used primarily for the transportation of persons or property and
270 incidentally operated or moved over the highways, including farm equipment,
271 implements of husbandry, road construction or maintenance machinery,
272 ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes,
273 graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
274 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished

275 machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers,
276 drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This
277 enumeration shall be deemed partial and shall not operate to exclude other such
278 vehicles which are within the general terms of this section;

279 [(56)] **(57)** "Specially constructed motor vehicle", a motor vehicle which
280 shall not have been originally constructed under a distinctive name, make, model
281 or type by a manufacturer of motor vehicles. The term specially constructed
282 motor vehicle includes kit vehicles;

283 [(57)] **(58)** "Stinger-steered combination", a truck tractor-semitrailer
284 wherein the fifth wheel is located on a drop frame located behind and below the
285 rearmost axle of the power unit;

286 [(58)] **(59)** "Tandem axle", a group of two or more axles, arranged one
287 behind another, the distance between the extremes of which is more than forty
288 inches and not more than ninety-six inches apart;

289 [(59)] **(60)** "Towaway trailer transporter combination", a
290 **combination of vehicles consisting of a trailer transporter towing unit**
291 **and two trailers or semitrailers, with a total weight that does not**
292 **exceed twenty-six thousand pounds; and in which the trailers or**
293 **semitrailers carry no property and constitute inventory property of a**
294 **manufacturer, distributor, or dealer of such trailers or semitrailers;**

295 **(61)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor
296 vehicle designed for drawing other vehicles, but not for the carriage of any load
297 when operating independently. When attached to a semitrailer, it supports a part
298 of the weight thereof;

299 [(60)] **(62)** "Trailer", any vehicle without motive power designed for
300 carrying property or passengers on its own structure and for being drawn by a
301 self-propelled vehicle, except those running exclusively on tracks, including a
302 semitrailer or vehicle of the trailer type so designed and used in conjunction with
303 a self-propelled vehicle that a considerable part of its own weight rests upon and
304 is carried by the towing vehicle. The term trailer shall not include cotton trailers
305 as defined in subdivision (8) of this section and shall not include manufactured
306 homes as defined in section 700.010;

307 [(61)] **(63)** "Trailer transporter towing unit", a power unit that is
308 **not used to carry property when operating in a towaway trailer**
309 **transporter combination;**

310 **(64)** "Truck", a motor vehicle designed, used, or maintained for the

311 transportation of property;

312 [(62)] **(65)** "Truck-tractor semitrailer-semitrailer", a combination vehicle
313 in which the two trailing units are connected with a B-train assembly which is
314 a rigid frame extension attached to the rear frame of a first semitrailer which
315 allows for a fifth-wheel connection point for the second semitrailer and has one
316 less articulation point than the conventional A-dolly connected truck-tractor
317 semitrailer-trailer combination;

318 [(63)] **(66)** "Truck-trailer boat transporter combination", a boat
319 transporter combination consisting of a straight truck towing a trailer using
320 typically a ball and socket connection with the trailer axle located substantially
321 at the trailer center of gravity rather than the rear of the trailer but so as to
322 maintain a downward force on the trailer tongue;

323 [(64)] **(67)** "Used parts dealer", a business that buys and sells used motor
324 vehicle parts or accessories, but not including a business that sells only new,
325 remanufactured or rebuilt parts. Business does not include isolated sales at a
326 swap meet of less than three days;

327 [(65)] **(68)** "Utility vehicle", any motorized vehicle manufactured and
328 used exclusively for off-highway use which is more than fifty inches but no more
329 than sixty-seven inches in width, with an unladen dry weight of two thousand
330 pounds or less, traveling on four or six wheels, to be used primarily for
331 landscaping, lawn care, or maintenance purposes;

332 [(66)] **(69)** "Vanpool", any van or other motor vehicle used or maintained
333 by any person, group, firm, corporation, association, city, county or state agency,
334 or any member thereof, for the transportation of not less than eight nor more
335 than forty-eight employees, per motor vehicle, to and from their place of
336 employment; however, a vanpool shall not be included in the definition of the
337 term bus or commercial motor vehicle as defined by subdivisions [(6)] **(7)** and
338 [(7)] **(8)** of this section, nor shall a vanpool driver be deemed a chauffeur as that
339 term is defined by section 303.020; nor shall use of a vanpool vehicle for
340 ride-sharing arrangements, recreational, personal, or maintenance uses constitute
341 an unlicensed use of the motor vehicle, unless used for monetary profit other than
342 for use in a ride-sharing arrangement;

343 [(67)] **(70)** "Vehicle", any mechanical device on wheels, designed
344 primarily for use, or used, on highways, except motorized bicycles, vehicles
345 propelled or drawn by horses or human power, or vehicles used exclusively on
346 fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by

347 handicapped persons;

348 [(68)] (71) "Wrecker" or "tow truck", any emergency commercial vehicle
349 equipped, designed and used to assist or render aid and transport or tow disabled
350 or wrecked vehicles from a highway, road, street or highway rights-of-way to a
351 point of storage or repair, including towing a replacement vehicle to replace a
352 disabled or wrecked vehicle;

353 [(69)] (72) "Wrecker or towing service", the act of transporting, towing
354 or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not
355 owned by the operator of the wrecker, tow truck, rollback or car carrier for which
356 the operator directly or indirectly receives compensation or other personal gain.

