

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 176

101ST GENERAL ASSEMBLY
2021

1068H.03T

AN ACT

To repeal sections 300.010, 301.010, 301.558, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 365.020, 407.560, 407.815, 407.1025, and 578.120, RSMo, and to enact in lieu thereof nineteen new sections relating to emerging technologies, with penalty provisions and delayed effective date.

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

Section A. Sections 300.010, 301.010, 301.558, 302.010,
2 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 365.020,
3 407.560, 407.815, 407.1025, and 578.120, RSMo, are repealed and
4 nineteen new sections enacted in lieu thereof, to be known as
5 sections 196.276, 300.010, 301.010, 301.558, 302.010, 303.020,
6 304.001, 304.900, 307.025, 307.180, 307.188, 307.193, 307.194,
7 365.020, 407.005, 407.560, 407.815, 407.1025, and 578.120, to
8 read as follows:

**196.276. 1. As used in this section, the following
2 terms mean:**

3 **(1) "Consent", a mutual acknowledgment by both a
4 restaurant and a food delivery platform, which may be
5 obtained electronically;**

6 **(2) "Food delivery platform", a business that acts as
7 a third-party intermediary by taking and arranging for the
8 delivery or pickup of orders from multiple restaurants for**

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

9 ultimate consumers. The term does not include delivery or
10 pickup orders placed directly with, and fulfilled by, a
11 restaurant. The term does not include websites, mobile
12 applications, or other electronic services that do not post
13 restaurant menus, logos, or pricing information on their
14 platforms;

15 (3) "Likeness", a mark or trade name;

16 (4) "Mark", a trademark or service mark, regardless of
17 whether the trademark or service mark is actually registered;

18 (5) "Restaurant", a business in this state that:

19 (a) Operates its own permanent food service facilities
20 with commercial cooking equipment on its premises; and

21 (b) Prepares and offers to sell multiple entrees for
22 consumption on or off the premises;

23 (6) "Trade name", a name used by a person or entity to
24 identify the person's or entity's business or vocation.

25 2. (1) A food delivery platform shall not take and
26 arrange for the delivery or pickup of an order from a
27 restaurant in this state unless such food delivery platform
28 has filed a certificate of formation or registration with
29 the secretary of state.

30 (2) A food delivery platform shall:

31 (a) Not use a restaurant's likeness in a manner that
32 could reasonably be interpreted to falsely suggest
33 sponsorship or endorsement by the restaurant;

34 (b) Not, without the restaurant's consent, take and
35 arrange for the delivery or pickup of an order from a
36 restaurant;

37 (c) Not, without an agreement with the restaurant,
38 intentionally inflate or alter a restaurant's pricing,
39 although other charges may be assessed to the ultimate
40 consumer if they are noted separately to the consumer;

41 (d) Not, without an agreement with the restaurant,
42 attempt to charge a restaurant, or expect the restaurant to
43 pay or absorb any fee, commission, or charge;

44 (e) Remove a restaurant from the food delivery
45 platform's services within ten days of receiving the
46 restaurant's request for removal unless an agreement between
47 the food delivery platform and the restaurant states
48 otherwise; and

49 (f) Clearly provide to the ultimate consumer a
50 mechanism to express order concerns directly to the food
51 delivery platform.

52 (3) Any agreement between a food delivery platform and
53 a restaurant to take and arrange for the delivery or pickup
54 of orders shall:

55 (a) Be in writing and expressly authorize the food
56 delivery platform to take and arrange for the delivery or
57 pickup of orders from the restaurant;

58 (b) Clearly identify any fee, commission, or charge
59 that the restaurant will be required to pay or absorb; and

60 (c) Not include a provision, clause, or covenant that
61 requires a restaurant to indemnify a food delivery platform,
62 or any employee, independent contractor, or agent of the
63 food delivery platform, for any damages or harm caused by
64 the actions or omissions of the food delivery platform or
65 any employee, independent contractor, or agent of the food
66 delivery platform.

67 (4) Any provision in an agreement between a food
68 delivery platform and a restaurant, or in a written consent,
69 that is contrary to subdivision (3) of this subsection is
70 void and unenforceable.

71 3. (1) A restaurant may bring an action to enjoin a
72 violation of this section. If the court finds a violation,
73 the court shall issue an injunction and may:

74 (a) Subject to subdivision (2) of this subsection,
75 require the violator to pay to the injured party all profits
76 derived from or damages resulting from the wrongful acts; and

77 (b) Order that the wrongful act be terminated.

78 (2) If the court finds that the food delivery platform
79 committed a wrongful act in bad faith, in violation of this
80 section by not having an agreement or written consent, or
81 otherwise, as according to the circumstances of the case,
82 the court, in the court's discretion, may:

83 (a) Enter judgment in an amount not to exceed three
84 times the amount of profits and damages; and

85 (b) Award reasonable attorney's fees to the restaurant.

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

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

5 (2) "All-terrain vehicle", any motorized vehicle
6 manufactured and used exclusively for off-highway use, with
7 an unladen dry weight of one thousand five hundred pounds or
8 less, traveling on three, four or more nonhighway tires,
9 with either:

10 (a) A seat designed to be straddled by the operator,
11 and handlebars for steering control, **but excluding an**
12 **electric bicycle;** or

13 (b) A width of fifty inches or less, measured from
14 outside of tire rim to outside of tire rim, regardless of
15 seating or steering arrangement;

16 (3) "Authorized emergency vehicle", a vehicle publicly
17 owned and operated as an ambulance, or a vehicle publicly

18 owned and operated by the state highway patrol, police or
19 fire department, sheriff or constable or deputy sheriff,
20 traffic officer or any privately owned vehicle operated as
21 an ambulance when responding to emergency calls;

22 (4) "Business district", the territory contiguous to
23 and including a highway when within any six hundred feet
24 along the highway there are buildings in use for business or
25 industrial purposes, including but not limited to hotels,
26 banks, or office buildings, railroad stations and public
27 buildings which occupy at least three hundred feet of
28 frontage on one side or three hundred feet collectively on
29 both sides of the highway;

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

33 (6) "Commercial vehicle", every vehicle designed,
34 maintained, or used primarily for the transportation of
35 property;

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

42 (8) "Crosswalk",

43 (a) That part of a roadway at an intersection included
44 within the connections of the lateral lines of the sidewalks
45 on opposite sides of the highway measured from the curbs, or
46 in the absence of curbs from the edges of the traversable
47 roadway;

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

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

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

56 (11) **"Electric bicycle", a bicycle equipped with fully**
57 **operable pedals, a saddle or seat for the rider, and an**
58 **electric motor of less than 750 watts that meets the**
59 **requirements of one of the following three classes:**

60 (a) **"Class 1 electric bicycle", an electric bicycle**
61 **equipped with a motor that provides assistance only when the**
62 **rider is pedaling and that ceases to provide assistance when**
63 **the bicycle reaches the speed of twenty miles per hour;**

64 (b) **"Class 2 electric bicycle", an electric bicycle**
65 **equipped with a motor that may be used exclusively to propel**
66 **the bicycle and that is not capable of providing assistance**
67 **when the bicycle reaches the speed of twenty miles per hour;**
68 **or**

69 (c) **"Class 3 electric bicycle", an electric bicycle**
70 **equipped with a motor that provides assistance only when the**
71 **rider is pedaling and that ceases to provide assistance when**
72 **the bicycle reaches the speed of twenty-eight miles per hour;**

73 (12) "Freight curb loading zone", a space adjacent to
74 a curb for the exclusive use of vehicles during the loading
75 or unloading of freight (or passengers);

76 [(12)] (13) "Highway", the entire width between the
77 boundary lines of every way publicly maintained when any
78 part thereof is open to the use of the public for purposes
79 of vehicular travel;

80 [(13)] (14) "Intersection",

81 (a) The area embraced within the prolongation or
82 connection of the lateral curb lines, or, if none, then the
83 lateral boundary lines of the roadways of two highways which
84 join one another at, or approximately at, right angles, or
85 the area within which vehicles traveling upon different
86 highways joining at any other angle may come in conflict;

87 (b) Where a highway includes two roadways thirty feet
88 or more apart, then every crossing of each roadway of such
89 divided highway by an intersecting highway shall be regarded
90 as a separate intersection. In the event such intersecting
91 highway also includes two roadways thirty feet or more
92 apart, then every crossing of two roadways of such highways
93 shall be regarded as a separate intersection;

94 [(14)] (15) "Laned roadway", a roadway which is
95 divided into two or more clearly marked lanes for vehicular
96 traffic;

97 [(15)] (16) "Motor vehicle", any self-propelled
98 vehicle not operated exclusively upon tracks, except farm
99 tractors, **electric bicycles**, and motorized bicycles;

100 [(16)] (17) "Motorcycle", every motor vehicle having a
101 seat or saddle for the use of the rider and designed to
102 travel on not more than three wheels in contact with the
103 ground, but excluding **an electric bicycle and** a tractor;

104 [(17)] (18) "Motorized bicycle", any two-wheeled or
105 three-wheeled device having an automatic transmission and a
106 motor with a cylinder capacity of not more than fifty cubic
107 centimeters, which produces less than three gross brake
108 horsepower, and is capable of propelling the device at a
109 maximum speed of not more than thirty miles per hour on
110 level ground, **but excluding an electric bicycle**;

111 [(18)] (19) "Official time standard", whenever certain
112 hours are named herein they shall mean standard time or
113 daylight-saving time as may be in current use in the city;

114 [(19)] (20) "Official traffic control devices", all
115 signs, signals, markings and devices not inconsistent with
116 this ordinance placed or erected by authority of a public
117 body or official having jurisdiction, for the purpose of
118 regulating, warning or guiding traffic;

119 [(20)] (21) "Park" or "parking", the standing of a
120 vehicle, whether occupied or not, otherwise than temporarily
121 for the purpose of and while actually engaged in loading or
122 unloading merchandise or passengers;

