

SECOND REGULAR SESSION

SENATE BILL NO. 876

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LIBLA.

Read 1st time January 14, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4944S.011

AN ACT

To repeal sections 300.010, 301.010, 407.815, 407.1025, and 577.001, RSMo, and to enact in lieu thereof five new sections relating to the composition of off-highway vehicles.

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

Section A. Sections 300.010, 301.010, 407.815, 407.1025, and 577.001, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 300.010, 301.010, 407.815, 407.1025, and 577.001, to read as follows:

300.010. The following words and phrases when used in this ordinance mean:

(1) "Alley" or "alleyway", any street with a roadway of less than twenty feet in width;

(2) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is ~~[fifty]~~ **fifty-five** inches or less in width **measured from outside of tire rim to outside of tire rim**, with an unladen dry weight of ~~[six]~~ **one thousand five** hundred pounds or less, traveling on three, four or more ~~[low pressure]~~ **nonhighway** tires[, with a seat designed to be straddled by the operator, and handlebars for steering control];

(3) "Authorized emergency vehicle", a vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or fire department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls;

(4) "Business district", the territory contiguous to and including a highway when within any six hundred feet along the highway there are buildings in use

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

18 for business or industrial purposes, including but not limited to hotels, banks, or
19 office buildings, railroad stations and public buildings which occupy at least three
20 hundred feet of frontage on one side or three hundred feet collectively on both
21 sides of the highway;

22 (5) "Central business (or traffic) district", all streets and portions of
23 streets within the area described by city ordinance as such;

24 (6) "Commercial vehicle", every vehicle designed, maintained, or used
25 primarily for the transportation of property;

26 (7) "Controlled access highway", every highway, street or roadway in
27 respect to which owners or occupants of abutting lands and other persons have
28 no legal right of access to or from the same except at such points only and in such
29 manner as may be determined by the public authority having jurisdiction over the
30 highway, street or roadway;

31 (8) "Crosswalk",

32 (a) That part of a roadway at an intersection included within the
33 connections of the lateral lines of the sidewalks on opposite sides of the highway
34 measured from the curbs, or in the absence of curbs from the edges of the
35 traversable roadway;

36 (b) Any portion of a roadway at an intersection or elsewhere distinctly
37 indicated for pedestrian crossing by lines or other markings on the surface;

38 (9) "Curb loading zone", a space adjacent to a curb reserved for the
39 exclusive use of vehicles during the loading or unloading of passengers or
40 materials;

41 (10) "Driver", every person who drives or is in actual physical control of
42 a vehicle;

43 (11) "Freight curb loading zone", a space adjacent to a curb for the
44 exclusive use of vehicles during the loading or unloading of freight (or
45 passengers);

46 (12) "Highway", the entire width between the boundary lines of every way
47 publicly maintained when any part thereof is open to the use of the public for
48 purposes of vehicular travel;

49 (13) "Intersection",

50 (a) The area embraced within the prolongation or connection of the lateral
51 curb lines, or, if none, then the lateral boundary lines of the roadways of two
52 highways which join one another at, or approximately at, right angles, or the area
53 within which vehicles traveling upon different highways joining at any other

54 angle may come in conflict;

55 (b) Where a highway includes two roadways thirty feet or more apart,
56 then every crossing of each roadway of such divided highway by an intersecting
57 highway shall be regarded as a separate intersection. In the event such
58 intersecting highway also includes two roadways thirty feet or more apart, then
59 every crossing of two roadways of such highways shall be regarded as a separate
60 intersection;

61 (14) "Laned roadway", a roadway which is divided into two or more clearly
62 marked lanes for vehicular traffic;

63 (15) "Motor vehicle", any self-propelled vehicle not operated exclusively
64 upon tracks, except farm tractors and motorized bicycles;

65 (16) "Motorcycle", every motor vehicle having a seat or saddle for the use
66 of the rider and designed to travel on not more than three wheels in contact with
67 the ground, but excluding a tractor;

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

73 (18) "Official time standard", whenever certain hours are named herein
74 they shall mean standard time or daylight-saving time as may be in current use
75 in the city;

76 (19) "Official traffic control devices", all signs, signals, markings and
77 devices not inconsistent with this ordinance placed or erected by authority of a
78 public body or official having jurisdiction, for the purpose of regulating, warning
79 or guiding traffic;

80 (20) "Park" or "parking", the standing of a vehicle, whether occupied or
81 not, otherwise than temporarily for the purpose of and while actually engaged in
82 loading or unloading merchandise or passengers;

83 (21) "Passenger curb loading zone", a place adjacent to a curb reserved for
84 the exclusive use of vehicles during the loading or unloading of passengers;

85 (22) "Pedestrian", any person afoot;

86 (23) "Person", every natural person, firm, copartnership, association or
87 corporation;

88 (24) "Police officer", every officer of the municipal police department or
89 any officer authorized to direct or regulate traffic or to make arrests for violations

90 of traffic regulations;

91 (25) "Private road" or "driveway", every way or place in private ownership
92 and used for vehicular travel by the owner and those having express or implied
93 permission from the owner, but not by other persons;

94 (26) "Railroad", a carrier of persons or property upon cars, other than
95 streetcars, operated upon stationary rails;