301.031. Notwithstanding the twenty-five mile operations limit imposed
2 in [subdivision (24) of] section 301.010 upon local commercial motor vehicles, a
3 local commercial motor vehicle licensed for forty-eight thousand pounds gross
4 weight and above may be used to haul solid waste as defined in section 260.200
5 up to sixty miles from the municipality in which its operations are otherwise
6 confined and still be eligible to register as a local commercial motor vehicle.

301.227. 1. Whenever a vehicle is sold for salvage, dismantling or
2 rebuilding, the purchaser shall forward to the director of revenue within ten days
3 the certificate of ownership or salvage certificate of title and the proper
4 application and fee of eight dollars and fifty cents, and the director shall issue a
5 negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On
6 vehicles purchased during a year that is no more than six years after the
7 manufacturer's model year designation for such vehicle, it shall be mandatory
8 that the purchaser apply for a salvage title. On vehicles purchased during a year
9 that is more than six years after the manufacturer's model year designation for
10 such vehicle, then application for a salvage title shall be optional on the part of
11 the purchaser. Whenever a vehicle is sold for destruction and a salvage
12 certificate of title, junking certificate, or certificate of ownership exists, the seller,
13 if licensed under sections 301.217 to 301.221, shall forward the certificate to the
14 director of revenue within ten days, with the notation of the date sold for
15 destruction and the name of the purchaser clearly shown on the face of the
16 certificate.

17 2. Whenever a vehicle is classified as "junk", as defined in section 301.010,
18 the purchaser may forward to the director of revenue a properly completed
19 application for a junking certificate as well as the salvage certificate of title or
20 certificate of ownership and the director shall issue a negotiable junking

21 certificate to the purchaser of the vehicle. The director may also issue a junking
22 certificate to a possessor of a vehicle manufactured twenty-six years or more prior
23 to the current model year who has a bill of sale for said vehicle but does not
24 possess a certificate of ownership, provided no claim of theft has been made on
25 the vehicle and the highway patrol has by letter stated the vehicle is not listed
26 as stolen after checking the registration number through its nationwide computer
27 system. Such junking certificate may be granted within thirty days of the
28 submission of a request. A junking certificate shall authorize the holder to
29 possess, transport, or, by assignment, transfer ownership in such parts, scrap, or
30 junk.

31 3. For any vehicle issued a junking certificate or such similar document
32 or classification pursuant to the laws of another state, regardless of whether such
33 designation has been subsequently changed by law in any other state, the
34 department shall only issue a junking certificate, and a salvage certificate of title
35 or original certificate of ownership shall not thereafter be issued for such
36 vehicle. Notwithstanding the provisions of this subsection, if the vehicle has not
37 previously been classified as a junk vehicle, the applicant making the original
38 junking certification application shall, within ninety days, be allowed to rescind
39 his application for a junking certificate by surrendering the junking certificate
40 and apply for a salvage certificate of title in his name. The seller of a vehicle for
41 which a junking certificate has been applied for or issued shall disclose such fact
42 in writing to any prospective buyers before sale of such vehicle; otherwise the sale
43 shall be voidable at the option of the buyer.

44 4. No scrap metal operator shall acquire or purchase a motor vehicle or
45 parts thereof without, at the time of such acquisition, receiving the original
46 certificate of ownership or salvage certificate of title or junking certificate from
47 the seller of the vehicle or parts, unless the seller is a licensee under sections
48 301.219 to 301.221.

49 5. All titles and certificates required to be received by scrap metal
50 operators from nonlicensees shall be forwarded by the operator to the director of
51 revenue within ten days of the receipt of the vehicle or parts.

52 6. The scrap metal operator shall keep a record, for three years, of the
53 seller's name and address, the salvage business license number of the licensee,
54 date of purchase, and any vehicle or parts identification numbers open for
55 inspection as provided in section 301.225.

56 7. Notwithstanding any other provision of this section, a motor vehicle

57 dealer as defined in section 301.550 and licensed under the provisions of sections
58 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title
59 on the back thereof.

60 8. Notwithstanding the provisions of subsection 1 of this section, an
61 insurance company which settles a claim for a stolen vehicle may apply for and
62 shall be issued a negotiable salvage certificate of title without the payment of any
63 fee upon proper application within thirty days after settlement of the claim for
64 such stolen vehicle. However, if the insurance company upon recovery of a stolen
65 vehicle determines that the stolen vehicle has not sustained damage to the extent
66 that the vehicle would have otherwise been declared a salvage vehicle pursuant
67 to [subdivision (51) of] section 301.010, then the insurance company may have the
68 vehicle inspected by the Missouri state highway patrol, or other law enforcement
69 agency authorized by the director of revenue, in accordance with the inspection
70 provisions of subsection 9 of section 301.190. Upon receipt of title application,
71 applicable fee, the completed inspection, and the return of any previously issued
72 negotiable salvage certificate, the director shall issue an original title with no
73 salvage or prior salvage designation. Upon the issuance of an original title the
74 director shall remove any indication of the negotiable salvage title previously
75 issued to the insurance company from the department's electronic records.