123 [(21)] (22) "Passenger curb loading zone", a place
124 adjacent to a curb reserved for the exclusive use of
125 vehicles during the loading or unloading of passengers;

126 [(22)] (23) "Pedestrian", any person afoot;

127 [(23)] (24) "Person", every natural person, firm,
128 copartnership, association or corporation;

129 [(24)] (25) "Police officer", every officer of the
130 municipal police department or any officer authorized to
131 direct or regulate traffic or to make arrests for violations
132 of traffic regulations;

133 [(25)] (26) "Private road" or "driveway", every way or
134 place in private ownership and used for vehicular travel by
135 the owner and those having express or implied permission
136 from the owner, but not by other persons;

137 [(26)] (27) "Railroad", a carrier of persons or
138 property upon cars, other than streetcars, operated upon
139 stationary rails;

140 [(27)] (28) "Railroad train", a steam engine, electric
141 or other motor, with or without cars coupled thereto,
142 operated upon rails, except streetcars;

143 [(28)] **(29)** "Residence district", the territory
144 contiguous to and including a highway not comprising a
145 business district when the property on such highway for a
146 distance of three hundred feet or more is in the main
147 improved with residences or residences and buildings in use
148 for business;

149 [(29)] **(30)** "Right-of-way", the right of one vehicle
150 or pedestrian to proceed in a lawful manner in preference to
151 another vehicle or pedestrian approaching under such
152 circumstances of direction, speed and proximity as to give
153 rise to danger of collision unless one grants precedence to
154 the other;

155 [(30)] **(31)** "Roadway", that portion of a highway
156 improved, designed or ordinarily used for vehicular travel,
157 exclusive of the berm or shoulder. In the event a highway
158 includes two or more separate roadways the term "roadway" as
159 used herein shall refer to any such roadway separately but
160 not to all such roadways collectively;

161 [(31)] **(32)** "Safety zone", the area or space
162 officially set apart within a roadway for the exclusive use
163 of pedestrians and which is protected or is so marked or
164 indicated by adequate signs as to be plainly visible at all
165 times while set apart as a safety zone;

166 [(32)] **(33)** "Sidewalk", that portion of a street
167 between the curb lines, or the lateral lines of a roadway,
168 and the adjacent property lines, intended for use of
169 pedestrians;

170 [(33)] **(34)** "Stand" or "standing", the halting of a
171 vehicle, whether occupied or not, otherwise than for the
172 purpose of and while actually engaged in receiving or
173 discharging passengers;

174 [(34)] (35) "Stop", when required, complete cessation
175 from movement;

176 [(35)] (36) "Stop" or "stopping", when prohibited, any
177 halting even momentarily of a vehicle, whether occupied or
178 not, except when necessary to avoid conflict with other
179 traffic or in compliance with the directions of a police
180 officer or traffic control sign or signal;

181 [(36)] (37) "Street" or "highway", the entire width
182 between the lines of every way publicly maintained when any
183 part thereof is open to the uses of the public for purposes
184 of vehicular travel. "State highway", a highway maintained
185 by the state of Missouri as a part of the state highway
186 system;

187 [(37)] (38) "Through highway", every highway or
188 portion thereof on which vehicular traffic is given
189 preferential rights-of-way, and at the entrances to which
190 vehicular traffic from intersecting highways is required by
191 law to yield rights-of-way to vehicles on such through
192 highway in obedience to either a stop sign or a yield sign,
193 when such signs are erected as provided in this ordinance;

194 [(38)] (39) "Traffic", pedestrians, ridden or herded
195 animals, vehicles, streetcars and other conveyances either
196 singly or together while using any highway for purposes of
197 travel;

198 [(39)] (40) "Traffic control signal", any device,
199 whether manually, electrically or mechanically operated, by
200 which traffic is alternately directed to stop and to proceed;

201 [(40)] (41) "Traffic division", the traffic division
202 of the police department of the city, or in the event a
203 traffic division is not established, then said term whenever
204 used herein shall be deemed to refer to the police
205 department of the city;

206 [(41)] (42) "Vehicle", any mechanical device on
207 wheels, designed primarily for use, or used, on highways,
208 except motorized bicycles, **electric bicycles**, vehicles
209 propelled or drawn by horses or human power, or vehicles
210 used exclusively on fixed rails or tracks, cotton trailers
211 or motorized wheelchairs operated by handicapped persons.

 301.010. As used in this chapter and sections 304.010
2 to 304.040, 304.120 to 304.260, and sections 307.010 to
3 307.175, the following terms mean:

4 (1) "All-terrain vehicle", any motorized vehicle
5 manufactured and used exclusively for off-highway use, with
6 an unladen dry weight of one thousand five hundred pounds or
7 less, traveling on three, four or more nonhighway tires,
8 with either:

9 (a) A seat designed to be straddled by the operator,
10 and handlebars for steering control, **but excluding an**
11 **electric bicycle**; or

12 (b) A width of fifty inches or less, measured from
13 outside of tire rim to outside of tire rim, regardless of
14 seating or steering arrangement;

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

22 (3) "Automobile transporter", any vehicle combination
23 capable of carrying cargo on the power unit and designed and
24 used for the transport of assembled motor vehicles,
25 including truck camper units;

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

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

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

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

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

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

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

53 (11) "Dealer", any person, firm, corporation,
54 association, agent or subagent engaged in the sale or
55 exchange of new, used or reconstructed motor vehicles or
56 trailers;

57 (12) "Director" or "director of revenue", the director
58 of the department of revenue;

59 (13) "Driveaway operation":

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

66 (b) The movement of any vehicle or vehicles, not owned
67 by the transporter, constituting the commodity being
68 transported, by a person engaged in the business of
69 furnishing drivers and operators for the purpose of
70 transporting vehicles in transit from one place to another
71 by the driveaway or towaway methods; or

72 (c) The movement of a motor vehicle by any person who
73 is lawfully engaged in the business of transporting or
74 delivering vehicles that are not the person's own and
75 vehicles of a type otherwise required to be registered, by
76 the driveaway or towaway methods, from a point of
77 manufacture, assembly or distribution or from the owner of
78 the vehicles to a dealer or sales agent of a manufacturer or
79 to any consignee designated by the shipper or consignor;

80 (14) "Dromedary", a box, deck, or plate mounted behind
81 the cab and forward of the fifth wheel on the frame of the
82 power unit of a truck tractor-semitrailer combination. A
83 truck tractor equipped with a dromedary may carry part of a
84 load when operating independently or in a combination with a
85 semitrailer;

86 (15) **"Electric bicycle", a bicycle equipped with fully**
87 **operable pedals, a saddle or seat for the rider, and an**

88 electric motor of less than 750 watts that meets the
89 requirements of one of the following three classes:

90 (a) "Class 1 electric bicycle", an electric bicycle
91 equipped with a motor that provides assistance only when the
92 rider is pedaling and that ceases to provide assistance when
93 the bicycle reaches the speed of twenty miles per hour;

94 (b) "Class 2 electric bicycle", an electric bicycle
95 equipped with a motor that may be used exclusively to propel
96 the bicycle and that is not capable of providing assistance
97 when the bicycle reaches the speed of twenty miles per hour;
98 or

99 (c) "Class 3 electric bicycle", an electric bicycle
100 equipped with a motor that provides assistance only when the
101 rider is pedaling and that ceases to provide assistance when
102 the bicycle reaches the speed of twenty-eight miles per hour;

103 (16) "Farm tractor", a tractor used exclusively for
104 agricultural purposes;

105 [(16)] (17) "Fleet", any group of ten or more motor
106 vehicles owned by the same owner;

107 [(17)] (18) "Fleet vehicle", a motor vehicle which is
108 included as part of a fleet;

109 [(18)] (19) "Fullmount", a vehicle mounted completely
110 on the frame of either the first or last vehicle in a
111 saddlemount combination;

112 [(19)] (20) "Gross weight", the weight of vehicle
113 and/or vehicle combination without load, plus the weight of
114 any load thereon;

115 [(20)] (21) "Hail-damaged vehicle", any vehicle, the
116 body of which has become dented as the result of the impact
117 of hail;

118 [(21)] (22) "Highway", any public thoroughfare for
119 vehicles, including state roads, county roads and public

120 streets, avenues, boulevards, parkways or alleys in any
121 municipality;

122 [(22)] **(23)** "Improved highway", a highway which has
123 been paved with gravel, macadam, concrete, brick or asphalt,
124 or surfaced in such a manner that it shall have a hard,
125 smooth surface;

126 [(23)] **(24)** "Intersecting highway", any highway which
127 joins another, whether or not it crosses the same;

128 [(24)] **(25)** "Junk vehicle", a vehicle which:

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

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

134 [(25)] **(26)** "Kit vehicle", a motor vehicle assembled
135 by a person other than a generally recognized manufacturer
136 of motor vehicles by the use of a glider kit or replica
137 purchased from an authorized manufacturer and accompanied by
138 a manufacturer's statement of origin;

139 [(26)] **(27)** "Land improvement contractors' commercial
140 motor vehicle", any not-for-hire commercial motor vehicle
141 the operation of which is confined to:

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

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

151 supplies to or from projects not involving soil and water
152 conservation.