96 (27) "Railroad train", a steam engine, electric or other motor, with or
97 without cars coupled thereto, operated upon rails, except streetcars;

98 (28) "Residence district", the territory contiguous to and including a
99 highway not comprising a business district when the property on such highway
100 for a distance of three hundred feet or more is in the main improved with
101 residences or residences and buildings in use for business;

102 (29) "Right-of-way", the right of one vehicle or pedestrian to proceed in a
103 lawful manner in preference to another vehicle or pedestrian approaching under
104 such circumstances of direction, speed and proximity as to give rise to danger of
105 collision unless one grants precedence to the other;

106 (30) "Roadway", that portion of a highway improved, designed or
107 ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the
108 event a highway includes two or more separate roadways the term "roadway" as
109 used herein shall refer to any such roadway separately but not to all such
110 roadways collectively;

111 (31) "Safety zone", the area or space officially set apart within a roadway
112 for the exclusive use of pedestrians and which is protected or is so marked or
113 indicated by adequate signs as to be plainly visible at all times while set apart
114 as a safety zone;

115 (32) "Sidewalk", that portion of a street between the curb lines, or the
116 lateral lines of a roadway, and the adjacent property lines, intended for use of
117 pedestrians;

118 (33) "Stand" or "standing", the halting of a vehicle, whether occupied or
119 not, otherwise than for the purpose of and while actually engaged in receiving or
120 discharging passengers;

121 (34) "Stop", when required, complete cessation from movement;

122 (35) "Stop" or "stopping", when prohibited, any halting even momentarily
123 of a vehicle, whether occupied or not, except when necessary to avoid conflict with
124 other traffic or in compliance with the directions of a police officer or traffic
125 control sign or signal;

126 (36) "Street" or "highway", the entire width between the lines of every way
127 publicly maintained when any part thereof is open to the uses of the public for
128 purposes of vehicular travel. "State highway", a highway maintained by the state
129 of Missouri as a part of the state highway system;

130 (37) "Through highway", every highway or portion thereof on which
131 vehicular traffic is given preferential rights-of-way, and at the entrances to which
132 vehicular traffic from intersecting highways is required by law to yield
133 rights-of-way to vehicles on such through highway in obedience to either a stop
134 sign or a yield sign, when such signs are erected as provided in this ordinance;

135 (38) "Traffic", pedestrians, ridden or herded animals, vehicles, streetcars
136 and other conveyances either singly or together while using any highway for
137 purposes of travel;

138 (39) "Traffic control signal", any device, whether manually, electrically or
139 mechanically operated, by which traffic is alternately directed to stop and to
140 proceed;

141 (40) "Traffic division", the traffic division of the police department of the
142 city, or in the event a traffic division is not established, then said term whenever
143 used herein shall be deemed to refer to the police department of the city;

144 (41) "Vehicle", any mechanical device on wheels, designed primarily for
145 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn
146 by horses or human power, or vehicles used exclusively on fixed rails or tracks,
147 cotton trailers or motorized wheelchairs operated by handicapped persons.

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] **fifty-five** inches or less in width
5 **measured from outside of tire rim to outside of tire rim**, with an unladen
6 dry weight of one thousand five hundred pounds or less, traveling on three, four
7 or more nonhighway tires;

8 (2) "Autocycle", a three-wheeled motor vehicle which the drivers and
9 passengers ride in a partially or completely enclosed nonstraddle seating area,
10 that is designed to be controlled with a steering wheel and pedals, and that has
11 met applicable Department of Transportation National Highway Traffic Safety
12 Administration requirements or federal motorcycle safety standards;

13 (3) "Automobile transporter", any vehicle combination capable of carrying
14 cargo on the power unit and designed and used for the transport of assembled

15 motor vehicles, including truck camper units;

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

19 (5) "Backhaul", the return trip of a vehicle transporting cargo or general
20 freight, especially when carrying goods back over all or part of the same route;

21 (6) "Boat transporter", any vehicle combination capable of carrying cargo
22 on the power unit and designed and used specifically to transport assembled
23 boats and boat hulls. Boats may be partially disassembled to facilitate
24 transporting;

25 (7) "Body shop", a business that repairs physical damage on motor
26 vehicles that are not owned by the shop or its officers or employees by mending,
27 straightening, replacing body parts, or painting;

28 (8) "Bus", a motor vehicle primarily for the transportation of a driver and
29 eight or more passengers but not including shuttle buses;

30 (9) "Commercial motor vehicle", a motor vehicle designed or regularly used
31 for carrying freight and merchandise, or more than eight passengers but not
32 including vanpools or shuttle buses;

33 (10) "Cotton trailer", a trailer designed and used exclusively for
34 transporting cotton at speeds less than forty miles per hour from field to field or
35 from field to market and return;

36 (11) "Dealer", any person, firm, corporation, association, agent or subagent
37 engaged in the sale or exchange of new, used or reconstructed motor vehicles or
38 trailers;

39 (12) "Director" or "director of revenue", the director of the department of
40 revenue;

41 (13) "Driveaway operation":