76 9. Notwithstanding subsection 4 of this section or any other provision of
77 the law to the contrary, if a motor vehicle is inoperable and is at least ten model
78 years old, or the parts are from a motor vehicle that is inoperable and is at least
79 ten model years old, a scrap metal operator may purchase or acquire such motor
80 vehicle or parts without receiving the original certificate of ownership, salvage
81 certificate of title, or junking certificate from the seller of the vehicle or parts,
82 provided the scrap metal operator verifies with the department of revenue, via
83 the department's online record access, that the motor vehicle is not subject to any
84 recorded security interest or lien and the scrap metal operator complies with the
85 requirements of this subsection. In lieu of forwarding certificates of title or
86 ownership for such motor vehicles as required by subsection 5 of this section, the
87 scrap metal operator shall forward a copy of the seller's state identification along
88 with a bill of sale to the department of revenue. The bill of sale form shall be
89 designed by the director and such form shall include, but not be limited to, a
90 certification that the motor vehicle is at least ten model years old, is inoperable,
91 is not subject to any recorded security interest or lien, and a certification by the
92 seller that the seller has the legal authority to sell or otherwise transfer the

93 seller's interest in the motor vehicle or parts. Upon receipt of the information
94 required by this subsection, the department of revenue shall cancel any certificate
95 of title or ownership and registration for the motor vehicle. If the motor vehicle
96 is inoperable and at least twenty model years old, then the scrap metal operator
97 shall not be required to verify with the department of revenue whether the motor
98 vehicle is subject to any recorded security interests or liens. As used in this
99 subsection, the term "inoperable" means a motor vehicle that is in a rusted,
100 wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically
101 inoperative condition and the vehicle's highest and best use is for scrap
102 purposes. The director of the department of revenue is directed to promulgate
103 rules and regulations to implement and administer the provisions of this section,
104 including but not limited to, the development of a uniform bill of sale. Any rule
105 or portion of a rule, as that term is defined in section 536.010, that is created
106 under the authority delegated in this section shall become effective only if it
107 complies with and is subject to all of the provisions of chapter 536 and, if
108 applicable, section 536.028. This section and chapter 536 are nonseverable and
109 if any of the powers vested with the general assembly pursuant to chapter 536 to
110 review, to delay the effective date, or to disapprove and annul a rule are
111 subsequently held unconstitutional, then the grant of rulemaking authority and
112 any rule proposed or adopted after August 28, 2012, shall be invalid and void.

301.550. 1. The definitions contained in section 301.010 shall apply to
2 sections 301.550 to 301.573, and in addition as used in sections 301.550 to
3 301.573, the following terms mean:

4 (1) "Boat dealer", any natural person, partnership, or corporation who, for
5 a commission or with an intent to make a profit or gain of money or other thing
6 of value, sells, barter, exchanges, leases or rents with the option to purchase,
7 offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer,
8 whether or not the vessel or vessel trailer is owned by such person. The sale of
9 six or more vessels or vessel trailers or both in any calendar year shall be
10 required as evidence that such person is eligible for licensure as a boat dealer
11 under sections 301.550 to 301.573. The boat dealer shall demonstrate eligibility
12 for renewal of his license by selling six or more vessels or vessel trailers or both
13 in the prior calendar year while licensed as a boat dealer pursuant to sections
14 301.550 to 301.573;

15 (2) "Boat manufacturer", any person engaged in the manufacturing,
16 assembling or modification of new vessels or vessel trailers as a regular business,

17 including a person, partnership or corporation which acts for and is under the
18 control of a manufacturer or assembly in connection with the distribution of
19 vessels or vessel trailers;

20 (3) "Department", the Missouri department of revenue;

21 (4) "Director", the director of the Missouri department of revenue;

22 (5) "Emergency vehicles", motor vehicles used as ambulances, law
23 enforcement vehicles, and fire fighting and assistance vehicles;

24 (6) "Manufacturer", any person engaged in the manufacturing, assembling
25 or modification of new motor vehicles or trailers as a regular business, including
26 a person, partnership or corporation which acts for and is under the control of a
27 manufacturer or assembly in connection with the distribution of motor vehicles
28 or accessories for motor vehicles;

29 (7) "Motor vehicle broker", a person who holds himself out through
30 solicitation, advertisement, or otherwise as one who offers to arrange a
31 transaction involving the retail sale of a motor vehicle, and who is not:

32 (a) A dealer, or any agent, or any employee of a dealer when acting on
33 behalf of a dealer;

34 (b) A manufacturer, or any agent, or employee of a manufacturer when
35 acting on behalf of a manufacturer;

36 (c) The owner of the vehicle involved in the transaction; or

37 (d) A public motor vehicle auction or wholesale motor vehicle auction
38 where buyers are licensed dealers in this or any other jurisdiction;

39 (8) "Motor vehicle dealer" or "dealer", any person who, for commission or
40 with an intent to make a profit or gain of money or other thing of value, sells,
41 barter, exchanges, leases or rents with the option to purchase, or who offers or
42 attempts to sell or negotiates the sale of motor vehicles or trailers whether or not
43 the motor vehicles or trailers are owned by such person; provided, however, an
44 individual auctioneer or auction conducted by an auctioneer licensed pursuant to
45 chapter 343 shall not be included within the definition of a motor vehicle
46 dealer. The sale of six or more motor vehicles or trailers in any calendar year
47 shall be required as evidence that such person is engaged in the motor vehicle
48 business and is eligible for licensure as a motor vehicle dealer under sections
49 301.550 to 301.573. Any motor vehicle dealer licensed before August 28, 2007,
50 shall be required to meet the minimum calendar year sales of six or more motor
51 vehicles provided the dealer can prove the business achieved, cumulatively, six
52 or more sales per year for the preceding twenty-four months in business; or if the

53 dealer has not been in business for twenty-four months, the cumulative
54 equivalent of one sale every two months for the months the dealer has been in
55 business before August 28, 2007. Any licensed motor vehicle dealer failing to
56 meet the minimum vehicle sales requirements as referenced in this subsection
57 shall not be qualified to renew his or her license for one year. Applicants who
58 reapply after the one-year period shall meet the requirement of six sales per year;