153 Nothing in this subdivision shall be construed to prevent
154 any motor vehicle from being registered as a commercial
155 motor vehicle or local commercial motor vehicle;

156 [(27)] **(28)** "Local commercial motor vehicle", a
157 commercial motor vehicle whose operations are confined to a
158 municipality and that area extending not more than fifty
159 miles therefrom, or a commercial motor vehicle whose
160 property-carrying operations are confined solely to the
161 transportation of property owned by any person who is the
162 owner or operator of such vehicle to or from a farm owned by
163 such person or under the person's control by virtue of a
164 landlord and tenant lease; provided that any such property
165 transported to any such farm is for use in the operation of
166 such farm;

167 [(28)] **(29)** "Local log truck", a commercial motor
168 vehicle which is registered pursuant to this chapter to
169 operate as a motor vehicle on the public highways of this
170 state, used exclusively in this state, used to transport
171 harvested forest products, operated solely at a forested
172 site and in an area extending not more than a one hundred
173 mile radius from such site, carries a load with dimensions
174 not in excess of twenty-five cubic yards per two axles with
175 dual wheels, and when operated on the national system of
176 interstate and defense highways described in 23 U.S.C.
177 Section 103, as amended, or outside the one hundred mile
178 radius from such site with an extended distance local log
179 truck permit, such vehicle shall not exceed the weight
180 limits of section 304.180, does not have more than four
181 axles, and does not pull a trailer which has more than three

182 axles. Harvesting equipment which is used specifically for
183 cutting, felling, trimming, delimiting, debarking, chipping,
184 skidding, loading, unloading, and stacking may be
185 transported on a local log truck. A local log truck may not
186 exceed the limits required by law, however, if the truck
187 does exceed such limits as determined by the inspecting
188 officer, then notwithstanding any other provisions of law to
189 the contrary, such truck shall be subject to the weight
190 limits required by such sections as licensed for eighty
191 thousand pounds;

192 **[(29)] (30)** "Local log truck tractor", a commercial
193 motor vehicle which is registered under this chapter to
194 operate as a motor vehicle on the public highways of this
195 state, used exclusively in this state, used to transport
196 harvested forest products, operated at a forested site and
197 in an area extending not more than a one hundred mile radius
198 from such site, operates with a weight not exceeding twenty-
199 two thousand four hundred pounds on one axle or with a
200 weight not exceeding forty-four thousand eight hundred
201 pounds on any tandem axle, and when operated on the national
202 system of interstate and defense highways described in 23
203 U.S.C. Section 103, as amended, or outside the one hundred
204 mile radius from such site with an extended distance local
205 log truck permit, such vehicle does not exceed the weight
206 limits contained in section 304.180, and does not have more
207 than three axles and does not pull a trailer which has more
208 than three axles. Violations of axle weight limitations
209 shall be subject to the load limit penalty as described for
210 in sections 304.180 to 304.220;

211 **[(30)] (31)** "Local transit bus", a bus whose
212 operations are confined wholly within a municipal
213 corporation, or wholly within a municipal corporation and a

214 commercial zone, as defined in section 390.020, adjacent
215 thereto, forming a part of a public transportation system
216 within such municipal corporation and such municipal
217 corporation and adjacent commercial zone;

218 [(31)] **(32)** "Log truck", a vehicle which is not a
219 local log truck or local log truck tractor and is used
220 exclusively to transport harvested forest products to and
221 from forested sites which is registered pursuant to this
222 chapter to operate as a motor vehicle on the public highways
223 of this state for the transportation of harvested forest
224 products;

225 [(32)] **(33)** "Major component parts", the rear clip,
226 cowl, frame, body, cab, front-end assembly, and front clip,
227 as those terms are defined by the director of revenue
228 pursuant to rules and regulations or by illustrations;

229 [(33)] **(34)** "Manufacturer", any person, firm,
230 corporation or association engaged in the business of
231 manufacturing or assembling motor vehicles, trailers or
232 vessels for sale;

233 [(34)] **(35)** "Motor change vehicle", a vehicle
234 manufactured prior to August, 1957, which receives a new,
235 rebuilt or used engine, and which used the number stamped on
236 the original engine as the vehicle identification number;

237 [(35)] **(36)** "Motor vehicle", any self-propelled
238 vehicle not operated exclusively upon tracks, except farm
239 tractors **and electric bicycles**;

240 [(36)] **(37)** "Motor vehicle primarily for business
241 use", any vehicle other than a recreational motor vehicle,
242 motorcycle, motortricycle, or any commercial motor vehicle
243 licensed for over twelve thousand pounds:

244 (a) Offered for hire or lease; or

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

247 [(37)] **(38)** "Motorcycle", a motor vehicle operated on
248 two wheels;

249 [(38)] **(39)** "Motorized bicycle", any two-wheeled or
250 three-wheeled device having an automatic transmission and a
251 motor with a cylinder capacity of not more than fifty cubic
252 centimeters, which produces less than three gross brake
253 horsepower, and is capable of propelling the device at a
254 maximum speed of not more than thirty miles per hour on
255 level ground, **but excluding an electric bicycle;**

256 [(39)] **(40)** "Motortricycle", a motor vehicle upon
257 which the operator straddles or sits astride that is
258 designed to be controlled by handle bars and is operated on
259 three wheels, including a motorcycle while operated with any
260 conveyance, temporary or otherwise, requiring the use of a
261 third wheel, **but excluding an electric bicycle.** A
262 motortricycle shall not be included in the definition of all-
263 terrain vehicle;

264 [(40)] **(41)** "Municipality", any city, town or village,
265 whether incorporated or not;

266 [(41)] **(42)** "Nonresident", a resident of a state or
267 country other than the state of Missouri;

268 [(42)] **(43)** "Non-USA-std motor vehicle", a motor
269 vehicle not originally manufactured in compliance with
270 United States emissions or safety standards;

271 [(43)] **(44)** "Operator", any person who operates or
272 drives a motor vehicle;

273 [(44)] **(45)** "Owner", any person, firm, corporation or
274 association, who holds the legal title to a vehicle or who
275 has executed a buyer's order or retail installment sales
276 contract with a motor vehicle dealer licensed under sections

277 301.550 to 301.580 for the purchase of a vehicle with an
278 immediate right of possession vested in the transferee, or
279 in the event a vehicle is the subject of an agreement for
280 the conditional sale or lease thereof with the right of
281 purchase upon performance of the conditions stated in the
282 agreement and with an immediate right of possession vested
283 in the conditional vendee or lessee, or in the event a
284 mortgagor of a vehicle is entitled to possession, then such
285 conditional vendee or lessee or mortgagor shall be deemed
286 the owner;

287 [(45)] (46) "Public garage", a place of business where
288 motor vehicles are housed, stored, repaired, reconstructed
289 or repainted for persons other than the owners or operators
290 of such place of business;

291 [(46)] (47) "Rebuilder", a business that repairs or
292 rebuilds motor vehicles owned by the rebuilder, but does not
293 include certificated common or contract carriers of persons
294 or property;

295 [(47)] (48) "Reconstructed motor vehicle", a vehicle
296 that is altered from its original construction by the
297 addition or substitution of two or more new or used major
298 component parts, excluding motor vehicles made from all new
299 parts, and new multistage manufactured vehicles;

300 [(48)] (49) "Recreational motor vehicle", any motor
301 vehicle designed, constructed or substantially modified so
302 that it may be used and is used for the purposes of
303 temporary housing quarters, including therein sleeping and
304 eating facilities which are either permanently attached to
305 the motor vehicle or attached to a unit which is securely
306 attached to the motor vehicle. Nothing herein shall prevent
307 any motor vehicle from being registered as a commercial

308 motor vehicle if the motor vehicle could otherwise be so
309 registered;

310 [(49)] (50) "Recreational off-highway vehicle", any
311 motorized vehicle manufactured and used exclusively for off-
312 highway use which is more than fifty inches but no more than
313 eighty inches in width, measured from outside of tire rim to
314 outside of tire rim, with an unladen dry weight of three
315 thousand five hundred pounds or less, traveling on four or
316 more nonhighway tires and which may have access to ATV
317 trails;

318 [(50)] (51) "Recreational trailer", any trailer
319 designed, constructed, or substantially modified so that it
320 may be used and is used for the purpose of temporary housing
321 quarters, including therein sleeping or eating facilities,
322 which can be temporarily attached to a motor vehicle or
323 attached to a unit which is securely attached to a motor
324 vehicle;

325 [(51)] (52) "Rollback or car carrier", any vehicle
326 specifically designed to transport wrecked, disabled or
327 otherwise inoperable vehicles, when the transportation is
328 directly connected to a wrecker or towing service;

329 [(52)] (53) "Saddlemount combination", a combination
330 of vehicles in which a truck or truck tractor tows one or
331 more trucks or truck tractors, each connected by a saddle to
332 the frame or fifth wheel of the vehicle in front of it. The
333 "saddle" is a mechanism that connects the front axle of the
334 towed vehicle to the frame or fifth wheel of the vehicle in
335 front and functions like a fifth wheel kingpin connection.
336 When two vehicles are towed in this manner the combination
337 is called a "double saddlemount combination". When three
338 vehicles are towed in this manner, the combination is called
339 a "triple saddlemount combination";

340 [(53)] (54) "Salvage dealer and dismantler", a
341 business that dismantles used motor vehicles for the sale of
342 the parts thereof, and buys and sells used motor vehicle
343 parts and accessories;

344 [(54)] (55) "Salvage vehicle", a motor vehicle,
345 semitrailer, or house trailer which:

346 (a) Was damaged during a year that is no more than six
347 years after the manufacturer's model year designation for
348 such vehicle to the extent that the total cost of repairs to
349 rebuild or reconstruct the vehicle to its condition
350 immediately before it was damaged for legal operation on the
351 roads or highways exceeds eighty percent of the fair market
352 value of the vehicle immediately preceding the time it was
353 damaged;

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

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

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

362 (e) Is abandoned property which is titled pursuant to
363 section 304.155 or section 304.157 and designated with the
364 words "salvage/abandoned property". The total cost of
365 repairs to rebuild or reconstruct the vehicle shall not
366 include the cost of repairing, replacing, or reinstalling
367 inflatable safety restraints, tires, sound systems, or
368 damage as a result of hail, or any sales tax on parts or
369 materials to rebuild or reconstruct the vehicle. For
370 purposes of this definition, "fair market value" means the
371 retail value of a motor vehicle as:

372 a. Set forth in a current edition of any nationally
373 recognized compilation of retail values, including automated
374 databases, or from publications commonly used by the
375 automotive and insurance industries to establish the values
376 of motor vehicles;