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

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

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

57 (14) "Dromedary", a box, deck, or plate mounted behind the cab and
58 forward of the fifth wheel on the frame of the power unit of a truck
59 tractor-semitrailer combination. A truck tractor equipped with a dromedary may
60 carry part of a load when operating independently or in a combination with a
61 semitrailer;

62 (15) "Farm tractor", a tractor used exclusively for agricultural purposes;

63 (16) "Fleet", any group of ten or more motor vehicles owned by the same
64 owner;

65 (17) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

66 (18) "Fullmount", a vehicle mounted completely on the frame of either the
67 first or last vehicle in a saddlemount combination;

68 (19) "Gross weight", the weight of vehicle and/or vehicle combination
69 without load, plus the weight of any load thereon;

70 (20) "Hail-damaged vehicle", any vehicle, the body of which has become
71 dented as the result of the impact of hail;

72 (21) "Highway", any public thoroughfare for vehicles, including state
73 roads, county roads and public streets, avenues, boulevards, parkways or alleys
74 in any municipality;

75 (22) "Improved highway", a highway which has been paved with gravel,
76 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall
77 have a hard, smooth surface;

78 (23) "Intersecting highway", any highway which joins another, whether
79 or not it crosses the same;

80 (24) "Junk vehicle", a vehicle which:

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

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

85 (25) "Kit vehicle", a motor vehicle assembled by a person other than a
86 generally recognized manufacturer of motor vehicles by the use of a glider kit or

87 replica purchased from an authorized manufacturer and accompanied by a
88 manufacturer's statement of origin;

89 (26) "Land improvement contractors' commercial motor vehicle", any
90 not-for-hire commercial motor vehicle the operation of which is confined to:

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

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

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

109 (28) "Local log truck", a commercial motor vehicle which is registered
110 pursuant to this chapter to operate as a motor vehicle on the public highways of
111 this state, used exclusively in this state, used to transport harvested forest
112 products, operated solely at a forested site and in an area extending not more
113 than a one hundred mile radius from such site, carries a load with dimensions not
114 in excess of twenty-five cubic yards per two axles with dual wheels, and when
115 operated on the national system of interstate and defense highways described in
116 23 U.S.C. Section 103, as amended, or outside the one hundred mile radius from
117 such site with an extended distance local log truck permit, such vehicle shall not
118 exceed the weight limits of section 304.180, does not have more than four axles,
119 and does not pull a trailer which has more than three axles. Harvesting
120 equipment which is used specifically for cutting, felling, trimming, delimiting,
121 debarking, chipping, skidding, loading, unloading, and stacking may be
122 transported on a local log truck. A local log truck may not exceed the limits

123 required by law, however, if the truck does exceed such limits as determined by
124 the inspecting officer, then notwithstanding any other provisions of law to the
125 contrary, such truck shall be subject to the weight limits required by such
126 sections as licensed for eighty thousand pounds;

127 (29) "Local log truck tractor", a commercial motor vehicle which is
128 registered under this chapter to operate as a motor vehicle on the public
129 highways of this state, used exclusively in this state, used to transport harvested
130 forest products, operated at a forested site and in an area extending not more
131 than a one hundred mile radius from such site, operates with a weight not
132 exceeding twenty-two thousand four hundred pounds on one axle or with a weight
133 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and
134 when operated on the national system of interstate and defense highways
135 described in 23 U.S.C. Section 103, as amended, or outside the one hundred mile
136 radius from such site with an extended distance local log truck permit, such
137 vehicle does not exceed the weight limits contained in section 304.180, and does
138 not have more than three axles and does not pull a trailer which has more than
139 three axles. Violations of axle weight limitations shall be subject to the load limit
140 penalty as described for in sections 304.180 to 304.220;

141 (30) "Local transit bus", a bus whose operations are confined wholly
142 within a municipal corporation, or wholly within a municipal corporation and a
143 commercial zone, as defined in section 390.020, adjacent thereto, forming a part
144 of a public transportation system within such municipal corporation and such
145 municipal corporation and adjacent commercial zone;

146 (31) "Log truck", a vehicle which is not a local log truck or local log truck
147 tractor and is used exclusively to transport harvested forest products to and from
148 forested sites which is registered pursuant to this chapter to operate as a motor
149 vehicle on the public highways of this state for the transportation of harvested
150 forest products;

151 (32) "Major component parts", the rear clip, cowl, frame, body, cab,
152 front-end assembly, and front clip, as those terms are defined by the director of
153 revenue pursuant to rules and regulations or by illustrations;

154 (33) "Manufacturer", any person, firm, corporation or association engaged
155 in the business of manufacturing or assembling motor vehicles, trailers or vessels
156 for sale;

157 (34) "Motor change vehicle", a vehicle manufactured prior to August, 1957,
158 which receives a new, rebuilt or used engine, and which used the number

159 stamped on the original engine as the vehicle identification number;

160 (35) "Motor vehicle", any self-propelled vehicle not operated exclusively
161 upon tracks, except farm tractors;

162 (36) "Motor vehicle primarily for business use", any vehicle other than a
163 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor
164 vehicle licensed for over twelve thousand pounds:

165 (a) Offered for hire or lease; or

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

167 (37) "Motorcycle", a motor vehicle operated on two wheels;

