

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 1298
AN ACT

To repeal sections 301.010 and 307.010, RSMo, and to enact in lieu thereof two new sections relating to cotton trailers, with existing penalty provisions.

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

Section A. Sections 301.010 and 307.010, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 301.010 and 307.010, to read as follows:

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] sixty-five miles per hour from field to field or
52 from field to 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 (17) "Fleet", any group of ten or more motor vehicles
106 owned by the same owner;

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

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

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

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

117 (22) "Highway", any public thoroughfare for vehicles,
118 including state roads, county roads and public streets,
119 avenues, boulevards, parkways or alleys in any municipality;

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

124 (24) "Intersecting highway", any highway which joins
125 another, whether or not it crosses the same;

126 (25) "Junk vehicle", a vehicle which:

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

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

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

137 (27) "Land improvement contractors' commercial motor
138 vehicle", any not-for-hire commercial motor vehicle the
139 operation of which is confined to:

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

146 (b) An area that extends not more than a radius of
147 fifty miles from its home base of operations when
148 transporting its owner's machinery, equipment, or auxiliary
149 supplies to or from projects not involving soil and water
150 conservation.

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

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

165 (29) "Local log truck", a commercial motor vehicle
166 which is registered pursuant to this chapter to operate as a
167 motor vehicle on the public highways of this state; used
168 exclusively in this state; used to transport harvested
169 forest products; operated solely at a forested site and in
170 an area extending not more than a one hundred fifty mile
171 radius from such site; and when operated on the national
172 system of interstate and defense highways described in 23
173 U.S.C. Section 103, as amended, or outside the one hundred
174 fifty mile radius from such site with an extended distance
175 local log truck permit, does not have more than four axles,
176 and does not pull a trailer which has more than three
177 axles. Harvesting equipment which is used specifically for
178 cutting, felling, trimming, delimiting, debarking, chipping,
179 skidding, loading, unloading, and stacking may be
180 transported on a local log truck;

181 (30) "Local log truck tractor", a commercial motor
182 vehicle which is registered under this chapter to operate as
183 a motor vehicle on the public highways of this state; used

184 exclusively in this state; used to transport harvested
185 forest products, operated at a forested site and in an area
186 extending not more than a one hundred fifty mile radius from
187 such site; and when operated on the national system of
188 interstate and defense highways described in 23 U.S.C.
189 Section 103, as amended, or outside the one hundred fifty
190 mile radius from such site with an extended distance local
191 log truck permit, does not have more than three axles and
192 does not pull a trailer which has more than three axles;

193 (31) "Local transit bus", a bus whose operations are
194 confined wholly within a municipal corporation, or wholly
195 within a municipal corporation and a commercial zone, as
196 defined in section 390.020, adjacent thereto, forming a part
197 of a public transportation system within such municipal
198 corporation and such municipal corporation and adjacent
199 commercial zone;

200 (32) "Log truck", a vehicle which is not a local log
201 truck or local log truck tractor and is used exclusively to
202 transport harvested forest products to and from forested
203 sites which is registered pursuant to this chapter to
204 operate as a motor vehicle on the public highways of this
205 state for the transportation of harvested forest products;

206 (33) "Major component parts", the rear clip, cowl,
207 frame, body, cab, front-end assembly, and front clip, as
208 those terms are defined by the director of revenue pursuant
209 to rules and regulations or by illustrations;

210 (34) "Manufacturer", any person, firm, corporation or
211 association engaged in the business of manufacturing or
212 assembling motor vehicles, trailers or vessels for sale;

213 (35) "Motor change vehicle", a vehicle manufactured
214 prior to August, 1957, which receives a new, rebuilt or used
215 engine, and which used the number stamped on the original
216 engine as the vehicle identification number;

217 (36) "Motor vehicle", any self-propelled vehicle not
218 operated exclusively upon tracks, except farm tractors and
219 electric bicycles;

220 (37) "Motor vehicle primarily for business use", any
221 vehicle other than a recreational motor vehicle, motorcycle,
222 motortricycle, or any commercial motor vehicle licensed for
223 over twelve thousand pounds:

224 (a) Offered for hire or lease; or

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

227 (38) "Motorcycle", a motor vehicle operated on two
228 wheels;

229 (39) "Motorized bicycle", any two-wheeled or three-
230 wheeled device having an automatic transmission and a motor
231 with a cylinder capacity of not more than fifty cubic
232 centimeters, which produces less than three gross brake
233 horsepower, and is capable of propelling the device at a
234 maximum speed of not more than thirty miles per hour on
235 level ground, but excluding an electric bicycle;