377 b. Determined pursuant to a market survey of
378 comparable vehicles with regard to condition and equipment;
379 and

380 c. Determined by an insurance company using any other
381 procedure recognized by the insurance industry, including
382 market surveys, that is applied by the company in a uniform
383 manner;

384 [(55)] **(56)** "School bus", any motor vehicle used
385 solely to transport students to or from school or to
386 transport students to or from any place for educational
387 purposes;

388 [(56)] **(57)** "Scrap processor", a business that,
389 through the use of fixed or mobile equipment, flattens,
390 crushes, or otherwise accepts motor vehicles and vehicle
391 parts for processing or transportation to a shredder or
392 scrap metal operator for recycling;

393 [(57)] **(58)** "Shuttle bus", a motor vehicle used or
394 maintained by any person, firm, or corporation as an
395 incidental service to transport patrons or customers of the
396 regular business of such person, firm, or corporation to and
397 from the place of business of the person, firm, or
398 corporation providing the service at no fee or charge.
399 Shuttle buses shall not be registered as buses or as
400 commercial motor vehicles;

401 [(58)] **(59)** "Special mobile equipment", every self-
402 propelled vehicle not designed or used primarily for the
403 transportation of persons or property and incidentally

404 operated or moved over the highways, including farm
405 equipment, implements of husbandry, road construction or
406 maintenance machinery, ditch-digging apparatus, stone
407 crushers, air compressors, power shovels, cranes, graders,
408 rollers, well-drillers and wood-sawing equipment used for
409 hire, asphalt spreaders, bituminous mixers, bucket loaders,
410 ditchers, leveling graders, finished machines, motor
411 graders, road rollers, scarifiers, earth-moving carryalls,
412 scrapers, drag lines, concrete pump trucks, rock-drilling
413 and earth-moving equipment. This enumeration shall be
414 deemed partial and shall not operate to exclude other such
415 vehicles which are within the general terms of this section;

416 [(59)] **(60)** "Specially constructed motor vehicle", a
417 motor vehicle which shall not have been originally
418 constructed under a distinctive name, make, model or type by
419 a manufacturer of motor vehicles. The term specially
420 constructed motor vehicle includes kit vehicles;

421 [(60)] **(61)** "Stinger-steered combination", a truck
422 tractor-semitrailer wherein the fifth wheel is located on a
423 drop frame located behind and below the rearmost axle of the
424 power unit;

425 [(61)] **(62)** "Tandem axle", a group of two or more
426 axles, arranged one behind another, the distance between the
427 extremes of which is more than forty inches and not more
428 than ninety-six inches apart;

429 [(62)] **(63)** "Towaway trailer transporter combination",
430 a combination of vehicles consisting of a trailer
431 transporter towing unit and two trailers or semitrailers,
432 with a total weight that does not exceed twenty-six thousand
433 pounds; and in which the trailers or semitrailers carry no
434 property and constitute inventory property of a

435 manufacturer, distributor, or dealer of such trailers or
436 semitrailers;

437 [(63)] (64) "Tractor", "truck tractor" or "truck-
438 tractor", a self-propelled motor vehicle designed for
439 drawing other vehicles, but not for the carriage of any load
440 when operating independently. When attached to a
441 semitrailer, it supports a part of the weight thereof;

442 [(64)] (65) "Trailer", any vehicle without motive
443 power designed for carrying property or passengers on its
444 own structure and for being drawn by a self-propelled
445 vehicle, except those running exclusively on tracks,
446 including a semitrailer or vehicle of the trailer type so
447 designed and used in conjunction with a self-propelled
448 vehicle that a considerable part of its own weight rests
449 upon and is carried by the towing vehicle. The term trailer
450 shall not include cotton trailers as defined in this section
451 and shall not include manufactured homes as defined in
452 section 700.010;

453 [(65)] (66) "Trailer transporter towing unit", a power
454 unit that is not used to carry property when operating in a
455 towaway trailer transporter combination;

456 [(66)] (67) "Truck", a motor vehicle designed, used,
457 or maintained for the transportation of property;

458 [(67)] (68) "Truck-tractor semitrailer-semitrailer", a
459 combination vehicle in which the two trailing units are
460 connected with a B-train assembly which is a rigid frame
461 extension attached to the rear frame of a first semitrailer
462 which allows for a fifth-wheel connection point for the
463 second semitrailer and has one less articulation point than
464 the conventional A-dolly connected truck-tractor semitrailer-
465 trailer combination;

466 [(68)] (69) "Truck-trailer boat transporter
467 combination", a boat transporter combination consisting of a
468 straight truck towing a trailer using typically a ball and
469 socket connection with the trailer axle located
470 substantially at the trailer center of gravity rather than
471 the rear of the trailer but so as to maintain a downward
472 force on the trailer tongue;

473 [(69)] (70) "Used parts dealer", a business that buys
474 and sells used motor vehicle parts or accessories, but not
475 including a business that sells only new, remanufactured or
476 rebuilt parts. Business does not include isolated sales at
477 a swap meet of less than three days;

478 [(70)] (71) "Utility vehicle", any motorized vehicle
479 manufactured and used exclusively for off-highway use which
480 is more than fifty inches but no more than eighty inches in
481 width, measured from outside of tire rim to outside of tire
482 rim, with an unladen dry weight of three thousand five
483 hundred pounds or less, traveling on four or six wheels, to
484 be used primarily for landscaping, lawn care, or maintenance
485 purposes;

486 [(71)] (72) "Vanpool", any van or other motor vehicle
487 used or maintained by any person, group, firm, corporation,
488 association, city, county or state agency, or any member
489 thereof, for the transportation of not less than eight nor
490 more than forty-eight employees, per motor vehicle, to and
491 from their place of employment; however, a vanpool shall not
492 be included in the definition of the term bus or commercial
493 motor vehicle as defined in this section, nor shall a
494 vanpool driver be deemed a chauffeur as that term is defined
495 by section 303.020; nor shall use of a vanpool vehicle for
496 ride-sharing arrangements, recreational, personal, or
497 maintenance uses constitute an unlicensed use of the motor

498 vehicle, unless used for monetary profit other than for use
499 in a ride-sharing arrangement;

500 [(72)] (73) "Vehicle", any mechanical device on
501 wheels, designed primarily for use, or used, on highways,
502 except motorized bicycles, **electric bicycles**, vehicles
503 propelled or drawn by horses or human power, or vehicles
504 used exclusively on fixed rails or tracks, or cotton
505 trailers or motorized wheelchairs operated by handicapped
506 persons;

507 [(73)] (74) "Wrecker" or "tow truck", any emergency
508 commercial vehicle equipped, designed and used to assist or
509 render aid and transport or tow disabled or wrecked vehicles
510 from a highway, road, street or highway rights-of-way to a
511 point of storage or repair, including towing a replacement
512 vehicle to replace a disabled or wrecked vehicle;

513 [(74)] (75) "Wrecker or towing service", the act of
514 transporting, towing or recovering with a wrecker, tow
515 truck, rollback or car carrier any vehicle not owned by the
516 operator of the wrecker, tow truck, rollback or car carrier
517 for which the operator directly or indirectly receives
518 compensation or other personal gain.

301.558. 1. A motor vehicle dealer, boat dealer, or
2 powersport dealer may fill in the blanks on standardized
3 forms in connection with the sale or lease of a new or used
4 motor vehicle, vessel, or vessel trailer if the motor
5 vehicle dealer, boat dealer, or powersport dealer does not
6 charge for the services of filling in the blanks or
7 otherwise charge for preparing documents.

8 2. A motor vehicle dealer, boat dealer, or powersport
9 dealer may charge an administrative fee in connection with
10 the sale or lease of a new or used motor vehicle, vessel, or
11 vessel trailer for the storage of documents or any other

12 administrative or clerical services not prohibited by this
13 section. A portion of the administrative fee may result in
14 profit to the motor vehicle dealer, boat dealer, or
15 powersport dealer.

16 3. (1) Ten percent of any fee authorized under this
17 section and charged by motor vehicle dealers shall be
18 remitted to the motor vehicle administration technology fund
19 established in this subsection, for the development of the
20 system specified in this subsection. Following the
21 development of the system specified in this subsection, the
22 director of the department of revenue shall notify motor
23 vehicle dealers and implement the system, and the percentage
24 of any fee authorized under this section required to be
25 remitted to the fund shall be reduced to one percent, which
26 shall be used for maintenance of the system. This
27 subsection shall expire on January 1, 2037.

28 (2) There is hereby created in the state treasury the
29 "Motor Vehicle Administration Technology Fund", which shall
30 consist of money collected as specified in this subsection.
31 The state treasurer shall be custodian of the fund. In
32 accordance with sections 30.170 and 30.180, the state
33 treasurer may approve disbursements. The fund shall be a
34 dedicated fund and money in the fund shall be used solely by
35 the department of revenue for the purpose of development and
36 maintenance of a modernized, integrated system for the
37 titling of vehicles, issuance and renewal of vehicle
38 registrations, issuance and renewal of driver's licenses and
39 identification cards, and perfection and release of liens
40 and encumbrances on vehicles.

41 (3) Notwithstanding the provisions of section 33.080
42 to the contrary, any moneys remaining in the fund at the end

43 of the biennium shall not revert to the credit of the
44 general revenue fund.

45 (4) The state treasurer shall invest moneys in the
46 fund in the same manner as other funds are invested. Any
47 interest and moneys earned on such investments shall be
48 credited to the fund.