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

173 (39) "Motortricycle", a motor vehicle upon which the operator straddles or
174 sits astride that is designed to be controlled by handle bars and is operated on
175 three wheels, including a motorcycle while operated with any conveyance,
176 temporary or otherwise, requiring the use of a third wheel. A motortricycle shall
177 not be included in the definition of all-terrain vehicle;

178 (40) "Municipality", any city, town or village, whether incorporated or not;

179 (41) "Nonresident", a resident of a state or country other than the state
180 of Missouri;

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

183 (43) "Operator", any person who operates or drives a motor vehicle;

184 (44) "Owner", any person, firm, corporation or association, who holds the
185 legal title to a vehicle or in the event a vehicle is the subject of an agreement for
186 the conditional sale or lease thereof with the right of purchase upon performance
187 of the conditions stated in the agreement and with an immediate right of
188 possession vested in the conditional vendee or lessee, or in the event a mortgagor
189 of a vehicle is entitled to possession, then such conditional vendee or lessee or
190 mortgagor shall be deemed the owner;

191 (45) "Public garage", a place of business where motor vehicles are housed,
192 stored, repaired, reconstructed or repainted for persons other than the owners or
193 operators of such place of business;

194 (46) "Rebuilder", a business that repairs or rebuilds motor vehicles owned

195 by the rebuilder, but does not include certificated common or contract carriers of
196 persons or property;

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

201 (48) "Recreational motor vehicle", any motor vehicle designed, constructed
202 or substantially modified so that it may be used and is used for the purposes of
203 temporary housing quarters, including therein sleeping and eating facilities
204 which are either permanently attached to the motor vehicle or attached to a unit
205 which is securely attached to the motor vehicle. Nothing herein shall prevent any
206 motor vehicle from being registered as a commercial motor vehicle if the motor
207 vehicle could otherwise be so registered;

208 (49) "Recreational off-highway vehicle", any motorized vehicle
209 manufactured and used exclusively for off-highway use which is more than [fifty]
210 **fifty-five** inches but no more than [sixty-seven] **eighty** inches in width
211 **measured from outside of tire rim to outside of tire rim**, with an unladen
212 dry weight of two thousand **five hundred** pounds or less, traveling on four or
213 more nonhighway tires and which may have access to ATV trails;

214 (50) "Recreational trailer", any trailer designed, constructed, or
215 substantially modified so that it may be used and is used for the purpose of
216 temporary housing quarters, including therein sleeping or eating facilities, which
217 can be temporarily attached to a motor vehicle or attached to a unit which is
218 securely attached to a motor vehicle;

219 (51) "Rollback or car carrier", any vehicle specifically designed to
220 transport wrecked, disabled or otherwise inoperable vehicles, when the
221 transportation is directly connected to a wrecker or towing service;

222 (52) "Saddlemount combination", a combination of vehicles in which a
223 truck or truck tractor tows one or more trucks or truck tractors, each connected
224 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"
225 is a mechanism that connects the front axle of the towed vehicle to the frame or
226 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
227 connection. When two vehicles are towed in this manner the combination is
228 called a "double saddlemount combination". When three vehicles are towed in
229 this manner, the combination is called a "triple saddlemount combination";

230 (53) "Salvage dealer and dismantler", a business that dismantles used

231 motor vehicles for the sale of the parts thereof, and buys and sells used motor
232 vehicle parts and accessories;

233 (54) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

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

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

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

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

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

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

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

262 (55) "School bus", any motor vehicle used solely to transport students to
263 or from school or to transport students to or from any place for educational
264 purposes;

265 (56) "Scrap processor", a business that, through the use of fixed or mobile
266 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle

267 parts for processing or transportation to a shredder or scrap metal operator for
268 recycling;

269 (57) "Shuttle bus", a motor vehicle used or maintained by any person,
270 firm, or corporation as an incidental service to transport patrons or customers of
271 the regular business of such person, firm, or corporation to and from the place of
272 business of the person, firm, or corporation providing the service at no fee or
273 charge. Shuttle buses shall not be registered as buses or as commercial motor
274 vehicles;

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

286 (59) "Specially constructed motor vehicle", a motor vehicle which shall not
287 have been originally constructed under a distinctive name, make, model or type
288 by a manufacturer of motor vehicles. The term specially constructed motor
289 vehicle includes kit vehicles;

290 (60) "Stinger-steered combination", a truck tractor-semitrailer wherein the
291 fifth wheel is located on a drop frame located behind and below the rearmost axle
292 of the power unit;

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

296 (62) "Towaway trailer transporter combination", a combination of vehicles
297 consisting of a trailer transporter towing unit and two trailers or semitrailers,
298 with a total weight that does not exceed twenty-six thousand pounds; and in
299 which the trailers or semitrailers carry no property and constitute inventory
300 property of a manufacturer, distributor, or dealer of such trailers or semitrailers;

301 (63) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor
302 vehicle designed for drawing other vehicles, but not for the carriage of any load

303 when operating independently. When attached to a semitrailer, it supports a part
304 of the weight thereof;