59 (9) "New motor vehicle", any motor vehicle being transferred for the first
60 time from a manufacturer, distributor or new vehicle dealer which has not been
61 registered or titled in this state or any other state and which is offered for sale,
62 barter or exchange by a dealer who is franchised to sell, barter or exchange that
63 particular make of motor vehicle. The term "new motor vehicle" shall not include
64 manufactured homes, as defined in section 700.010;

65 (10) "New motor vehicle franchise dealer", any motor vehicle dealer who
66 has been franchised to deal in a certain make of motor vehicle by the
67 manufacturer or distributor of that make and motor vehicle and who may, in line
68 with conducting his business as a franchise dealer, sell, barter or exchange used
69 motor vehicles;

70 (11) "Person" includes an individual, a partnership, corporation, an
71 unincorporated society or association, joint venture or any other entity;

72 (12) "Powersport dealer", any motor vehicle dealer who sells, either
73 pursuant to a franchise agreement or otherwise, primarily motor vehicles
74 including but not limited to motorcycles, all-terrain vehicles, and personal
75 watercraft, as those terms are defined in this chapter and chapter 306;

76 (13) "Public motor vehicle auction", any person, firm or corporation who
77 takes possession of a motor vehicle whether by consignment, bailment or any
78 other arrangement, except by title, for the purpose of selling motor vehicles at a
79 public auction by a licensed auctioneer;

80 (14) "Recreational motor vehicle dealer", a dealer of new or used motor
81 vehicles designed, constructed or substantially modified for use as temporary
82 housing quarters, including sleeping and eating facilities which are either
83 permanently attached to the motor vehicle or attached to a unit which is securely
84 attached to the motor vehicle;

85 (15) "Storage lot", an area within the same city or county where a dealer
86 may store excess vehicle inventory;

87 (16) "Trailer dealer", any person selling, either exclusively or otherwise,
88 trailers as defined in [subdivision (60) of] section 301.010. A trailer dealer may

89 acquire a motor vehicle for resale only as a trade-in for a
90 trailer. Notwithstanding the provisions of [subdivision (11) of] section 301.010
91 and section 301.069, trailer dealers may purchase one driveaway license plate to
92 display such motor vehicle for demonstration purposes. The sale of six or more
93 trailers in any calendar year shall be required as evidence that such person is
94 engaged in the trailer business and is eligible for licensure as a trailer dealer
95 under sections 301.550 to 301.573. Any trailer dealer licensed before August 28,
96 2007, shall be required to meet the minimum calendar year sales of six or more
97 trailers provided the dealer can prove the business achieved, cumulatively, six or
98 more sales per year for the preceding twenty-four months in business; or if the
99 dealer has not been in business for twenty-four months, the cumulative
100 equivalent of one sale every two months for the months the dealer has been in
101 business before August 28, 2007. Any licensed trailer dealer failing to meet the
102 minimum trailer and vehicle sales requirements as referenced in this subsection
103 shall not be qualified to renew his or her license for one year. Applicants who
104 reapply after the one-year period shall meet the requirement of six sales per year;

105 (17) "Used motor vehicle", any motor vehicle which is not a new motor
106 vehicle, as defined in sections 301.550 to 301.573, and which has been sold,
107 bartered, exchanged or given away or which may have had a title issued in this
108 state or any other state, or a motor vehicle so used as to be what is commonly
109 known as a secondhand motor vehicle. In the event of an assignment of the
110 statement of origin from an original franchise dealer to any individual or other
111 motor vehicle dealer other than a new motor vehicle franchise dealer of the same
112 make, the vehicle so assigned shall be deemed to be a used motor vehicle and a
113 certificate of ownership shall be obtained in the assignee's name. The term "used
114 motor vehicle" shall not include manufactured homes, as defined in section
115 700.010;

116 (18) "Used motor vehicle dealer", any motor vehicle dealer who is not a
117 new motor vehicle franchise dealer;

118 (19) "Vessel", every boat and watercraft defined as a vessel in section
119 306.010;

120 (20) "Vessel trailer", any trailer, as defined by section 301.010 which is
121 designed and manufactured for the purposes of transporting vessels;

122 (21) "Wholesale motor vehicle auction", any person, firm or corporation in
123 the business of providing auction services solely in wholesale transactions at its
124 established place of business in which the purchasers are motor vehicle dealers

125 licensed by this or any other jurisdiction, and which neither buys, sells nor owns
126 the motor vehicles it auctions in the ordinary course of its business. Except as
127 required by law with regard to the auction sale of a government-owned motor
128 vehicle, a wholesale motor vehicle auction shall not provide auction services in
129 connection with the retail sale of a motor vehicle;

130 (22) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells
131 motor vehicles only to other new motor vehicle franchise dealers or used motor
132 vehicle dealers or via auctions limited to other dealers of any class.

133 2. For purposes of sections 301.550 to 301.573, neither the term motor
134 vehicle nor the term trailer shall include manufactured homes, as defined in
135 section 700.010.

136 3. Dealers shall be divided into classes as follows:

- 137 (1) Boat dealers;
- 138 (2) Franchised new motor vehicle dealers;
- 139 (3) Used motor vehicle dealers;
- 140 (4) Wholesale motor vehicle dealers;
- 141 (5) Recreational motor vehicle dealers;
- 142 (6) Historic motor vehicle dealers;
- 143 (7) Classic motor vehicle dealers;
- 144 (8) Powersport dealers; and
- 145 (9) Trailer dealers.