49 4. No motor vehicle dealer, boat dealer, or powersport
50 dealer that sells or leases new or used motor vehicles,
51 vessels, or vessel trailers and imposes an administrative
52 fee of [less than two] **five** hundred dollars **or less** in
53 connection with the sale or lease of a new or used vehicle,
54 vessel, or vessel trailer for the storage of documents or
55 any other administrative or clerical services shall be
56 deemed to be engaging in the unauthorized practice of law.
57 **The maximum administrative fee permitted under this**
58 **subsection shall be increased annually by an amount equal to**
59 **the percentage change in the annual average of the Consumer**
60 **Price Index for All Urban Consumers or its successor index,**
61 **as reported by the federal Bureau of Labor Statistics or its**
62 **successor agency, or by zero, whichever is greater. The**
63 **director of the department of revenue shall annually furnish**
64 **the maximum administrative fee determined under this section**
65 **to the secretary of state, who shall publish such value in**
66 **the Missouri register as soon as practicable after January**
67 **fourteenth of each year.**

68 [4.] 5. If an administrative fee is charged under this
69 section, the **same** administrative fee shall be charged to all
70 retail customers [and] **unless the fee is limited by the**
71 **dealer's franchise agreement to certain classes of**
72 **customers. The fee shall be** disclosed on the retail buyer's
73 order form as a separate itemized charge.

74 [5.] 6. A preliminary worksheet on which a sale price
75 is computed and that is shown to the purchaser, a retail
76 buyer's order form from the purchaser, or a retail
77 installment contract shall include, in reasonable proximity
78 to the place on the document where the administrative fee
79 authorized by this section is disclosed, the amount of the
80 administrative fee and the following notice in type that is
81 boldfaced, capitalized, underlined, or otherwise
82 conspicuously set out from the surrounding written material:

83 "AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE
84 AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY
85 A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN
86 A PROFIT TO DEALER. NO PORTION OF THIS
87 ADMINISTRATIVE FEE IS FOR THE DRAFTING,
88 PREPARATION, OR COMPLETION OF DOCUMENTS OR THE
89 PROVIDING OF LEGAL ADVICE. THIS NOTICE IS
90 REQUIRED BY LAW."

91 [6.] 7. The general assembly believes that an
92 administrative fee charged in compliance with this section
93 is not the unauthorized practice of law or the unauthorized
94 business of law so long as the activity or service for which
95 the fee is charged is in compliance with the provisions of
96 this section and does not result in the waiver of any rights
97 or remedies. Recognizing, however, that the judiciary is
98 the sole arbitrator of what constitutes the practice of law,
99 in the event that a court determines that an administrative
100 fee charged in compliance with this section, and that does
101 not waive any rights or remedies of the buyer, is the
102 unauthorized practice of law or the unauthorized business of
103 law, then no person who paid that administrative fee may
104 recover said fee or treble damages, as permitted under

105 section 484.020, and no person who charged that fee shall be
106 guilty of a misdemeanor, as provided under section 484.020.

302.010. Except where otherwise provided, when used in
2 this chapter, the following words and phrases mean:

3 (1) "Circuit court", each circuit court in the state;

4 (2) "Commercial motor vehicle", a motor vehicle
5 designed or regularly used for carrying freight and
6 merchandise, or more than fifteen passengers;

7 (3) "Conviction", any final conviction; also a
8 forfeiture of bail or collateral deposited to secure a
9 defendant's appearance in court, which forfeiture has not
10 been vacated, shall be equivalent to a conviction, except
11 that when any conviction as a result of which points are
12 assessed pursuant to section 302.302 is appealed, the term
13 "conviction" means the original judgment of conviction for
14 the purpose of determining the assessment of points, and the
15 date of final judgment affirming the conviction shall be the
16 date determining the beginning of any license suspension or
17 revocation pursuant to section 302.304;

18 (4) "Criminal history check", a search of criminal
19 records, including criminal history record information as
20 defined in section 43.500, maintained by the Missouri state
21 highway patrol in the Missouri criminal records repository
22 or by the Federal Bureau of Investigation as part of its
23 criminal history records, including, but not limited to, any
24 record of conviction, plea of guilty or nolo contendere, or
25 finding of guilty in any state for any offense related to
26 alcohol, controlled substances, or drugs;

27 (5) "Director", the director of revenue acting
28 directly or through the director's authorized officers and
29 agents;

30 (6) "Farm tractor", every motor vehicle designed and
31 used primarily as a farm implement for drawing plows, mowing
32 machines and other implements of husbandry;

33 (7) "Highway", any public thoroughfare for vehicles,
34 including state roads, county roads and public streets,
35 avenues, boulevards, parkways, or alleys in any municipality;

36 (8) "Incompetent to drive a motor vehicle", a person
37 who has become physically incapable of meeting the
38 prescribed requirements of an examination for an operator's
39 license, or who has been adjudged by a probate division of
40 the circuit court in a capacity hearing of being
41 incapacitated;

42 (9) "License", a license issued by a state to a person
43 which authorizes a person to operate a motor vehicle;

44 (10) "Motor vehicle", any self-propelled vehicle not
45 operated exclusively upon tracks except motorized bicycles,
46 as defined in section 307.180 **and electric bicycles, as**
47 **defined in section 301.010;**

48 (11) "Motorcycle", a motor vehicle operated on two
49 wheels; however, this definition shall not include motorized
50 bicycles **or electric bicycles as such terms are** defined in
51 section 301.010;

52 (12) "Motortricycle", a motor vehicle operated on
53 three wheels, including a motorcycle operated with any
54 conveyance, temporary or otherwise, requiring the use of a
55 third wheel, **but excluding an electric bicycle as defined in**
56 **section 301.010;**

57 (13) "Moving violation", that character of traffic
58 violation where at the time of violation the motor vehicle
59 involved is in motion, except that the term does not include
60 the driving of a motor vehicle without a valid motor vehicle
61 registration license, or violations of sections 304.170 to

62 304.240, inclusive, relating to sizes and weights of
63 vehicles;

64 (14) "Municipal court", every division of the circuit
65 court having original jurisdiction to try persons for
66 violations of city ordinances;

67 (15) "Nonresident", every person who is not a resident
68 of this state;

69 (16) "Operator", every person who is in actual
70 physical control of a motor vehicle upon a highway;

71 (17) "Owner", a person who holds the legal title of a
72 vehicle or in the event a vehicle is the subject of an
73 agreement for the conditional sale or lease thereof with the
74 right of purchase upon performance of the conditions stated
75 in the agreement and with an immediate right of possession
76 vested in the conditional vendee or lessee, or in the event
77 a mortgagor of a vehicle is entitled to possession, then
78 such conditional vendee or lessee or mortgagor shall be
79 deemed the owner for the purpose of sections 302.010 to
80 302.540;

81 (18) "Record" includes, but is not limited to, papers,
82 documents, facsimile information, microphotographic process,
83 electronically generated or electronically recorded
84 information, digitized images, deposited or filed with the
85 department of revenue;

86 (19) "Residence address", "residence", or "resident
87 address" shall be the location at which a person has been
88 physically present, and that the person regards as home. A
89 residence address is a person's true, fixed, principal, and
90 permanent home, to which a person intends to return and
91 remain, even though currently residing elsewhere;

92 (20) "Restricted driving privilege", a sixty-day
93 driving privilege issued by the director of revenue

94 following a suspension of driving privileges for the limited
95 purpose of driving in connection with the driver's business,
96 occupation, employment, formal program of secondary,
97 postsecondary or higher education, or for an alcohol
98 education or treatment program or certified ignition
99 interlock provider, or a ninety-day interlock restricted
100 privilege issued by the director of revenue for the limited
101 purpose of driving in connection with the driver's business,
102 occupation, employment, seeking medical treatment for such
103 driver or a dependent family member, attending school or
104 other institution of higher education, attending alcohol- or
105 drug-treatment programs, seeking the required services of a
106 certified ignition interlock provider, fulfilling court
107 obligations, including required appearances and probation
108 and parole obligations, religious services, the care of a
109 child or children, including scheduled visitation or
110 custodial obligations pursuant to a court order, fueling
111 requirements for any vehicle utilized, and seeking basic
112 nutritional requirements;

113 (21) "School bus", when used in sections 302.010 to
114 302.540, means any motor vehicle, either publicly or
115 privately owned, used to transport students to and from
116 school, or to transport pupils properly chaperoned to and
117 from any place within the state for educational purposes.
118 The term "school bus" shall not include a bus operated by a
119 public utility, municipal corporation or common carrier
120 authorized to conduct local or interstate transportation of
121 passengers when such bus is not traveling a specific school
122 bus route but is:

123 (a) On a regularly scheduled route for the
124 transportation of fare-paying passengers; or

125 (b) Furnishing charter service for the transportation
126 of persons enrolled as students on field trips or other
127 special trips or in connection with other special events;

128 (22) "School bus operator", an operator who operates a
129 school bus as defined in subdivision (21) of this section in
130 the transportation of any schoolchildren and who receives
131 compensation for such service. The term "school bus
132 operator" shall not include any person who transports
133 schoolchildren as an incident to employment with a school or
134 school district, such as a teacher, coach, administrator,
135 secretary, school nurse, or janitor unless such person is
136 under contract with or employed by a school or school
137 district as a school bus operator;

138 (23) "Signature", any method determined by the
139 director of revenue for the signing, subscribing or
140 verifying of a record, report, application, driver's
141 license, or other related document that shall have the same
142 validity and consequences as the actual signing by the
143 person providing the record, report, application, driver's
144 license or related document;

145 (24) "Substance abuse traffic offender program", a
146 program certified by the division of alcohol and drug abuse
147 of the department of mental health to provide education or
148 rehabilitation services pursuant to a professional
149 assessment screening to identify the individual needs of the
150 person who has been referred to the program as the result of
151 an alcohol- or drug-related traffic offense. Successful
152 completion of such a program includes participation in any
153 education or rehabilitation program required to meet the
154 needs identified in the assessment screening. The
155 assignment recommendations based upon such assessment shall
156 be subject to judicial review as provided in subsection 14

157 of section 302.304 and subsections 1 and 5 of section
158 302.540;

159 (25) "Vehicle", any mechanical device on wheels,
160 designed primarily for use, or used on highways, except
161 motorized bicycles, **electric bicycles**, vehicles propelled or
162 drawn by horses or human power, or vehicles used exclusively
163 on fixed rails or tracks, or cotton trailers or motorized
164 wheelchairs operated by handicapped persons.