305 (64) "Trailer", any vehicle without motive power designed for carrying
306 property or passengers on its own structure and for being drawn by a
307 self-propelled vehicle, except those running exclusively on tracks, including a
308 semitrailer or vehicle of the trailer type so designed and used in conjunction with
309 a self-propelled vehicle that a considerable part of its own weight rests upon and
310 is carried by the towing vehicle. The term trailer shall not include cotton trailers
311 as defined in this section and shall not include manufactured homes as defined
312 in section 700.010;

313 (65) "Trailer transporter towing unit", a power unit that is not used to
314 carry property when operating in a towaway trailer transporter combination;

315 (66) "Truck", a motor vehicle designed, used, or maintained for the
316 transportation of property;

317 (67) "Truck-tractor semitrailer-semitrailer", a combination vehicle in
318 which the two trailing units are connected with a B-train assembly which is a
319 rigid frame extension attached to the rear frame of a first semitrailer which
320 allows for a fifth-wheel connection point for the second semitrailer and has one
321 less articulation point than the conventional A-dolly connected truck-tractor
322 semitrailer-trailer combination;

323 (68) "Truck-trailer boat transporter combination", a boat transporter
324 combination consisting of a straight truck towing a trailer using typically a ball
325 and socket connection with the trailer axle located substantially at the trailer
326 center of gravity rather than the rear of the trailer but so as to maintain a
327 downward force on the trailer tongue;

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

332 (70) "Utility vehicle", any motorized vehicle manufactured and used
333 exclusively for off-highway use which is more than [fifty] **fifty-five** inches but no
334 more than [sixty-seven] **eighty** inches in width **measured from outside of tire**
335 **rim to outside of tire rim**, with an unladen dry weight of two thousand **five**
336 **hundred** pounds or less, traveling on four or six wheels, to be used primarily for
337 landscaping, lawn care, or maintenance purposes;

338 (71) "Vanpool", any van or other motor vehicle used or maintained by any

339 person, group, firm, corporation, association, city, county or state agency, or any
 340 member thereof, for the transportation of not less than eight nor more than
 341 forty-eight employees, per motor vehicle, to and from their place of employment;
 342 however, a vanpool shall not be included in the definition of the term bus or
 343 commercial motor vehicle as defined in this section, nor shall a vanpool driver be
 344 deemed a chauffeur as that term is defined by section 303.020; nor shall use of
 345 a vanpool vehicle for ride-sharing arrangements, recreational, personal, or
 346 maintenance uses constitute an unlicensed use of the motor vehicle, unless used
 347 for monetary profit other than for use in a ride-sharing arrangement;

348 (72) "Vehicle", any mechanical device on wheels, designed primarily for
 349 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn
 350 by horses or human power, or vehicles used exclusively on fixed rails or tracks,
 351 or cotton trailers or motorized wheelchairs operated by handicapped persons;

352 (73) "Wrecker" or "tow truck", any emergency commercial vehicle
 353 equipped, designed and used to assist or render aid and transport or tow disabled
 354 or wrecked vehicles from a highway, road, street or highway rights-of-way to a
 355 point of storage or repair, including towing a replacement vehicle to replace a
 356 disabled or wrecked vehicle;

357 (74) "Wrecker or towing service", the act of transporting, towing or
 358 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not
 359 owned by the operator of the wrecker, tow truck, rollback or car carrier for which
 360 the operator directly or indirectly receives compensation or other personal gain.

407.815. As used in sections 407.810 to 407.835, unless the context
 2 otherwise requires, the following terms mean:

3 (1) "Administrative hearing commission", the body established in chapter
 4 621 to conduct administrative hearings;

5 (2) "All-terrain vehicle", any motorized vehicle manufactured and used
 6 exclusively for off-highway use which is [fifty] **fifty-five** inches or less in width
 7 **measured from outside of tire rim to outside of tire rim**, with an unladen
 8 dry weight of [six] **one thousand five** hundred pounds or less, traveling on
 9 three, four or more [low pressure] **nonhighway** tires[, with a seat designed to
 10 be straddled by the operator, and handlebars for steering control];

11 (3) "Coerce", to compel or attempt to compel a person to act in a given
 12 manner by pressure, intimidation, or threat of harm, damage, or breach of
 13 contract, but shall not include the following:

14 (a) Good faith recommendations, exposition, argument, persuasion or

15 attempts at persuasion without unreasonable conditions;

16 (b) Notice given in good faith to any franchisee of such franchisee's
17 violation of terms or provisions of such franchise or contractual agreement; or

18 (c) Any conduct set forth in sections 407.810 to 407.835 that is permitted
19 of the franchisor;

20 (4) "Common entity", a person:

21 (a) Who is either controlled or owned, beneficially or of record, by one or
22 more persons who also control or own more than forty percent of the voting equity
23 interest of a franchisor; or

24 (b) Who shares directors or officers or partners with a franchisor;

25 (5) "Control", to possess, directly or indirectly, the power to direct or cause
26 the direction of the management or policies of a person, whether through the
27 ownership of voting securities, by contract, or otherwise; except that "control"
28 does not include the relationship between a franchisor and a franchisee under a
29 franchise agreement;

30 (6) "Dealer-operator", the individual who works at the established place
31 of business of a dealer and who is responsible for and in charge of day-to-day
32 operations of that place of business;