236 (40) "Motortricycle", a motor vehicle upon which the
237 operator straddles or sits astride that is designed to be
238 controlled by handle bars and is operated on three wheels,
239 including a motorcycle while operated with any conveyance,
240 temporary or otherwise, requiring the use of a third wheel,
241 but excluding an electric bicycle. A motortricycle shall
242 not be included in the definition of all-terrain vehicle;

243 (41) "Municipality", any city, town or village,
244 whether incorporated or not;

245 (42) "Nonresident", a resident of a state or country
246 other than the state of Missouri;

247 (43) "Non-USA-std motor vehicle", a motor vehicle not
248 originally manufactured in compliance with United States
249 emissions or safety standards;

250 (44) "Operator", any person who operates or drives a
251 motor vehicle;

252 (45) "Owner", any person, firm, corporation or
253 association, who holds the legal title to a vehicle or who
254 has executed a buyer's order or retail installment sales
255 contract with a motor vehicle dealer licensed under sections
256 301.550 to 301.580 for the purchase of a vehicle with an
257 immediate right of possession vested in the transferee, or
258 in the event a vehicle is the subject of an agreement for
259 the conditional sale or lease thereof with the right of
260 purchase upon performance of the conditions stated in the
261 agreement and with an immediate right of possession vested
262 in the conditional vendee or lessee, or in the event a
263 mortgagor of a vehicle is entitled to possession, then such
264 conditional vendee or lessee or mortgagor shall be deemed
265 the owner;

266 (46) "Public garage", a place of business where motor
267 vehicles are housed, stored, repaired, reconstructed or
268 repainted for persons other than the owners or operators of
269 such place of business;

270 (47) "Rebuilder", a business that repairs or rebuilds
271 motor vehicles owned by the rebuilder, but does not include
272 certificated common or contract carriers of persons or
273 property;

274 (48) "Reconstructed motor vehicle", a vehicle that is
275 altered from its original construction by the addition or
276 substitution of two or more new or used major component
277 parts, excluding motor vehicles made from all new parts, and
278 new multistage manufactured vehicles;

279 (49) "Recreational motor vehicle", any motor vehicle
280 designed, constructed or substantially modified so that it
281 may be used and is used for the purposes of temporary
282 housing quarters, including therein sleeping and eating

283 facilities which are either permanently attached to the
284 motor vehicle or attached to a unit which is securely
285 attached to the motor vehicle. Nothing herein shall prevent
286 any motor vehicle from being registered as a commercial
287 motor vehicle if the motor vehicle could otherwise be so
288 registered;

289 (50) "Recreational off-highway vehicle", any motorized
290 vehicle manufactured and used exclusively for off-highway
291 use which is more than fifty inches but no more than eighty
292 inches in width, measured from outside of tire rim to
293 outside of tire rim, with an unladen dry weight of three
294 thousand five hundred pounds or less, traveling on four or
295 more nonhighway tires and which may have access to ATV
296 trails;

297 (51) "Recreational trailer", any trailer designed,
298 constructed, or substantially modified so that it may be
299 used and is used for the purpose of temporary housing
300 quarters, including therein sleeping or eating facilities,
301 which can be temporarily attached to a motor vehicle or
302 attached to a unit which is securely attached to a motor
303 vehicle;

304 (52) "Rollback or car carrier", any vehicle
305 specifically designed to transport wrecked, disabled or
306 otherwise inoperable vehicles, when the transportation is
307 directly connected to a wrecker or towing service;

308 (53) "Saddlemount combination", a combination of
309 vehicles in which a truck or truck tractor tows one or more
310 trucks or truck tractors, each connected by a saddle to the
311 frame or fifth wheel of the vehicle in front of it. The
312 "saddle" is a mechanism that connects the front axle of the
313 towed vehicle to the frame or fifth wheel of the vehicle in
314 front and functions like a fifth wheel kingpin connection.
315 When two vehicles are towed in this manner the combination

316 is called a "double saddlemount combination". When three
317 vehicles are towed in this manner, the combination is called
318 a "triple saddlemount combination";

319 (54) "Salvage dealer and dismantler", a business that
320 dismantles used motor vehicles for the sale of the parts
321 thereof, and buys and sells used motor vehicle parts and
322 accessories;

323 (55) "Salvage vehicle", a motor vehicle, semitrailer,
324 or house trailer which:

325 (a) Was damaged during a year that is no more than six
326 years after the manufacturer's model year designation for
327 such vehicle to the extent that the total cost of repairs to
328 rebuild or reconstruct the vehicle to its condition
329 immediately before it was damaged for legal operation on the
330 roads or highways exceeds eighty percent of the fair market
331 value of the vehicle immediately preceding the time it was
332 damaged;

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

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

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

341 (e) Is abandoned property which is titled pursuant to
342 section 304.155 or section 304.157 and designated with the
343 words "salvage/abandoned property". The total cost of
344 repairs to rebuild or reconstruct the vehicle shall not
345 include the cost of repairing, replacing, or reinstalling
346 inflatable safety restraints, tires, sound systems, or
347 damage as a result of hail, or any sales tax on parts or
348 materials to rebuild or reconstruct the vehicle. For

349 purposes of this definition, "fair market value" means the
350 retail value of a motor vehicle as:

351 a. Set forth in a current edition of any nationally
352 recognized compilation of retail values, including automated
353 databases, or from publications commonly used by the
354 automotive and insurance industries to establish the values
355 of motor vehicles;

356 b. Determined pursuant to a market survey of
357 comparable vehicles with regard to condition and equipment;
358 and

359 c. Determined by an insurance company using any other
360 procedure recognized by the insurance industry, including
361 market surveys, that is applied by the company in a uniform
362 manner;

363 (56) "School bus", any motor vehicle used solely to
364 transport students to or from school or to transport
365 students to or from any place for educational purposes;

366 (57) "Scrap processor", a business that, through the
367 use of fixed or mobile equipment, flattens, crushes, or
368 otherwise accepts motor vehicles and vehicle parts for
369 processing or transportation to a shredder or scrap metal
370 operator for recycling;

371 (58) "Shuttle bus", a motor vehicle used or maintained
372 by any person, firm, or corporation as an incidental service
373 to transport patrons or customers of the regular business of
374 such person, firm, or corporation to and from the place of
375 business of the person, firm, or corporation providing the
376 service at no fee or charge. Shuttle buses shall not be
377 registered as buses or as commercial motor vehicles;

378 (59) "Special mobile equipment", every self-propelled
379 vehicle not designed or used primarily for the
380 transportation of persons or property and incidentally
381 operated or moved over the highways, including farm

382 equipment, implements of husbandry, road construction or
383 maintenance machinery, ditch-digging apparatus, stone
384 crushers, air compressors, power shovels, cranes, graders,
385 rollers, well-drillers and wood-sawing equipment used for
386 hire, asphalt spreaders, bituminous mixers, bucket loaders,
387 ditchers, leveling graders, finished machines, motor
388 graders, road rollers, scarifiers, earth-moving carryalls,
389 scrapers, drag lines, concrete pump trucks, rock-drilling
390 and earth-moving equipment. This enumeration shall be
391 deemed partial and shall not operate to exclude other such
392 vehicles which are within the general terms of this section;

393 (60) "Specially constructed motor vehicle", a motor
394 vehicle which shall not have been originally constructed
395 under a distinctive name, make, model or type by a
396 manufacturer of motor vehicles. The term specially
397 constructed motor vehicle includes kit vehicles;

398 (61) "Stinger-steered combination", a truck tractor-
399 semitrailer wherein the fifth wheel is located on a drop
400 frame located behind and below the rearmost axle of the
401 power unit;

402 (62) "Tandem axle", a group of two or more axles,
403 arranged one behind another, the distance between the
404 extremes of which is more than forty inches and not more
405 than ninety-six inches apart;

406 (63) "Towaway trailer transporter combination", a
407 combination of vehicles consisting of a trailer transporter
408 towing unit and two trailers or semitrailers, with a total
409 weight that does not exceed twenty-six thousand pounds; and
410 in which the trailers or semitrailers carry no property and
411 constitute inventory property of a manufacturer,
412 distributor, or dealer of such trailers or semitrailers;

413 (64) "Tractor", "truck tractor" or "truck-tractor", a
414 self-propelled motor vehicle designed for drawing other

415 vehicles, but not for the carriage of any load when
416 operating independently. When attached to a semitrailer, it
417 supports a part of the weight thereof;

418 (65) "Trailer", any vehicle without motive power
419 designed for carrying property or passengers on its own
420 structure and for being drawn by a self-propelled vehicle,
421 except those running exclusively on tracks, including a
422 semitrailer or vehicle of the trailer type so designed and
423 used in conjunction with a self-propelled vehicle that a
424 considerable part of its own weight rests upon and is
425 carried by the towing vehicle. The term trailer shall not
426 include cotton trailers as defined in this section and shall
427 not include manufactured homes as defined in section 700.010;

