

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 542

99TH GENERAL ASSEMBLY

1038H.03P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 287.020, 287.040, 288.035, 301.010, 301.031, 301.227, 301.550, 304.170, 304.180, and 407.816, RSMo, and to enact in lieu thereof ten new sections relating to compliance with the federal transportation laws.

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

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A. Sections 287.020, 287.040, 288.035, 301.010, 301.031, 301.227, 301.550, 2 304.170, 304.180, and 407.816, RSMo, are repealed and ten new sections enacted in lieu thereof, 3 to be known as sections 287.020, 287.040, 288.035, 301.010, 301.031, 301.227, 301.550, 4 304.170, 304.180, and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

287.020. 1. The word "employee" as used in this chapter shall be construed to mean 2 every person in the service of any employer, as defined in this chapter, under any contract of hire, 3 express or implied, oral or written, or under any appointment or election, including executive 4 officers of corporations. Except as otherwise provided in section 287.200, any reference to any 5 employee who has been injured shall, when the employee is dead, also include his dependents, 6 and other persons to whom compensation may be payable.

7  
8 The word "employee" shall also include all minors who work for an employer, whether or not 9 such minors are employed in violation of law, and all such minors are hereby made of full age 10 for all purposes under, in connection with, or arising out of this chapter. The word "employee" 11 shall not include an individual who is the owner, as defined in ~~subdivision (42) of~~ section 12 301.010, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire 13 motor carrier operating within a commercial zone as defined in section 390.020 or 390.041, or 14 operating under a certificate issued by the Missouri department of transportation or by the United

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 States Department of Transportation, or any of its subagencies. The word "employee" also shall  
16 not include any person performing services for board, lodging, aid, or sustenance received from  
17 any religious, charitable, or relief organization.

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

22 3. (1) In this chapter the term "injury" is hereby defined to be an injury which has arisen  
23 out of and in the course of employment. An injury by accident is compensable only if the  
24 accident was the prevailing factor in causing both the resulting medical condition and disability.  
25 "The prevailing factor" is defined to be the primary factor, in relation to any other factor, causing  
26 both the resulting medical condition and disability.

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

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

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

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

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

38 (5) The terms "injury" and "personal injuries" shall mean violence to the physical  
39 structure of the body and to the personal property which is used to make up the physical structure  
40 of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other  
41 prostheses which are placed in or on the body to replace the physical structure and such disease  
42 or infection as naturally results therefrom. These terms shall in no case except as specifically  
43 provided in this chapter be construed to include occupational disease in any form, nor shall they  
44 be construed to include any contagious or infectious disease contracted during the course of the  
45 employment, nor shall they include death due to natural causes occurring while the worker is at  
46 work.

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

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

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

61           7. As used in this chapter and all acts amendatory thereof, the term "commission" shall  
62 hereafter be construed as meaning and referring exclusively to the labor and industrial relations  
63 commission of Missouri, and the term "director" shall hereafter be construed as meaning the  
64 director of the department of insurance, financial institutions and professional registration of the  
65 state of Missouri or such agency of government as shall exercise the powers and duties now  
66 conferred and imposed upon the department of insurance, financial institutions and professional  
67 registration of the state of Missouri.

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

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

73           10. In applying the provisions of this chapter, it is the intent of the legislature to reject  
74 and abrogate earlier case law interpretations on the meaning of or definition of "accident",  
75 "occupational disease", "arising out of", and "in the course of the employment" to include, but  
76 not be limited to, holdings in: *Bennett v. Columbia Health Care and Rehabilitation*, 80 S.W.3d  
77 524 (Mo.App. W.D. 2002); *Kasl v. Bristol Care, Inc.*, 984 S.W.2d 852 (Mo.banc 1999); and  
78 *Drewes v. TWA*, 984 S.W.2d 512 (Mo.banc 1999) and all cases citing, interpreting, applying,  
79 or following those cases.

