

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 861

99TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, Infrastructure and Public Safety, February 15, 2018, with recommendation that the Senate Committee Substitute do pass.

5625S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 304.001 and 304.044, RSMo, and to enact in lieu thereof two new sections relating to the operation of platoons on Missouri roads, with an existing penalty provision.

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

Section A. Sections 304.001 and 304.044, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 304.001 and 304.044, to read as follows:

304.001. As used in this chapter and chapter 307, the following terms shall mean:

(1) "Abandoned property", any unattended motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in sections 304.155 and 304.157, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a crime inquiry and inspection report;

(2) "Commercial vehicle enforcement officers", employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to enforce the laws, rules, and regulations pertaining to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles;

(3) "Commercial vehicle inspectors", employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the

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

17 superintendent of the highway patrol to supervise or operate permanent or
18 portable weigh stations in the enforcement of commercial vehicle laws;

19 (4) "Commission", the state highways and transportation commission;

20 (5) "Department", the state transportation department;

21 (6) "Freeway", a divided state highway with four or more lanes, with no
22 access to the throughways except the established interchanges and with no
23 at-grade crossings;

24 (7) "Interstate highway", a state highway included in the national system
25 of interstate highways located within the boundaries of Missouri, as officially
26 designated or as may be hereafter designated by the state highways and
27 transportation commission with the approval of the Secretary of Transportation,
28 pursuant to Title 23, U.S.C., as amended;

29 (8) "Members of the patrol", the superintendent, lieutenant colonel,
30 majors, captains, director of radio, lieutenants, sergeants, corporals and
31 patrolmen of the Missouri state highway patrol;

32 (9) "Off-road vehicle", any vehicle designed for or capable of cross-country
33 travel on or immediately over land, water, ice, snow, marsh, swampland, or other
34 natural terrain without benefit of a road or trail:

35 (a) Including, without limitation, the following:

36 a. Jeeps;

37 b. All-terrain vehicles;

38 c. Dune buggies;

39 d. Multiwheel drive or low-pressure tire vehicles;

40 e. Vehicle using an endless belt, or tread or treads, or a combination of
41 tread and low-pressure tires;

42 f. Motorcycles, trail bikes, minibikes and related vehicles;

43 g. Any other means of transportation deriving power from any source
44 other than muscle or wind; and

45 (b) Excluding the following:

46 a. Registered motorboats;

47 b. Aircraft;

48 c. Any military, fire or law enforcement vehicle;

49 d. Farm-type tractors and other self-propelled equipment for harvesting
50 and transporting farm or forest products;

51 e. Any vehicle being used for farm purposes, earth moving, or construction
52 while being used for such purposes on the work site;

53 f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts,
54 while being used exclusively for their designed purpose; and

55 g. Any vehicle being used for the purpose of transporting a handicapped
56 person;

57 (10) "Person", any natural person, corporation, or other legal entity;

58 (11) **"Platoon", a group of individual motor vehicles traveling in**
59 **a unified manner at electronically coordinated speeds at following**
60 **distances that are closer than would be reasonable and prudent without**
61 **such coordination;**

62 (12) "Right-of-way", the entire width of land between the boundary lines
63 of a state highway, including any roadway;

64 [(12)] (13) "Roadway", that portion of a state highway ordinarily used for
65 vehicular travel, exclusive of the berm or shoulder;

66 [(13)] (14) "State highway", a highway constructed or maintained by the
67 state highways and transportation commission with the aid of state funds or
68 United States government funds, or any highway included by authority of law in
69 the state highway system, including all right-of-way;

70 [(14)] (15) "Towing company", any person or entity which tows, removes
71 or stores abandoned property;

72 [(15)] (16) "Urbanized area", an area with a population of fifty thousand
73 or more designated by the Bureau of the Census, within boundaries to be fixed
74 by the state highways and transportation commission and local officials in
75 cooperation with each other and approved by the Secretary of
76 Transportation. The boundary of an urbanized area shall, at a minimum,
77 encompass the entire urbanized area as designed by the Bureau of the Census.

304.044. 1. The following terms as used in this section shall mean:

2 (1) "Bus", any vehicle or motor car designed and used for the purpose of
3 carrying more than seven persons;

4 (2) "Truck", any vehicle, machine, tractor, trailer or semitrailer, or any
5 combination thereof, propelled or drawn by mechanical power and designed or
6 used in the transportation of property upon the highways.

7 2. The driver of any truck or bus, when traveling upon a public highway
8 of this state outside of a business or residential district, shall not follow within
9 three hundred feet of another such vehicle; provided, the provisions of this section
10 shall not be construed to prevent the overtaking and passing, by any such truck
11 or bus, of another similar vehicle.

12 **3. The following-distance provisions of this section shall not**
13 **apply to a nonlead vehicle in a platoon, as such term is defined in**
14 **section 304.001.**

15 **4. Any person who shall violate the provisions of this section shall be**
16 **deemed guilty of a class C misdemeanor, and upon conviction thereof shall be**
17 **punished accordingly.**

18 **5. The highways and transportation commission is authorized to**
19 **promulgate administrative rules that are reasonable and necessary to**
20 **implement platooning. Any rule or portion of a rule, as that term is**
21 **defined in section 536.010, that is created under the authority delegated**
22 **in this section shall become effective only if it complies with and is**
23 **subject to all of the provisions of chapter 536 and, if applicable, section**
24 **536.028. This section and chapter 536 are nonseverable, and if any of**
25 **the powers vested with the general assembly pursuant to chapter 536**
26 **to review, to delay the effective date, or to disapprove and annul a rule**
27 **are subsequently held unconstitutional, then the grant of rulemaking**
28 **authority and any rule proposed or adopted after August 28, 2018, shall**
29 **be invalid and void.**

Bill

✓

Copy