428 (66) "Trailer transporter towing unit", a power unit
429 that is not used to carry property when operating in a
430 towaway trailer transporter combination;

431 (67) "Truck", a motor vehicle designed, used, or
432 maintained for the transportation of property;

433 (68) "Truck-tractor semitrailer-semitrailer", a
434 combination vehicle in which the two trailing units are
435 connected with a B-train assembly which is a rigid frame
436 extension attached to the rear frame of a first semitrailer
437 which allows for a fifth-wheel connection point for the
438 second semitrailer and has one less articulation point than
439 the conventional A-dolly connected truck-tractor semitrailer-
440 trailer combination;

441 (69) "Truck-trailer boat transporter combination", a
442 boat transporter combination consisting of a straight truck
443 towing a trailer using typically a ball and socket
444 connection with the trailer axle located substantially at
445 the trailer center of gravity rather than the rear of the
446 trailer but so as to maintain a downward force on the
447 trailer tongue;

448 (70) "Used parts dealer", a business that buys and
449 sells used motor vehicle parts or accessories, but not
450 including a business that sells only new, remanufactured or
451 rebuilt parts. Business does not include isolated sales at
452 a swap meet of less than three days;

453 (71) "Utility vehicle", any motorized vehicle
454 manufactured and used exclusively for off-highway use which
455 is more than fifty inches but no more than eighty inches in
456 width, measured from outside of tire rim to outside of tire
457 rim, with an unladen dry weight of three thousand five
458 hundred pounds or less, traveling on four or six wheels, to
459 be used primarily for landscaping, lawn care, or maintenance
460 purposes;

461 (72) "Vanpool", any van or other motor vehicle used or
462 maintained by any person, group, firm, corporation,
463 association, city, county or state agency, or any member
464 thereof, for the transportation of not less than eight nor
465 more than forty-eight employees, per motor vehicle, to and
466 from their place of employment; however, a vanpool shall not
467 be included in the definition of the term bus or commercial
468 motor vehicle as defined in this section, nor shall a
469 vanpool driver be deemed a chauffeur as that term is defined
470 by section 303.020; nor shall use of a vanpool vehicle for
471 ride-sharing arrangements, recreational, personal, or
472 maintenance uses constitute an unlicensed use of the motor
473 vehicle, unless used for monetary profit other than for use
474 in a ride-sharing arrangement;

475 (73) "Vehicle", any mechanical device on wheels,
476 designed primarily for use, or used, on highways, except
477 motorized bicycles, electric bicycles, vehicles propelled or
478 drawn by horses or human power, or vehicles used exclusively
479 on fixed rails or tracks, or cotton trailers or motorized
480 wheelchairs operated by handicapped persons;

481 (74) "Wrecker" or "tow truck", any emergency
482 commercial vehicle equipped, designed and used to assist or
483 render aid and transport or tow disabled or wrecked vehicles
484 from a highway, road, street or highway rights-of-way to a
485 point of storage or repair, including towing a replacement
486 vehicle to replace a disabled or wrecked vehicle;

487 (75) "Wrecker or towing service", the act of
488 transporting, towing or recovering with a wrecker, tow
489 truck, rollback or car carrier any vehicle not owned by the
490 operator of the wrecker, tow truck, rollback or car carrier
491 for which the operator directly or indirectly receives
492 compensation or other personal gain.

307.010. 1. All motor vehicles, and every trailer and
2 semitrailer operating upon the public highways of this state
3 and carrying goods or material or farm products which may
4 reasonably be expected to become dislodged and fall from the
5 vehicle, trailer or semitrailer as a result of wind pressure
6 or air pressure and/or by the movement of the vehicle,
7 trailer or semitrailer shall have a protective cover or be
8 sufficiently secured so that no portion of such goods or
9 material can become dislodged and fall from the vehicle,
10 trailer or semitrailer while being transported or carried.

11 2. A cotton trailer, as defined in section 301.010,
12 shall not be in violation of this section, provided it is
13 traveling at speeds less than sixty-five miles per hour from
14 field to field or from field to market and return, and no
15 portion of such goods or material becomes dislodged and
16 falls from the cotton trailer.

17 3. Operation of a motor vehicle, trailer or
18 semitrailer in violation of this section shall be a class C
19 misdemeanor, and any person convicted thereof shall be
20 punished as provided by law.