303.020. As used in this chapter the following words
2 and phrases shall mean:

3 (1) "Chauffeur", a person who is employed for the
4 principal purpose of operating a motor vehicle or any person
5 who drives a motor vehicle while in use as a public or
6 common carrier of persons or property for hire;

7 (2) "Director", director of revenue of the state of
8 Missouri, acting directly or through his authorized officers
9 and agents;

10 (3) "Judgment", a final judgment by a court of
11 competent jurisdiction of any state or of the United States,
12 upon a claim for relief for damages, including damages for
13 care and loss of services, because of bodily injury to or
14 death of any person, or for damages because of injury to or
15 destruction of property, including the loss of use thereof,
16 or upon a claim for relief on any agreement or settlement
17 for such damages arising out of the ownership, maintenance
18 or use of any motor vehicle;

19 (4) "License", an operator's or driver's license,
20 temporary instruction permit, chauffeur's or registered
21 operator's license issued under the laws of this state;

22 (5) "Motor vehicle", a self-propelled vehicle which is
23 designed for use upon a highway, except trailers designed
24 for use with such vehicles, traction engines, road rollers,

25 farm tractors, tractor cranes, power shovels, well drillers
26 [and] , motorized bicycles[,] as defined in section 307.180,
27 **electric bicycles as defined in section 301.010**, and every
28 vehicle which is propelled by electric power obtained from
29 overhead wires but not operated upon rails;

30 (6) "Nonresident", a person not a resident of the
31 state of Missouri;

32 (7) "Nonresident's operating privilege", the privilege
33 conferred upon a nonresident by the laws of this state
34 pertaining to the operation by him of a motor vehicle, or
35 the use of a motor vehicle owned by him in this state;

36 (8) "Operator", a person who is in actual physical
37 control of a motor vehicle;

38 (9) "Owner", a person who holds the legal title to a
39 motor vehicle; or in the event a motor vehicle is the
40 subject of an agreement for the conditional sale or lease
41 thereof with the right of purchase upon performance of the
42 conditions stated in the agreement and with an immediate
43 right of possession vested in the conditional vendee or
44 lessee, or in the event a mortgagor of a motor vehicle is
45 entitled to possession thereof, then such conditional vendee
46 or lessee or mortgagor;

47 (10) "Proof of financial responsibility", proof of
48 ability to respond in damages for liability, on account of
49 accidents occurring subsequent to the effective date of said
50 proof, arising out of the ownership, maintenance or use of a
51 motor vehicle, in the amount of twenty-five thousand dollars
52 because of bodily injury to or death of one person in any
53 one accident, and, subject to said limit for one person, in
54 the amount of fifty thousand dollars because of bodily
55 injury to or death of two or more persons in any one
56 accident, and in the amount of twenty-five thousand dollars

57 because of injury to or destruction of property of others in
58 any one accident;

59 (11) "Registration", registration certificate or
60 certificates and registration plates issued under the laws
61 of this state pertaining to the registration of motor
62 vehicles;

63 (12) "State", any state, territory or possession of
64 the United States, the District of Columbia, or any province
65 of the Dominion of Canada;

66 (13) "Street" or "highway", the entire width between
67 property lines of every way or place of whatever nature when
68 any part thereof is open to the use of the public, as a
69 matter of right, for purposes of vehicular traffic.

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

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

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

20 (3) "Commercial vehicle inspectors", employees of the
21 Missouri state highway patrol who are not members of the
22 patrol but who are appointed by the superintendent of the
23 highway patrol to supervise or operate permanent or portable
24 weigh stations in the enforcement of commercial vehicle laws;

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

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

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

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

37 (8) "Members of the patrol", the superintendent,
38 lieutenant colonel, majors, captains, director of radio,
39 lieutenants, sergeants, corporals and patrolmen of the
40 Missouri state highway patrol;

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

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

46 a. Jeeps;

47 b. All-terrain vehicles;

48 c. Dune buggies;

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

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

- 52 f. Motorcycles, trail bikes, minibikes and related
53 vehicles;
- 54 g. Any other means of transportation deriving power
55 from any source other than muscle or wind; and
- 56 (b) Excluding the following:
- 57 a. Registered motorboats;
- 58 b. Aircraft;
- 59 c. Any military, fire or law enforcement vehicle;
- 60 d. Farm-type tractors and other self-propelled
61 equipment for harvesting and transporting farm or forest
62 products;
- 63 e. Any vehicle being used for farm purposes, earth
64 moving, or construction while being used for such purposes
65 on the work site;
- 66 f. Self-propelled lawnmowers, or lawn or garden
67 tractors, or golf carts, while being used exclusively for
68 their designed purpose; [and]
- 69 g. Any vehicle being used for the purpose of
70 transporting a handicapped person;
- 71 **h. Electric bicycles, as defined in section 301.010;**
- 72 (10) "Person", any natural person, corporation, or
73 other legal entity;
- 74 (11) "Right-of-way", the entire width of land between
75 the boundary lines of a state highway, including any roadway;
- 76 (12) "Roadway", that portion of a state highway
77 ordinarily used for vehicular travel, exclusive of the berm
78 or shoulder;
- 79 (13) "State highway", a highway constructed or
80 maintained by the state highways and transportation
81 commission with the aid of state funds or United States
82 government funds, or any highway included by authority of
83 law in the state highway system, including all right-of-way;

84 (14) "Towing company", any person or entity which
85 tows, removes or stores abandoned property;

86 (15) "Urbanized area", an area with a population of
87 fifty thousand or more designated by the Bureau of the
88 Census, within boundaries to be fixed by the state highways
89 and transportation commission and local officials in
90 cooperation with each other and approved by the Secretary of
91 Transportation. The boundary of an urbanized area shall, at
92 a minimum, encompass the entire urbanized area as designed
93 by the Bureau of the Census.

**304.900. 1. As used in this section, the following
2 terms mean:**

3 (1) "Agent", a person given the responsibility, by an
4 entity, of navigating and operating a personal delivery
5 device;

6 (2) "Personal delivery device", a powered device
7 operated primarily on sidewalks and crosswalks, intended
8 primarily for the transport of property on public rights-of-
9 way, and capable of navigating with or without the active
10 control or monitoring of a natural person. Notwithstanding
11 any other provision of law, a "personal delivery device"
12 shall not be defined as a motor vehicle or a vehicle;

13 (3) "Personal delivery device operator", an entity or
14 its agent that exercises physical control or monitoring over
15 the navigation system and operation of a personal delivery
16 device. A "personal delivery device operator" does not
17 include an entity or person that requests or receives the
18 services of a personal delivery device for the purpose of
19 transporting property or an entity or person who merely
20 arranges for and dispatches the requested services of a
21 personal delivery device.

22 2. Notwithstanding any other provision of law, a
23 personal delivery device is authorized to operate in this
24 state:

25 (1) On any sidewalk or crosswalk of any county or
26 municipality in the state; and

27 (2) On any roadway of any county or municipality in
28 the state, provided that the personal delivery device shall
29 not unreasonably interfere with motor vehicles or traffic.

30 3. A personal delivery device shall:

31 (1) Not block public rights-of-way;

32 (2) Obey all traffic and pedestrian control signals
33 and devices;

34 (3) Operate at a speed that does not exceed a maximum
35 speed of ten miles per hour on a sidewalk or crosswalk;

36 (4) Contain a unique identifying number that is
37 displayed on the device;

38 (5) Include a means of identifying the personal
39 delivery device operator; and

40 (6) Be equipped with a system that enables the
41 personal delivery device to come to a controlled stop.

42 4. Subject to the requirements of this section, a
43 personal delivery device operating on a sidewalk or
44 crosswalk shall have all the responsibilities applicable to
45 a pedestrian under the same circumstances.

46 5. A personal delivery device shall be exempt from
47 motor vehicle registration requirements.

48 6. A personal delivery device operator shall maintain
49 an insurance policy that provides general liability coverage
50 of at least one hundred thousand dollars for damages arising
51 from the combined operations of personal delivery devices
52 under a personal delivery device operator's control.

53 7. If the personal delivery device is being operated
54 between sunset and sunrise, it shall be equipped with
55 lighting on both the front and rear of the personal delivery
56 device visible in clear weather from a distance of at least
57 five hundred feet to the front and rear of the personal
58 delivery device.

59 8. A personal delivery device shall not be used for
60 the transportation of hazardous material regulated under the
61 Hazardous Materials Transportation Act, 49 USC Section 5103,
62 and required to be placarded under 49 CFR Part 172, Subpart
63 F.

64 9. Nothing in this section shall prohibit a political
65 subdivision from regulating the operation of personal
66 delivery devices on a highway or pedestrian area to insure
67 the welfare and safety of its residents. However, political
68 subdivisions shall not regulate the design, manufacture and
69 maintenance of a personal delivery device nor the types of
70 property that may be transported by a personal delivery
71 device. Additionally, no political subdivision shall treat
72 personal delivery devices differently for the purposes of
73 assessment and taxation or other charges from personal
74 property that is similar in nature.

75 10. A personal delivery device operator may not sell
76 or disclose a personally identifiable likeness to a third
77 party in exchange for monetary compensation. For purposes
78 of this section, a personally identifiable likeness includes
79 photographic images, videos, digital image files, or other
80 digital data that can be used to either directly or
81 indirectly identify an individual. "Personally identifiable
82 likeness" does not include aggregated or anonymized data.
83 The use of any personally identifiable likeness by a
84 personal delivery device operator to improve their products

85 **and services is allowed under this section. Information**
86 **that would otherwise be protected under this section as**
87 **confidential shall only be provided to a law enforcement**
88 **entity with a properly executed, lawful subpoena.**

307.025. The subsequent provisions of this chapter
2 with respect to equipment and lights on vehicles shall not
3 apply to agricultural machinery and implements, road
4 machinery, road rollers, traction engines, motorized
5 bicycles, **electric bicycles as defined in section 301.010,**
6 or farm tractors except as in this chapter made applicable.