33 (7) "Distributor", a person, resident or nonresident, who, in whole or in
34 part, sells or distributes new motor vehicles to motor vehicle dealers in this state;

35 (8) "Franchise" or "franchise agreement", a written arrangement or
36 contract for a definite or indefinite period, in which a person grants to another
37 person a license to use, or the right to grant to others a license to use, a trade
38 name, trademark, service mark, or related characteristics, in which there is a
39 community of interest in the marketing of goods or services, or both, at wholesale
40 or retail, by agreement, lease or otherwise, and in which the operation of the
41 franchisee's business with respect to such franchise is substantially reliant on the
42 franchisor for the continued supply of franchised new motor vehicles, parts and
43 accessories for sale at wholesale or retail. The franchise includes all portions of
44 all agreements between a franchisor and a franchisee, including but not limited
45 to a contract, new motor vehicle franchise, sales and service agreement, or dealer
46 agreement, regardless of the terminology used to describe the agreement or
47 relationship between the franchisor and franchisee, and also includes all
48 provisions, schedules, attachments, exhibits and agreements incorporated by
49 reference therein;

50 (9) "Franchisee", a person to whom a franchise is granted;

51 (10) "Franchisor", a person who grants a franchise to another person;

52 (11) "Good faith", the duty of each party to any franchise and all officers,
53 employees, or agents thereof, to act in a fair and equitable manner toward each
54 other so as to guarantee the one party freedom from coercion, intimidation, or
55 threat of coercion or intimidation from the other party;

56 (12) "Importer", a person who has written authorization from a foreign
57 manufacturer of a line-make of motor vehicles to grant a franchise to a motor
58 vehicle dealer in this state with respect to that line-make;

59 (13) "Line-make", a collection of models, series, or groups of motor vehicles
60 manufactured by or for a particular manufacturer, distributor or importer offered
61 for sale, lease or distribution pursuant to a common brand name or mark;
62 provided, however:

63 (a) Multiple brand names or marks may constitute a single line-make, but
64 only when included in a common dealer agreement and the manufacturer,
65 distributor or importer offers such vehicles bearing the multiple names or marks
66 together only, and not separately, to its authorized dealers; and

67 (b) Motor vehicles bearing a common brand name or mark may constitute
68 separate line-makes when pertaining to motor vehicles subject to separate dealer
69 agreements or when such vehicles are intended for different types of use;

70 (14) "Manufacturer", any person, whether a resident or nonresident of this
71 state, who manufactures or assembles motor vehicles or who manufactures or
72 installs on previously assembled truck chassis special bodies or equipment which,
73 when installed, form an integral part of the motor vehicle and which constitute
74 a major manufacturing alteration. The term "manufacturer" includes a central
75 or principal sales corporation or other entity, other than a franchisee, through
76 which, by contractual agreement or otherwise, it distributes its products;

77 (15) "Motor vehicle", for the purposes of sections 407.810 to 407.835, any
78 motor-driven vehicle required to be registered pursuant to the provisions of
79 chapter 301, except that, motorcycles and all-terrain vehicles as defined in section
80 301.010 shall not be included. The term "motor vehicle" shall also include any
81 engine, transmission, or rear axle, regardless of whether attached to a vehicle
82 chassis, that is manufactured for the installation in any motor-driven vehicle with
83 a gross vehicle weight rating of more than sixteen thousand pounds that is
84 registered for the operations on the highways of this state under chapter 301;

85 (16) "New", when referring to motor vehicles or parts, means those motor
86 vehicles or parts which have not been held except as inventory, as that term is

87 defined in subdivision (4) of section 400.9-109;

88 (17) "Person", a natural person, sole proprietor, partnership, corporation,
89 or any other form of business entity or organization;

90 (18) "Principal investor", the owner of the majority interest of any
91 franchisee;

92 (19) "Reasonable", shall be based on the circumstances of a franchisee in
93 the market served by the franchisee;

94 (20) "Require", to impose upon a franchisee a provision not required by
95 law or previously agreed to by a franchisee in a franchise agreement;

96 (21) "Successor manufacturer", any manufacturer that succeeds, or
97 assumes any part of the business of, another manufacturer, referred to as the
98 "predecessor manufacturer", as the result of:

99 (a) A change in ownership, operation, or control of the predecessor
100 manufacturer by sale or transfer of assets, corporate stock, or other equity
101 interest, assignment, merger, consolidation, combination, joint venture,
102 redemption, court-approved sale, operation of law, or otherwise;

103 (b) The termination, suspension or cessation of a part or all of the
104 business operations of the predecessor manufacturer;

105 (c) The noncontinuation of the sale of the product line; or

106 (d) A change in distribution system by the predecessor manufacturer,
107 whether through a change in distributor or the predecessor manufacturer's
108 decision to cease conducting business through a distributor altogether.