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

287.040. 1. Any person who has work done under contract on or about his premises  
2 which is an operation of the usual business which he there carries on shall be deemed an  
3 employer and shall be liable under this chapter to such contractor, his subcontractors, and their

4 employees, when injured or killed on or about the premises of the employer while doing work  
5 which is in the usual course of his business.

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

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

19         4. The provisions of this section shall not apply to the relationship between a for-hire  
20 motor carrier operating within a commercial zone as defined in section 390.020 or 390.041 or  
21 operating under a certificate issued by the Missouri department of transportation or by the United  
22 States Department of Transportation, or any of its subagencies, and an owner, as defined in  
23 ~~[subdivision (42) of]~~ section 301.010, and operator of a motor vehicle.

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

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

3         (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for  
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of one  
5 thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;

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

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

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

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

17 [~~(5)~~] (6) "Body shop", a business that repairs physical damage on motor vehicles that are  
18 not owned by the shop or its officers or employees by mending, straightening, replacing body  
19 parts, or painting;

20 [~~(6)~~] (7) "Bus", a motor vehicle primarily for the transportation of a driver and eight or  
21 more passengers but not including shuttle buses;

22 [~~(7)~~] (8) "Commercial motor vehicle", a motor vehicle designed or regularly used for  
23 carrying freight and merchandise, or more than eight passengers but not including vanpools or  
24 shuttle buses;

25 [~~(8)~~] (9) "Cotton trailer", a trailer designed and used exclusively for transporting cotton  
26 at speeds less than forty miles per hour from field to field or from field to market and return;

27 [~~(9)~~] (10) "Dealer", any person, firm, corporation, association, agent or subagent engaged  
28 in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

29 [~~(10)~~] (11) "Director" or "director of revenue", the director of the department of revenue;

30 [~~(11)~~] (12) "Driveaway operation":

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

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

38 (c) The movement of a motor vehicle by any person who is lawfully engaged in the  
39 business of transporting or delivering vehicles that are not the person's own and vehicles of a  
40 type otherwise required to be registered, by the driveaway or towaway methods, from a point of

41 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent  
42 of a manufacturer or to any consignee designated by the shipper or consignor;

43 ~~[(12)]~~ **(13)** "Dromedary", a box, deck, or plate mounted behind the cab and forward of  
44 the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck  
45 tractor equipped with a dromedary may carry part of a load when operating independently or in  
46 a combination with a semitrailer;

47 ~~[(13)]~~ **(14)** "Farm tractor", a tractor used exclusively for agricultural purposes;

48 ~~[(14)]~~ **(15)** "Fleet", any group of ten or more motor vehicles owned by the same owner;

49 ~~[(15)]~~ **(16)** "Fleet vehicle", a motor vehicle which is included as part of a fleet;

50 ~~[(16)]~~ **(17)** "Fullmount", a vehicle mounted completely on the frame of either the first  
51 or last vehicle in a saddlemount combination;

52 ~~[(17)]~~ **(18)** "Gross weight", the weight of vehicle and/or vehicle combination without  
53 load, plus the weight of any load thereon;

54 ~~[(18)]~~ **(19)** "Hail-damaged vehicle", any vehicle, the body of which has become dented  
55 as the result of the impact of hail;

56 ~~[(19)]~~ **(20)** "Highway", any public thoroughfare for vehicles, including state roads,  
57 county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

58 ~~[(20)]~~ **(21)** "Improved highway", a highway which has been paved with gravel,  
59 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard,  
60 smooth surface;

61 ~~[(21)]~~ **(22)** "Intersecting highway", any highway which joins another, whether or not it  
62 crosses the same;

63 ~~[(22)]~~ **(23)** "Junk vehicle", a vehicle which:

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

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

68 ~~[(23)]~~ **(24)** "Kit vehicle", a motor vehicle assembled by a person other than a generally  
69 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from  
70 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

71 ~~[(24)]~~ **(25)** "Land improvement contractors' commercial motor vehicle", any not-for-hire  
72 commercial motor vehicle the operation of which is confined to:

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

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

82 ~~[(25)]~~ **(26)** "Local commercial motor vehicle", a commercial motor vehicle whose  
83 operations are confined solely to a municipality and that area extending not more than fifty miles  
84 therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely  
85 to the transportation of property owned by any person who is the owner or operator of such  
86 vehicle to or from a farm owned by such person or under the person's control by virtue of a  
87 landlord and tenant lease; provided that any such property transported to any such farm is for use  
88 in the operation of such farm;

89 ~~[(26)]~~ **(27)** "Local log truck", a commercial motor vehicle which is registered pursuant  
90 to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively  
91 in this state, used to transport harvested forest products, operated solely at a forested site and in  
92 an area extending not more than a one hundred-mile radius from such site, carries a load with  
93 dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when  
94 operated on the national system of interstate and defense highways described in 23 U.S.C.  
95 Section 103, as amended, such vehicle shall not exceed the weight limits of section 304.180,  
96 does not have more than four axles, and does not pull a trailer which has more than two axles.  
97 Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting,  
98 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local  
99 log truck. A local log truck may not exceed the limits required by law, however, if the truck does  
100 exceed such limits as determined by the inspecting officer, then notwithstanding any other  
101 provisions of law to the contrary, such truck shall be subject to the weight limits required by such  
102 sections as licensed for eighty thousand pounds;

103 ~~[(27)]~~ **(28)** "Local log truck tractor", a commercial motor vehicle which is registered  
104 under this chapter to operate as a motor vehicle on the public highways of this state, used  
105 exclusively in this state, used to transport harvested forest products, operated solely at a forested  
106 site and in an area extending not more than a one hundred-mile radius from such site, operates  
107 with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a  
108 weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when  
109 operated on the national system of interstate and defense highways described in ~~[Title 23, Section~~  
110 ~~103(e) of the United States Code]~~ **23 U.S.C. Section 103, as amended**, such vehicle does not  
111 exceed the weight limits contained in section 304.180, and does not have more than three axles

112 and does not pull a trailer which has more than two axles. Violations of axle weight limitations  
113 shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

114 ~~[(28)]~~ **(29)** "Local transit bus", a bus whose operations are confined wholly within a  
115 municipal corporation, or wholly within a municipal corporation and a commercial zone, as  
116 defined in section 390.020, adjacent thereto, forming a part of a public transportation system  
117 within such municipal corporation and such municipal corporation and adjacent commercial  
118 zone;

119 ~~[(29)]~~ **(30)** "Log truck", a vehicle which is not a local log truck or local log truck tractor  
120 and is used exclusively to transport harvested forest products to and from forested sites which  
121 is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this  
122 state for the transportation of harvested forest products;

123 ~~[(30)]~~ **(31)** "Major component parts", the rear clip, cowl, frame, body, cab, front-end  
124 assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules  
125 and regulations or by illustrations;

126 ~~[(31)]~~ **(32)** "Manufacturer", any person, firm, corporation or association engaged in the  
127 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

128 ~~[(32)]~~ **(33)** "Motor change vehicle", a vehicle manufactured prior to August, 1957, which  
129 receives a new, rebuilt or used engine, and which used the number stamped on the original  
130 engine as the vehicle identification number;

131 ~~[(33)]~~ **(34)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon  
132 tracks, except farm tractors;

133 ~~[(34)]~~ **(35)** "Motor vehicle primarily for business use", any vehicle other than a  
134 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed  
135 for over twelve thousand pounds:

136 (a) Offered for hire or lease; or

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

138 ~~[(35)]~~ **(36)** "Motorcycle", a motor vehicle operated on two wheels;

139 ~~[(36)]~~ **(37)** "Motorized bicycle", any two-wheeled or three-wheeled device having an  
140 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic  
141 centimeters, which produces less than three gross brake horsepower, and is capable of propelling  
142 the device at a maximum speed of not more than thirty miles per hour on level ground;

143 ~~[(37)]~~ **(38)** "Motortricycle", a motor vehicle operated on three wheels, including a  
144 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of  
145 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