307.180. As used in sections 307.180 to 307.193:

2 (1) The word "bicycle" shall mean every vehicle
3 propelled solely by human power upon which any person may
4 ride, having two tandem wheels, or two parallel wheels and
5 one or two forward or rear wheels, all of which are more
6 than fourteen inches in diameter, except scooters and
7 similar devices;

8 (2) The term "motorized bicycle" shall mean any two-
9 or three-wheeled device having an automatic transmission and
10 a motor with a cylinder capacity of not more than fifty
11 cubic centimeters, which produces less than three gross
12 brake horsepower, and is capable of propelling the device at
13 a maximum speed of not more than thirty miles per hour on
14 level ground, **but excluding an electric bicycle, as defined**
15 **in section 301.010.** A motorized bicycle shall be considered
16 a motor vehicle for purposes of any homeowners' or renters'
17 insurance policy.

307.188. Every person riding a bicycle, **electric**
2 **bicycle,** or motorized bicycle upon a street or highway shall
3 be granted all of the rights and shall be subject to all of
4 the duties applicable to the driver of a vehicle as provided
5 by chapter 304, except as to special regulations in sections

6 307.180 to 307.193 and except as to those provisions of
7 chapter 304 which by their nature can have no application.

307.193. Any person seventeen years of age or older
2 who violates any provision of sections 307.180 to [307.193]
3 **307.194** is guilty of an infraction and, upon conviction
4 thereof, shall be punished by a fine of not less than five
5 dollars nor more than twenty-five dollars. Such an
6 infraction does not constitute a crime and conviction shall
7 not give rise to any disability or legal disadvantage based
8 on conviction of a criminal offense. If any person under
9 seventeen years of age violates any provision of sections
10 307.180 to [307.193] **307.194** in the presence of a peace
11 officer possessing the duty and power of arrest for
12 violation of the general criminal laws of the state or for
13 violation of ordinances of counties or municipalities of the
14 state, said officer may impound the bicycle or motorized
15 bicycle involved for a period not to exceed five days upon
16 issuance of a receipt to the child riding it or to its owner.

307.194. 1. Except as otherwise provided in this
2 **section, every person riding an electric bicycle shall be**
3 **granted all of the rights and shall be subject to all of the**
4 **duties applicable to the operator of a bicycle. An electric**
5 **bicycle shall be considered a vehicle to the same extent as**
6 **a bicycle.**

7 **2. An electric bicycle or a person operating an**
8 **electric bicycle is not subject to provisions of law that**
9 **are applicable to motor vehicles, all-terrain vehicles, off-**
10 **road vehicles, off-highway vehicles, motor vehicle rentals,**
11 **motor vehicle dealers or franchises, or motorcycle dealers**
12 **or franchises, including vehicle registration, certificates**
13 **of title, drivers' licenses, and financial responsibility.**

14 3. Beginning August 28, 2021, manufacturers and
15 distributors of electric bicycles shall apply a permanent
16 label to each electric bicycle. The label, which shall be
17 affixed to the electric bicycle in a prominent location,
18 shall contain the classification number, top assisted speed,
19 and motor wattage of the electric bicycle. The text on the
20 label shall be Arial font and in at least nine-point type.

21 4. No person shall tamper with or modify an electric
22 bicycle so as to change the motor-powered speed capability
23 or engagement of an electric bicycle unless he or she
24 replaces the label required under subsection 3 of this
25 section with a new label indicating the new classification.

26 5. An electric bicycle shall comply with the equipment
27 and manufacturing requirements for bicycles adopted by the
28 United States Consumer Product Safety Commission, 16 CFR
29 1512.

30 6. An electric bicycle shall operate in a manner so
31 that the electric motor is disengaged or ceases to function
32 when the rider stops pedaling or when the brakes are applied.

33 7. An electric bicycle may be ridden where bicycles
34 are permitted to travel, subject to the following provisions:

35 (1) An electric bicycle may be ridden on bicycle or
36 multi-use paths where bicycles are permitted;

37 (2) Following notice and a public hearing, a
38 municipality, local authority, or state agency having
39 jurisdiction over a bicycle or multi-use path may prohibit
40 the operation of a class 1 electric bicycle or class 2
41 electric bicycle on that path if it finds that such a
42 restriction is needed for safety reasons or compliance with
43 other laws or legal obligations;

44 (3) A municipality, local authority, or state agency
45 having jurisdiction over a bicycle or multi-use path may

46 prohibit the operation of a class 3 electric bicycle on that
47 path; and

48 (4) The provisions of this subsection shall not apply
49 to a trail that is specifically designated as nonmotorized
50 and that has a natural surface tread that is made by
51 clearing and grading the native soil with no added surfacing
52 materials. A local authority or agency of the state having
53 jurisdiction over a trail described in this subsection may
54 regulate the use of an electric bicycle on that trail.

55 8. The use of class 3 electric bicycles shall be
56 subject to the following provisions:

57 (1) No person under sixteen years of age shall operate
58 a class 3 electric bicycle. A person under sixteen years of
59 age may ride as a passenger on a class 3 electric bicycle
60 that is designed to accommodate passengers; and

61 (2) All class 3 electric bicycles shall be equipped
62 with a speedometer that is capable of displaying the speed
63 an electric bicycle is traveling in miles per hour.

365.020. Unless otherwise clearly indicated by the
2 context, the following words and phrases have the meanings
3 indicated:

4 (1) "Cash sale price", the price stated in a retail
5 installment contract for which the seller would have sold to
6 the buyer, and the buyer would have bought from the seller,
7 the motor vehicle which is the subject matter of the retail
8 installment contract, if the sale had been a sale for cash
9 or at a cash price instead of a retail installment
10 transaction at a time sale price. The cash sale price may
11 include any taxes, registration, certificate of title,
12 license and other fees and charges for accessories and their
13 installment and for delivery, servicing, repairing or
14 improving the motor vehicle;

15 (2) "Director", the office of the director of the
16 division of finance;

17 (3) "Holder" of a retail installment contract, the
18 retail seller of the motor vehicle under the contract or, if
19 the contract is purchased by a sales finance company or
20 other assignee, the sales finance company or other assignee;

21 (4) "Insurance company", any form of lawfully
22 authorized insurer in this state;

23 (5) "Motor vehicle", any new or used automobile,
24 mobile home, manufactured home as defined in section
25 700.010, excluding a manufactured home with respect to which
26 the requirements of subsections 1 to 3 of section 700.111,
27 as applicable, have been satisfied, motorcycle, all-terrain
28 vehicle, motorized bicycle, **electric bicycle as defined in**
29 **section 301.010**, moped, motortricycle, truck, trailer,
30 semitrailer, truck tractor, or bus primarily designed or
31 used to transport persons or property on a public highway,
32 road or street;

33 (6) "Official fees", the fees prescribed by law for
34 filing, recording or otherwise perfecting and releasing or
35 satisfying any title or lien retained or taken by a seller
36 in connection with a retail installment transaction;

37 (7) "Person", an individual, partnership, corporation,
38 association, and any other group however organized;

39 (8) "Principal balance", the cash sale price of the
40 motor vehicle which is the subject matter of the retail
41 installment transaction plus the amounts, if any, included
42 in the sale, if a separate identified charge is made
43 therefor and stated in the contract, for insurance and other
44 benefits, including any amounts paid or to be paid by the
45 seller pursuant to an agreement with the buyer to discharge
46 a security interest, lien, or lease interest on property

47 traded in and official fees, minus the amount of the buyer's
48 down payment in money or goods. Notwithstanding any law to
49 the contrary, any amount actually paid by the seller
50 pursuant to an agreement with the buyer to discharge a
51 security interest, lien or lease on property traded in which
52 was included in a contract prior to August 28, 1999, is
53 valid and legal;

54 (9) "Retail buyer" or "buyer", a person who buys a
55 motor vehicle from a retail seller in a retail installment
56 transaction under a retail installment contract;

57 (10) "Retail installment contract" or "contract", an
58 agreement evidencing a retail installment transaction
59 entered into in this state pursuant to which the title to or
60 a lien upon the motor vehicle, which is the subject matter
61 of the retail installment transaction is retained or taken
62 by the seller from the buyer as security for the buyer's
63 obligation. The term includes a chattel mortgage or a
64 conditional sales contract;

65 (11) "Retail installment transaction", a sale of a
66 motor vehicle by a retail seller to a retail buyer on time
67 under a retail installment contract for a time sale price
68 payable in one or more deferred installments;

69 (12) "Retail seller" or "seller", a person who sells a
70 motor vehicle, not principally for resale, to a retail buyer
71 under a retail installment contract;

72 (13) "Sales finance company", a person engaged, in
73 whole or in part, in the business of purchasing retail
74 installment contracts from one or more sellers. The term
75 includes but is not limited to a bank, trust company, loan
76 and investment company, savings and loan association,
77 financing institution, or registrant pursuant to sections
78 367.100 to 367.200, if so engaged. The term shall not

79 include a person who makes only isolated purchases of retail
80 installment contracts, which purchases are not being made in
81 the course of repeated or successive purchases of retail
82 installment contracts from the same seller;

83 (14) "Time price differential", the amount, however
84 denominated or expressed, as limited by section 365.120, in
85 addition to the principal balance to be paid by the buyer
86 for the privilege of purchasing the motor vehicle on time to
87 be paid for by the buyer in one or more deferred
88 installments;

89 (15) "Time sale price", the total of the cash sale
90 price of the motor vehicle and the amount, if any, included
91 for insurance and other benefits if a separate identified
92 charge is made therefor and the amounts of the official fees
93 and time price differential.