407.1025. As used in sections 407.1025 to 407.1049, unless the context
2 otherwise requires, the following terms mean:

3 (1) "Administrative hearing commission", the body established in chapter
4 621 to conduct administrative hearings;

5 (2) "All-terrain vehicle", any motorized vehicle manufactured and used
6 exclusively for off-highway use which is [fifty] **fifty-five** inches or less in width
7 **measured from outside of tire rim to outside of tire rim**, with an unladen
8 dry weight of [six] **one thousand five** hundred pounds or less, traveling on
9 three, four or more [low pressure] **nonhighway** tires[, with a seat designed to
10 be straddled by the operator, and handlebars for steering control];

11 (3) "Coerce", to force a person to act in a given manner or to compel by
12 pressure or threat but shall not be construed to include the following:

13 (a) Good faith recommendations, exposition, argument, persuasion or
14 attempts at persuasion;

15 (b) Notice given in good faith to any franchisee of such franchisee's
16 violation of terms or provisions of such franchise or contractual agreement;

17 (c) Any other conduct set forth in section 407.1043 as a defense to an
18 action brought pursuant to sections 407.1025 to 407.1049; or

19 (d) Any other conduct set forth in sections 407.1025 to 407.1049 that is
20 permitted of the franchisor or is expressly excluded from coercion or a violation
21 of sections 407.1025 to 407.1049;

22 (4) "Franchise", a written arrangement or contract for a definite or
23 indefinite period, in which a person grants to another person a license to use, or
24 the right to grant to others a license to use, a trade name, trademark, service
25 mark, or related characteristics, in which there is a community of interest in the
26 marketing of goods or services, or both, at wholesale or retail, by agreement, lease
27 or otherwise, and in which the operation of the franchisee's business with respect
28 to such franchise is substantially reliant on the franchisor for the continued
29 supply of franchised new motorcycles or all-terrain vehicles, parts and accessories
30 for sale at wholesale or retail;

31 (5) "Franchisee", a person to whom a franchise is granted;

32 (6) "Franchisor", a person who grants a franchise to another person;

33 (7) "Motorcycle", a motor vehicle operated on two wheels;

34 (8) "New", when referring to motorcycles or all-terrain vehicles or parts,
35 means those motorcycles or all-terrain vehicles or parts which have not been held
36 except as inventory, as that term is defined in subdivision (4) of section
37 400.9-109;

38 (9) "Person", a sole proprietor, partnership, corporation, or any other form
39 of business organization.

577.001. As used in this chapter, the following terms mean:

2 (1) "Aggravated offender", a person who has been found guilty of:

3 (a) Three or more intoxication-related traffic offenses committed on
4 separate occasions; or

5 (b) Two or more intoxication-related traffic offenses committed on separate
6 occasions where at least one of the intoxication-related traffic offenses is an
7 offense committed in violation of any state law, county or municipal ordinance,
8 any federal offense, or any military offense in which the defendant was operating
9 a vehicle while intoxicated and another person was injured or killed;

10 (2) "Aggravated boating offender", a person who has been found guilty of:

11 (a) Three or more intoxication-related boating offenses; or

12 (b) Two or more intoxication-related boating offenses committed on
13 separate occasions where at least one of the intoxication-related boating offenses
14 is an offense committed in violation of any state law, county or municipal
15 ordinance, any federal offense, or any military offense in which the defendant was
16 operating a vessel while intoxicated and another person was injured or killed;

17 (3) "All-terrain vehicle", any motorized vehicle manufactured and used
18 exclusively for off-highway use which is ~~[fifty]~~ **fifty-five** inches or less in width
19 **measured from outside of tire rim to outside of tire rim**, with an unladen
20 dry weight of one thousand **five hundred** pounds or less, traveling on three, four
21 or more ~~[low pressure]~~ **nonhighway** tires[, with a seat designed to be straddled
22 by the operator, or with a seat designed to carry more than one person, and
23 handlebars for steering control];

24 (4) "Court", any circuit, associate circuit, or municipal court, including
25 traffic court, but not any juvenile court or treatment court;

26 (5) "Chronic offender", a person who has been found guilty of:

27 (a) Four or more intoxication-related traffic offenses committed on
28 separate occasions; or

29 (b) Three or more intoxication-related traffic offenses committed on
30 separate occasions where at least one of the intoxication-related traffic offenses
31 is an offense committed in violation of any state law, county or municipal
32 ordinance, any federal offense, or any military offense in which the defendant was
33 operating a vehicle while intoxicated and another person was injured or killed;
34 or

35 (c) Two or more intoxication-related traffic offenses committed on separate
36 occasions where both intoxication-related traffic offenses were offenses committed
37 in violation of any state law, county or municipal ordinance, any federal offense,
38 or any military offense in which the defendant was operating a vehicle while
39 intoxicated and another person was injured or killed;

40 (6) "Chronic boating offender", a person who has been found guilty of:

41 (a) Four or more intoxication-related boating offenses; or

42 (b) Three or more intoxication-related boating offenses committed on
43 separate occasions where at least one of the intoxication-related boating offenses
44 is an offense committed in violation of any state law, county or municipal
45 ordinance, any federal offense, or any military offense in which the defendant was
46 operating a vessel while intoxicated and another person was injured or killed; or

47 (c) Two or more intoxication-related boating offenses committed on

48 separate occasions where both intoxication-related boating offenses were offenses
49 committed in violation of any state law, county or municipal ordinance, any
50 federal offense, or any military offense in which the defendant was operating a
51 vessel while intoxicated and another person was injured or killed;