304.170. 1. No vehicle operated upon the highways of this state shall
2 have a width, including load, in excess of one hundred two inches, except
3 clearance lights, rearview mirrors or other accessories required by federal, state
4 or city law or regulation. Provided however, a recreational vehicle as defined in
5 section 700.010 may exceed the foregoing width limits if the appurtenances on
6 such recreational vehicle extend no further than the rearview mirrors. Such
7 mirrors may only extend the distance necessary to provide the required field of
8 view before the appurtenances were attached.

9 2. No vehicle operated upon the interstate highway system or upon any
10 route designated by the [chief engineer of the state transportation department]
11 **state highways and transportation commission** shall have a height,
12 including load, in excess of fourteen feet. On all other highways, no vehicle shall
13 have a height, including load, in excess of thirteen and one-half feet, except that
14 any vehicle or combination of vehicles transporting automobiles or other motor
15 vehicles may have a height, including load, of not more than fourteen feet.

16 3. No single motor vehicle operated upon the highways of this state shall
17 have a length, including load, in excess of forty-five feet, except as otherwise
18 provided in this section.

19 4. No bus, recreational motor vehicle or trackless trolley coach operated
20 upon the highways of this state shall have a length in excess of forty-five feet,
21 except that such vehicles may exceed the forty-five feet length when such excess
22 length is caused by the projection of a front safety bumper or a rear safety
23 bumper or both. Such safety bumper shall not cause the length of the bus or
24 recreational motor vehicle to exceed the forty-five feet length limit by more than
25 one foot in the front and one foot in the rear. The term "safety bumper" means
26 any device which may be fitted on an existing bumper or which replaces the
27 bumper and is so constructed, treated, or manufactured that it absorbs energy
28 upon impact.

29 5. No combination of truck-tractor and semitrailer or truck-tractor
30 equipped with dromedary and semitrailer operated upon the highways of this
31 state shall have a length, including load, in excess of sixty feet; except that in
32 order to comply with the provisions of Title 23 of the United States Code (Public
33 Law 97-424), no combination of truck-tractor and semitrailer or truck-tractor
34 equipped with dromedary and semitrailer operated upon the interstate highway
35 system of this state shall have an overall length, including load, in excess of the
36 length of the truck-tractor plus the semitrailer or truck-tractor equipped with
37 dromedary and semitrailer. The length of such semitrailer shall not exceed
38 fifty-three feet.

39 6. In order to comply with the provisions of Title 23 of the United States
40 Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer
41 operated upon the interstate highway system of this state shall have an overall
42 length, including load, in excess of the length of the truck-tractor plus the
43 semitrailer and trailer, neither of which semitrailer or trailer shall exceed
44 twenty-eight feet in length, except that any existing semitrailer or trailer up to
45 twenty-eight and one-half feet in length actually and lawfully operated on
46 December 1, 1982, within a sixty-five foot overall length limit in any state, may
47 continue to be operated upon the interstate highways of this state. On those
48 primary highways not designated by the state highways and transportation
49 commission as provided in subsection [10] 11 of this section, no combination of
50 truck-tractor, semitrailer and trailer shall have an overall length, including load,
51 in excess of sixty-five feet; provided, however, the [state highways and

52 transportation] commission may designate additional routes for such sixty-five
53 foot combinations.

54 7. Automobile transporters, boat transporters, truck-trailer boat
55 transporter combinations[, stinger-steered combination automobile transporters]
56 and stinger-steered combination boat transporters having a length not in excess
57 of seventy-five feet may be operated on the interstate highways of this state and
58 such other highways as may be designated by the [highways and transportation]
59 commission for the operation of such vehicles plus a distance not to exceed ten
60 miles from such interstate or designated highway. All length provisions
61 regarding automobile or boat transporters, truck-trailer boat transporter
62 combinations and stinger-steered [combinations] **combination boat**
63 **transporters** shall include a semitrailer length not to exceed fifty-three feet and
64 are exclusive of front and rear overhang, which shall be no greater than a
65 three-foot front overhang and no greater than a four-foot rear overhang.

66 **(1) Stinger-steered combination automobile transporters having**
67 **a length not in excess of eighty feet may be operated on the interstate**
68 **highways of this state and such other highways as may be designated**
69 **by the commission for the operation of such vehicles plus a distance**
70 **not to exceed ten miles from such interstate or designated highway. All**
71 **length provisions regarding stinger-steered automobile combination**
72 **transporters are exclusive of front and rear overhang, which shall be**
73 **no greater than a four-foot front overhang and no greater than a six-**
74 **foot rear overhang.**

75 **(2) Automobile transporters may transport cargo or general**
76 **freight on a backhaul, so long as it complies with weight limitations for**
77 **a truck tractor and semitrailer combination as outlined in section**
78 **304.180.**

79 8. Driveaway saddlemount combinations having a length not in excess of
80 ninety-seven feet may be operated on the interstate highways of this state and
81 such other highways as may be designated by the [highways and transportation]
82 commission for the operation of such vehicles plus a distance not to exceed ten
83 miles from such interstate or designated highway. Saddlemount combinations
84 must comply with the safety requirements of Section 393.71 of Title 49 of the
85 Code of Federal Regulations and may contain no more than three saddlemounted
86 vehicles and one fullmount.