**407.005. As used in this chapter, unless the context
2 clearly requires otherwise, the term "digital electronic
3 equipment" shall mean any product that depends for its
4 functioning, in whole or in part, on digital electronics
5 embedded in or attached to the product; provided however,
6 that such term shall not include any motor vehicle
7 manufacturer, manufacturer of motor vehicle equipment, or
8 motor vehicle dealer, or any product or service of a motor
9 vehicle manufacturer, manufacturer of motor vehicle
10 equipment, or motor vehicle dealer acting in that capacity.**

407.560. As used in sections 407.560 to 407.579, the
2 following terms mean:

3 (1) "Collateral charges", those additional charges to
4 a consumer not directly attributable to a manufacturer's
5 suggested retail price label for the new motor vehicle. For
6 the purposes of sections 407.560 to 407.579, "collateral

7 charges" includes all sales tax, license fees, registration
8 fees, title fees and motor vehicle inspections;

9 (2) "Comparable motor vehicle", an identical or
10 reasonably equivalent motor vehicle;

11 (3) "Consumer", the purchaser, other than for the
12 purposes of resale, of a new motor vehicle, primarily used
13 for personal, family, or household purposes, and any person
14 to whom such new motor vehicle is transferred for the same
15 purposes during the duration of an express warranty
16 applicable to such new motor vehicle, and any other person
17 entitled by the terms of such warranty to enforce the
18 obligations of the warranty;

19 (4) "Express warranty", any written affirmation of the
20 fact or promise made by a manufacturer to a consumer in
21 connection with the sale of new motor vehicles which relates
22 to the nature of the material or workmanship or will meet a
23 specified level of performance over a specified period of
24 time;

25 (5) "Manufacturer", any person engaged in the
26 manufacturing or assembling of new motor vehicles as a
27 regular business;

28 (6) "New motor vehicle", any motor vehicle being
29 transferred for the first time from a manufacturer,
30 distributor or new vehicle dealer, which has not been
31 registered or titled in this state or any other state and
32 which is offered for sale, barter or exchange by a dealer
33 who is franchised to sell, barter or exchange that
34 particular make of new motor vehicle. The term "new motor
35 vehicle" shall include only those vehicles propelled by
36 power other than muscular power, but the term shall not
37 include vehicles used as a commercial motor vehicle, off-
38 road vehicles, mopeds, **electric bicycles as defined in**

39 **section 300.010**, motorcycles or recreational motor vehicles
40 as defined in section 301.010, except for the chassis,
41 engine, powertrain and component parts of recreational motor
42 vehicles. The term "new motor vehicle" shall also include
43 demonstrators or lease-purchase vehicles as long as a
44 manufacturer's warranty was issued as a condition of sale.

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

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

7 (2) "All-terrain vehicle", any motorized vehicle
8 manufactured and used exclusively for off-highway use, with
9 an unladen dry weight of one thousand five hundred pounds or
10 less, traveling on three, four or more nonhighway tires,
11 with either:

12 (a) A seat designed to be straddled by the operator,
13 and handlebars for steering control, **but excluding an**
14 **electric bicycle as defined in section 301.010**; or

15 (b) A width of fifty inches or less, measured from
16 outside of tire rim to outside of tire rim, regardless of
17 seating or steering arrangement;

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

22 (a) Good faith recommendations, exposition, argument,
23 persuasion or attempts at persuasion without unreasonable
24 conditions;

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

28 (c) Any conduct set forth in sections 407.810 to
29 407.835 that is permitted of the franchisor;

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

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

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

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

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

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

50 (8) "Franchise" or "franchise agreement", a written
51 arrangement or contract for a definite or indefinite period,
52 in which a person grants to another person a license to use,
53 or the right to grant to others a license to use, a trade
54 name, trademark, service mark, or related characteristics,
55 in which there is a community of interest in the marketing
56 of goods or services, or both, at wholesale or retail, by

57 agreement, lease or otherwise, and in which the operation of
58 the franchisee's business with respect to such franchise is
59 substantially reliant on the franchisor for the continued
60 supply of franchised new motor vehicles, parts and
61 accessories for sale at wholesale or retail. The franchise
62 includes all portions of all agreements between a franchisor
63 and a franchisee, including but not limited to a contract,
64 new motor vehicle franchise, sales and service agreement, or
65 dealer agreement, regardless of the terminology used to
66 describe the agreement or relationship between the
67 franchisor and franchisee, and also includes all provisions,
68 schedules, attachments, exhibits and agreements incorporated
69 by reference therein;

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

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

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

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

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

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

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

99 (14) "Manufacturer", any person, whether a resident or
100 nonresident of this state, who manufactures or assembles
101 motor vehicles or who manufactures or installs on previously
102 assembled truck chassis special bodies or equipment which,
103 when installed, form an integral part of the motor vehicle
104 and which constitute a major manufacturing alteration. The
105 term "manufacturer" includes a central or principal sales
106 corporation or other entity, other than a franchisee,
107 through which, by contractual agreement or otherwise, it
108 distributes its products;

109 (15) "Motor vehicle", for the purposes of sections
110 407.810 to 407.835, any motor-driven vehicle required to be
111 registered pursuant to the provisions of chapter 301, except
112 that, motorcycles, **electric bicycles**, and all-terrain
113 vehicles as defined in section 301.010 shall not be
114 included. The term "motor vehicle" shall also include any
115 engine, transmission, or rear axle, regardless of whether
116 attached to a vehicle chassis, that is manufactured for the
117 installation in any motor-driven vehicle with a gross
118 vehicle weight rating of more than sixteen thousand pounds
119 that is registered for the operations on the highways of
120 this state under chapter 301;

121 (16) "New", when referring to motor vehicles or parts,
122 means those motor vehicles or parts which have not been held
123 except as inventory, as that term is defined in subdivision
124 (4) of section 400.9-109;

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

128 (18) "Principal investor", the owner of the majority
129 interest of any franchisee;

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

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

135 (21) "Successor manufacturer", any manufacturer that
136 succeeds, or assumes any part of the business of, another
137 manufacturer, referred to as the "predecessor manufacturer",
138 as the result of:

139 (a) A change in ownership, operation, or control of
140 the predecessor manufacturer by sale or transfer of assets,
141 corporate stock, or other equity interest, assignment,
142 merger, consolidation, combination, joint venture,
143 redemption, court-approved sale, operation of law, or
144 otherwise;

145 (b) The termination, suspension or cessation of a part
146 or all of the business operations of the predecessor
147 manufacturer;

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

150 (d) A change in distribution system by the predecessor
151 manufacturer, whether through a change in distributor or the

152 predecessor manufacturer's decision to cease conducting
153 business through a distributor altogether.

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

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

7 (2) "All-terrain vehicle", any motorized vehicle
8 manufactured and used exclusively for off-highway use, with
9 an unladen dry weight of one thousand five hundred pounds or
10 less, traveling on three, four or more nonhighway tires,
11 with either:

12 (a) A seat designed to be straddled by the operator,
13 and handlebars for steering control, **but excluding an**
14 **electric bicycle as defined in section 301.010;** or

15 (b) A width of fifty inches or less, measured from
16 outside of tire rim to outside of tire rim, regardless of
17 seating or steering arrangement;

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

21 (a) Good faith recommendations, exposition, argument,
22 persuasion or attempts at persuasion;

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

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

29 (d) Any other conduct set forth in sections 407.1025
30 to 407.1049 that is permitted of the franchisor or is

31 expressly excluded from coercion or a violation of sections
32 407.1025 to 407.1049;

33 (4) "Franchise", a written arrangement or contract for
34 a definite or indefinite period, in which a person grants to
35 another person a license to use, or the right to grant to
36 others a license to use, a trade name, trademark, service
37 mark, or related characteristics, in which there is a
38 community of interest in the marketing of goods or services,
39 or both, at wholesale or retail, by agreement, lease or
40 otherwise, and in which the operation of the franchisee's
41 business with respect to such franchise is substantially
42 reliant on the franchisor for the continued supply of
43 franchised new motorcycles or all-terrain vehicles, parts
44 and accessories for sale at wholesale or retail;

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

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

49 (7) "Motorcycle", a motor vehicle operated on two
50 wheels, **but excluding an electric bicycle as defined in**
51 **section 301.010;**

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

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

578.120. 1. Notwithstanding any provision in this
2 chapter to the contrary, no dealer, distributor or
3 manufacturer licensed under section 301.559 may keep open,
4 operate, or assist in keeping open or operating any

5 established place of business for the purpose of buying,
6 selling, bartering or exchanging, or offering for sale,
7 barter or exchange, any motor vehicle, whether new or used,
8 on Sunday. However, this section does not apply to the sale
9 of manufactured housing; the sale of recreational motor
10 vehicles; the sale of motorcycles as that term is defined in
11 section 301.010; the sale of motortricycles, motorized
12 bicycles, **electric bicycles as defined in section 300.010**,
13 all-terrain vehicles, recreational off-highway vehicles,
14 utility vehicles, personal watercraft, or other motorized
15 vehicles customarily sold by powersports dealers licensed
16 pursuant to sections 301.550 to 301.560; washing, towing,
17 wrecking or repairing operations; the sale of petroleum
18 products, tires, and repair parts and accessories; or new
19 vehicle shows or displays participated in by five or more
20 franchised dealers or in towns or cities with five or fewer
21 dealers, a majority.

22 2. No association consisting of motor vehicle dealers,
23 distributors or manufacturers licensed under section 301.559
24 shall be in violation of antitrust or restraint of trade
25 statutes under chapter 416 or regulation promulgated
26 thereunder solely because it encourages its members not to
27 open or operate on Sunday a place of business for the
28 purpose of buying, selling, bartering or exchanging any
29 motor vehicle.

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

Section B. The enactment of section 196.276 of section
2 A of this act shall become effective on January 1, 2022.

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