52 (7) "Continuous alcohol monitoring", automatically testing breath, blood,
53 or transdermal alcohol concentration levels and tampering attempts at least once
54 every hour, regardless of the location of the person who is being monitored, and
55 regularly transmitting the data. Continuous alcohol monitoring shall be
56 considered an electronic monitoring service under subsection 3 of section 217.690;

57 (8) "Controlled substance", a drug, substance, or immediate precursor in
58 schedules I to V listed in section 195.017;

59 (9) "Drive", "driving", "operates" or "operating", physically driving or
60 operating a vehicle or vessel;

61 (10) "Flight crew member", the pilot in command, copilots, flight
62 engineers, and flight navigators;

63 (11) "Habitual offender", a person who has been found guilty of:

64 (a) Five or more intoxication-related traffic offenses committed on
65 separate occasions; or

66 (b) Four or more intoxication-related traffic offenses committed on
67 separate occasions where at least one of the intoxication-related traffic offenses
68 is an offense committed in violation of any state law, county or municipal
69 ordinance, any federal offense, or any military offense in which the defendant was
70 operating a vehicle while intoxicated and another person was injured or killed;
71 or

72 (c) Three or more intoxication-related traffic offenses committed on
73 separate occasions where at least two of the intoxication-related traffic offenses
74 were offenses committed in violation of any state law, county or municipal
75 ordinance, any federal offense, or any military offense in which the defendant was
76 operating a vehicle while intoxicated and another person was injured or killed;

77 (12) "Habitual boating offender", a person who has been found guilty of:

78 (a) Five or more intoxication-related boating offenses; or

79 (b) Four or more intoxication-related boating offenses committed on
80 separate occasions where at least one of the intoxication-related boating offenses
81 is an offense committed in violation of any state law, county or municipal
82 ordinance, any federal offense, or any military offense in which the defendant was
83 operating a vessel while intoxicated and another person was injured or killed; or

84 (c) Three or more intoxication-related boating offenses committed on
85 separate occasions where at least two of the intoxication-related boating offenses
86 were offenses committed in violation of any state law, county or municipal
87 ordinance, any federal offense, or any military offense in which the defendant was
88 operating a vessel while intoxicated and another person was injured or killed; or

89 (d) While boating while intoxicated, the defendant acted with criminal
90 negligence to:

91 a. Cause the death of any person not a passenger in the vessel operated
92 by the defendant, including the death of an individual that results from the
93 defendant's vessel leaving the water; or

94 b. Cause the death of two or more persons; or

95 c. Cause the death of any person while he or she has a blood alcohol
96 content of at least eighteen-hundredths of one percent by weight of alcohol in
97 such person's blood;

98 (13) "Intoxicated" or "intoxicated condition", when a person is under the
99 influence of alcohol, a controlled substance, or drug, or any combination thereof;

100 (14) "Intoxication-related boating offense", operating a vessel while
101 intoxicated; boating while intoxicated; operating a vessel with excessive blood
102 alcohol content or an offense in which the defendant was operating a vessel while
103 intoxicated and another person was injured or killed in violation of any state law,
104 county or municipal ordinance, any federal offense, or any military offense;

105 (15) "Intoxication-related traffic offense", driving while intoxicated,
106 driving with excessive blood alcohol content, driving under the influence of
107 alcohol or drugs in violation of a state law, county or municipal ordinance, any
108 federal offense, or any military offense, or an offense in which the defendant was
109 operating a vehicle while intoxicated and another person was injured or killed in
110 violation of any state law, county or municipal ordinance, any federal offense, or
111 any military offense;

112 (16) "Law enforcement officer" or "arresting officer", includes the
113 definition of law enforcement officer in section 556.061 and military policemen
114 conducting traffic enforcement operations on a federal military installation under
115 military jurisdiction in the state of Missouri;

116 (17) "Operate a vessel", to physically control the movement of a vessel in
117 motion under mechanical or sail power in water;

118 (18) "Persistent offender", a person who has been found guilty of:

119 (a) Two or more intoxication-related traffic offenses committed on separate

120 occasions; or

121 (b) One intoxication-related traffic offense committed in violation of any
122 state law, county or municipal ordinance, federal offense, or military offense in
123 which the defendant was operating a vehicle while intoxicated and another person
124 was injured or killed;

125 (19) "Persistent boating offender", a person who has been found guilty of:

126 (a) Two or more intoxication-related boating offenses committed on
127 separate occasions; or

128 (b) One intoxication-related boating offense committed in violation of any
129 state law, county or municipal ordinance, federal offense, or military offense in
130 which the defendant was operating a vessel while intoxicated and another person
131 was injured or killed;

132 (20) "Prior offender", a person who has been found guilty of one
133 intoxication-related traffic offense, where such prior offense occurred within five
134 years of the occurrence of the intoxication-related traffic offense for which the
135 person is charged;

136 (21) "Prior boating offender", a person who has been found guilty of one
137 intoxication-related boating offense, where such prior offense occurred within five
138 years of the occurrence of the intoxication-related boating offense for which the
139 person is charged.

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