87 9. No truck-tractor semitrailer-semitrailer combination vehicles operated

88 upon the interstate and designated primary highway system of this state shall
89 have a semitrailer length in excess of twenty-eight feet or twenty-eight and
90 one-half feet if the semitrailer was in actual and lawful operation in any state on
91 December 1, 1982, operating in a truck-tractor semitrailer-semi-trailer
92 combination. The B-train assembly is excluded from the measurement of
93 semitrailer length when used between the first and second semitrailer of a
94 truck-tractor semitrailer-semi-trailer combination, except that when there is no
95 semitrailer mounted to the B-train assembly, it shall be included in the length
96 measurement of the semitrailer.

97 **10. No towaway trailer transporter combination vehicles**
98 **operated upon the interstate and designated primary highway system**
99 **of this state shall have an overall length of more than eighty-two feet.**

100 **11.** The [highways and transportation] commission is authorized to
101 designate routes on the state highway system other than the interstate system
102 over which those combinations of vehicles of the lengths specified in subsections
103 5, 6, 7, 8 [and], 9, **and 10** of this section may be operated. Combinations of
104 vehicles operated under the provisions of subsections 5, 6, 7, 8 [and], 9, **and 10**
105 of this section may be operated at a distance not to exceed ten miles from the
106 interstate system and such routes as designated under the provisions of this
107 subsection.

108 [11.] **12.** Except as provided in subsections 5, 6, 7, 8, 9 [and], 10, **and 11**
109 of this section, no other combination of vehicles operated upon the primary or
110 interstate highways of this state plus a distance of ten miles from a primary or
111 interstate highway shall have an overall length, unladen or with load, in excess
112 of sixty-five feet or in excess of fifty-five feet on any other highway, except the
113 [state highways and transportation] commission may designate additional routes
114 for use by sixty-five foot combinations, seventy-five foot stinger-steered
115 [combinations] **combination boat transporters, eighty foot combination**
116 **automobile transporters,** or seventy-five foot saddlemount combinations. [Any
117 vehicle or combination of vehicles transporting automobiles, boats or other motor
118 vehicles may carry a load which extends no more than three feet beyond the front
119 and four feet beyond the rear of the transporting vehicle or combination of
120 vehicles.]

121 [12.] **13.** (1) Except as hereinafter provided, these restrictions shall not
122 apply to agricultural implements operating occasionally on the highways for short
123 distances including tractor parades for fund-raising activities or special events,

124 provided the tractors are driven by licensed drivers during daylight hours only
125 and with the approval of the superintendent of the Missouri state highway patrol;
126 or to self-propelled hay-hauling equipment or to implements of husbandry, or to
127 the movement of farm products as defined in section 400.9-102 or to vehicles
128 temporarily transporting agricultural implements or implements of husbandry or
129 road-making machinery, or road materials or towing for repair purposes vehicles
130 that have become disabled upon the highways; or to implement dealers delivering
131 or moving farm machinery for repairs on any state highway other than the
132 interstate system.

133 (2) Implements of husbandry and vehicles transporting such machinery
134 or equipment and the movement of farm products as defined in section 400.9-102
135 may be operated occasionally for short distances on state highways when operated
136 between the hours of sunrise and sunset by a driver licensed as an operator or
137 chauffeur.

138 [13.] 14. As used in this chapter the term "implements of husbandry"
139 means all self-propelled machinery operated at speeds of less than thirty miles
140 per hour, specifically designed for, or especially adapted to be capable of,
141 incidental over-the-road and primary offroad usage and used exclusively for the
142 application of commercial plant food materials or agricultural chemicals, and not
143 specifically designed or intended for transportation of such chemicals and
144 materials.

145 [14.] 15. Sludge disposal units may be operated on all state highways
146 other than the interstate system. Such units shall not exceed one hundred
147 thirty-eight inches in width and may be equipped with over-width tires. Such
148 units shall observe all axle weight limits. The [chief engineer of the state
149 transportation department] **commission** shall issue special permits for the
150 movement of such disposal units and may by such permits restrict the movements
151 to specified routes, days and hours.

304.180. 1. No vehicle or combination of vehicles shall be moved or
2 operated on any highway in this state having a greater weight than twenty
3 thousand pounds on one axle, no combination of vehicles operated by transporters
4 of general freight over regular routes as defined in section 390.020 shall be moved
5 or operated on any highway of this state having a greater weight than the vehicle
6 manufacturer's rating on a steering axle with the maximum weight not to exceed
7 twelve thousand pounds on a steering axle, and no vehicle shall be moved or
8 operated on any state highway of this state having a greater weight than

9 thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall
 10 mean a group of two or more axles, arranged one behind another, the distance
 11 between the extremes of which is more than forty inches and not more than
 12 ninety-six inches apart.

13 2. An "axle load" is defined as the total load transmitted to the road by
 14 all wheels whose centers are included between two parallel transverse vertical
 15 planes forty inches apart, extending across the full width of the vehicle.

16 3. Subject to the limit upon the weight imposed upon a highway of this
 17 state through any one axle or on any tandem axle, the total gross weight with
 18 load imposed by any group of two or more consecutive axles of any vehicle or
 19 combination of vehicles shall not exceed the maximum load in pounds as set forth
 20 in the following table:

21 Distance in feet between the extremes of any group of two or more
 22 consecutive axles, measured to the nearest foot, except where indicated otherwise

| | | Maximum load in pounds | | | | |
|----|-------------|------------------------|---------|---------|---------|---------|
| 24 | feet | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles |
| 25 | 4 | 34,000 | | | | |
| 26 | 5 | 34,000 | | | | |
| 27 | 6 | 34,000 | | | | |
| 28 | 7 | 34,000 | | | | |
| 29 | 8 | 34,000 | 34,000 | | | |
| 30 | More than 8 | 38,000 | 42,000 | | | |
| 31 | 9 | 39,000 | 42,500 | | | |
| 32 | 10 | 40,000 | 43,500 | | | |
| 33 | 11 | 40,000 | 44,000 | | | |
| 34 | 12 | 40,000 | 45,000 | 50,000 | | |
| 35 | 13 | 40,000 | 45,500 | 50,500 | | |
| 36 | 14 | 40,000 | 46,500 | 51,500 | | |
| 37 | 15 | 40,000 | 47,000 | 52,000 | | |
| 38 | 16 | 40,000 | 48,000 | 52,500 | 58,000 | |
| 39 | 17 | 40,000 | 48,500 | 53,500 | 58,500 | |
| 40 | 18 | 40,000 | 49,500 | 54,000 | 59,000 | |
| 41 | 19 | 40,000 | 50,000 | 54,500 | 60,000 | |

| | | | | | | |
|----|----|--------|--------|--------|--------|--------|
| 42 | 20 | 40,000 | 51,000 | 55,500 | 60,500 | 66,000 |
| 43 | 21 | 40,000 | 51,500 | 56,000 | 61,000 | 66,500 |
| 44 | 22 | 40,000 | 52,500 | 56,500 | 61,500 | 67,000 |
| 45 | 23 | 40,000 | 53,000 | 57,500 | 62,500 | 68,000 |
| 46 | 24 | 40,000 | 54,000 | 58,000 | 63,000 | 68,500 |
| 47 | 25 | 40,000 | 54,500 | 58,500 | 63,500 | 69,000 |
| 48 | 26 | 40,000 | 55,500 | 59,500 | 64,000 | 69,500 |
| 49 | 27 | 40,000 | 56,000 | 60,000 | 65,000 | 70,000 |
| 50 | 28 | 40,000 | 57,000 | 60,500 | 65,500 | 71,000 |
| 51 | 29 | 40,000 | 57,500 | 61,500 | 66,000 | 71,500 |
| 52 | 30 | 40,000 | 58,500 | 62,000 | 66,500 | 72,000 |
| 53 | 31 | 40,000 | 59,000 | 62,500 | 67,500 | 72,500 |
| 54 | 32 | 40,000 | 60,000 | 63,500 | 68,000 | 73,000 |
| 55 | 33 | 40,000 | 60,000 | 64,000 | 68,500 | 74,000 |
| 56 | 34 | 40,000 | 60,000 | 64,500 | 69,000 | 74,500 |
| 57 | 35 | 40,000 | 60,000 | 65,500 | 70,000 | 75,000 |
| 58 | 36 | | 60,000 | 66,000 | 70,500 | 75,500 |
| 59 | 37 | | 60,000 | 66,500 | 71,000 | 76,000 |
| 60 | 38 | | 60,000 | 67,500 | 72,000 | 77,000 |
| 61 | 39 | | 60,000 | 68,000 | 72,500 | 77,500 |
| 62 | 40 | | 60,000 | 68,500 | 73,000 | 78,000 |
| 63 | 41 | | 60,000 | 69,500 | 73,500 | 78,500 |
| 64 | 42 | | 60,000 | 70,000 | 74,000 | 79,000 |
| 65 | 43 | | 60,000 | 70,500 | 75,000 | 80,000 |
| 66 | 44 | | 60,000 | 71,500 | 75,500 | 80,000 |
| 67 | 45 | | 60,000 | 72,000 | 76,000 | 80,000 |
| 68 | 46 | | 60,000 | 72,500 | 76,500 | 80,000 |
| 69 | 47 | | 60,000 | 73,500 | 77,500 | 80,000 |
| 70 | 48 | | 60,000 | 74,000 | 78,000 | 80,000 |
| 71 | 49 | | 60,000 | 74,500 | 78,500 | 80,000 |
| 72 | 50 | | 60,000 | 75,500 | 79,000 | 80,000 |
| 73 | 51 | | 60,000 | 76,000 | 80,000 | 80,000 |

| | | | | | |
|----|----|--------|--------|--------|--------|
| 74 | 52 | 60,000 | 76,500 | 80,000 | 80,000 |
| 75 | 53 | 60,000 | 77,500 | 80,000 | 80,000 |
| 76 | 54 | 60,000 | 78,000 | 80,000 | 80,000 |
| 77 | 55 | 60,000 | 78,500 | 80,000 | 80,000 |
| 78 | 56 | 60,000 | 79,500 | 80,000 | 80,000 |
| 79 | 57 | 60,000 | 80,000 | 80,000 | 80,000 |

80 Notwithstanding the above table, two consecutive sets of tandem axles may carry
 81 a gross load of thirty-four thousand pounds each if the overall distance between
 82 the first and last axles of such consecutive sets of tandem axles is thirty-six feet
 83 or more.

84 4. Whenever the state highways and transportation commission finds that
 85 any state highway bridge in the state is in such a condition that use of such
 86 bridge by vehicles of the weights specified in subsection 3 of this section will
 87 endanger the bridge, or the users of the bridge, the commission may establish
 88 maximum weight limits and speed limits for vehicles using such bridge. The
 89 governing body of any city or county may grant authority by act or ordinance to
 90 the [state highways and transportation] commission to enact the limitations
 91 established in this section on those roadways within the purview of such city or
 92 county. Notice of the weight limits and speed limits established by the
 93 commission shall be given by posting signs at a conspicuous place at each end of
 94 any such bridge.

95 5. Nothing in this section shall be construed as permitting lawful axle
 96 loads, tandem axle loads or gross loads in excess of those permitted under the
 97 provisions of Section 127 of Title 23 of the United States Code.

98 6. Notwithstanding the weight limitations contained in this section, any
 99 vehicle or combination of vehicles operating on highways other than the interstate
 100 highway system may exceed single axle, tandem axle and gross weight limitations
 101 in an amount not to exceed two thousand pounds. However, total gross weight
 102 shall not exceed eighty thousand pounds, except as provided in subsections 9
 103 [and], 10, 12, and 13 of this section.

104 7. Notwithstanding any provision of this section to the contrary, the
 105 [department of transportation] **commission** shall issue a single-use special
 106 permit, or upon request of the owner of the truck or equipment, shall issue an
 107 annual permit, for the transporting of any concrete pump truck or well-drillers'
 108 equipment. The [department of transportation] **commission** shall set fees for

109 the issuance of permits pursuant to this subsection. Notwithstanding the
110 provisions of section 301.133, concrete pump trucks or well-drillers' equipment
111 may be operated on state-maintained roads and highways at any time on any day.

112 8. Notwithstanding the provision of this section to the contrary, the
113 maximum gross vehicle limit and axle weight limit for any vehicle or combination
114 of vehicles equipped with an idle reduction technology may be increased by a
115 quantity necessary to compensate for the additional weight of the idle reduction
116 system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the
117 additional weight increase allowed by this subsection be greater than five
118 hundred fifty pounds. Upon request by an appropriate law enforcement officer,
119 the vehicle operator shall provide proof that the idle reduction technology is fully
120 functional at all times and that the gross weight increase is not used for any
121 purpose other than for the use of idle reduction technology.

122 9. Notwithstanding any provision of this section or any other law to the
123 contrary, the total gross weight of any vehicle or combination of vehicles hauling
124 milk, from a farm to a processing facility or livestock may be as much as, but
125 shall not exceed, eighty-five thousand five hundred pounds while operating on
126 highways other than the interstate highway system. The provisions of this
127 subsection shall not apply to vehicles operated and operating on the Dwight D.
128 Eisenhower System of Interstate and Defense Highways.

129 10. Notwithstanding any provision of this section or any other law to the
130 contrary, any vehicle or combination of vehicles hauling grain or grain coproducts
131 during times of harvest may be as much as, but not exceeding, ten percent over
132 the maximum weight limitation allowable under subsection 3 of this section while
133 operating on highways other than the interstate highway system. The provisions
134 of this subsection shall not apply to vehicles operated and operating on the
135 Dwight D. Eisenhower System of Interstate and Defense Highways.

136 11. Notwithstanding any provision of this section or any other law to the
137 contrary, the [department of transportation] **commission** shall issue emergency
138 utility response permits for the transporting of utility wires or cables, poles, and
139 equipment needed for repair work immediately following a disaster where utility
140 service has been disrupted. Under exigent circumstances, verbal approval of such
141 operation may be made either by the **department of transportation** motor
142 carrier compliance supervisor or other designated motor carrier services
143 representative. Utility vehicles and equipment used to assist utility companies
144 granted special permits under this subsection may be operated and transported

145 on state-maintained roads and highways at any time on any day. The
146 [department of transportation] **commission** shall promulgate all necessary rules
147 and regulations for the administration of this section. Any rule or portion of a
148 rule, as that term is defined in section 536.010, that is created under the
149 authority delegated in this section shall become effective only if it complies with
150 and is subject to all of the provisions of chapter 536 and, if applicable, section
151 536.028. This section and chapter 536 are nonseverable and if any of the powers
152 vested with the general assembly pursuant to chapter 536 to review, to delay the
153 effective date, or to disapprove and annul a rule are subsequently held
154 unconstitutional, then the grant of rulemaking authority and any rule proposed
155 or adopted after August 28, 2014, shall be invalid and void.

156 **12. Notwithstanding any provision of this section to the contrary,**
157 **emergency vehicles designed to be used under emergency conditions to**
158 **transport personnel and equipment and to mitigate hazardous**
159 **situations may have a maximum gross vehicle weight of eighty-six**
160 **thousand pounds inclusive of twenty-four thousand pounds on a single**
161 **steering axle; thirty-three thousand five hundred pounds on a single**
162 **drive axle; sixty-two thousand pounds on a tandem axle; or fifty-two**
163 **thousand pounds on a tandem rear drive steer axle.**

164 **13. Notwithstanding any provision of this section or any other**
165 **law to the contrary, a vehicle operated by an engine fueled primarily**
166 **by natural gas may operate on the public highways of this state in**
167 **excess of the vehicle weight limits set forth in this section by an**
168 **amount that is equal to the difference between the weight of the vehicle**
169 **attributable to the natural gas tank and fueling system carried by that**
170 **vehicle and the weight of a comparable diesel tank and fueling system.**
171 **In no event shall maximum gross vehicle weight of the vehicle**
172 **operating with a natural gas engine exceed eighty-two thousand**
173 **pounds.**

407.816. 1. As used in subdivision (7) of section 407.815, the term "motor
2 vehicle" shall not include "trailer" as such term is defined in [subdivision (60) of]
3 section 301.010.

4 2. Prior to August 1, 2002, the provisions of section 407.817, subdivisions
5 (13), (17) and (18) of section 407.825 and section 407.826 shall not apply to
6 recreational vehicle dealers or manufacturers.

7 3. As of August 1, 2002, the term "motor vehicle" as used in sections

8 407.810 to 407.835 shall not apply to recreational vehicles as defined in section
9 407.1320.

✓

Unofficial

Bill

Copy