146 ~~[(38)]~~ **(39)** "Municipality", any city, town or village, whether incorporated or not;

147 ~~[(39)]~~ **(40)** "Nonresident", a resident of a state or country other than the state of Missouri;

148           ~~[(40)]~~ **(41)** "Non-USA-std motor vehicle", a motor vehicle not originally manufactured  
149 in compliance with United States emissions or safety standards;

150           ~~[(41)]~~ **(42)** "Operator", any person who operates or drives a motor vehicle;

151           ~~[(42)]~~ **(43)** "Owner", any person, firm, corporation or association, who holds the legal  
152 title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale  
153 or lease thereof with the right of purchase upon performance of the conditions stated in the  
154 agreement and with an immediate right of possession vested in the conditional vendee or lessee,  
155 or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee  
156 or lessee or mortgagor shall be deemed the owner ~~[for the purpose of this law];~~

157           ~~[(43)]~~ **(44)** "Public garage", a place of business where motor vehicles are housed, stored,  
158 repaired, reconstructed or repainted for persons other than the owners or operators of such place  
159 of business;

160           ~~[(44)]~~ **(45)** "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the  
161 rebuilder, but does not include certificated common or contract carriers of persons or property;

162           ~~[(45)]~~ **(46)** "Reconstructed motor vehicle", a vehicle that is altered from its original  
163 construction by the addition or substitution of two or more new or used major component parts,  
164 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

165           ~~[(46)]~~ **(47)** "Recreational motor vehicle", any motor vehicle designed, constructed or  
166 substantially modified so that it may be used and is used for the purposes of temporary housing  
167 quarters, including therein sleeping and eating facilities which are either permanently attached  
168 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.  
169 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor  
170 vehicle if the motor vehicle could otherwise be so registered;

171           ~~[(47)]~~ **(48)** "Recreational off-highway vehicle", any motorized vehicle manufactured and  
172 used exclusively for off-highway use which is more than fifty inches but no more than  
173 sixty-seven inches in width, with an unladen dry weight of two thousand pounds or less,  
174 traveling on four or more nonhighway tires and which may have access to ATV trails;

175           ~~[(48)]~~ **(49)** "Rollback or car carrier", any vehicle specifically designed to transport  
176 wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected  
177 to a wrecker or towing service;

178           ~~[(49)]~~ **(50)** "Saddlemount combination", a combination of vehicles in which a truck or  
179 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame  
180 or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front  
181 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a  
182 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination

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

185 ~~[(50)]~~ **(51)** "Salvage dealer and dismantler", a business that dismantles used motor  
186 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and  
187 accessories;

188 ~~[(51)]~~ **(52)** "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

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

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

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

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

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

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

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

214 ~~[(52)]~~ **(53)** "School bus", any motor vehicle used solely to transport students to or from  
215 school or to transport students to or from any place for educational purposes;

216 ~~[(53)]~~ **(54)** "Scrap processor", a business that, through the use of fixed or mobile  
217 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing  
218 or transportation to a shredder or scrap metal operator for recycling;

219            [~~(54)~~] **(55)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or  
220 corporation as an incidental service to transport patrons or customers of the regular business of  
221 such person, firm, or corporation to and from the place of business of the person, firm, or  
222 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as  
223 buses or as commercial motor vehicles;

224            [~~(55)~~] **(56)** "Special mobile equipment", every self-propelled vehicle not designed or  
225 used primarily for the transportation of persons or property and incidentally operated or moved  
226 over the highways, including farm equipment, implements of husbandry, road construction or  
227 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,  
228 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt  
229 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,  
230 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump  
231 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and  
232 shall not operate to exclude other such vehicles which are within the general terms of this  
233 section;

234            [~~(56)~~] **(57)** "Specially constructed motor vehicle", a motor vehicle which shall not have  
235 been originally constructed under a distinctive name, make, model or type by a manufacturer of  
236 motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

237            [~~(57)~~] **(58)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth  
238 wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

239            [~~(58)~~] **(59)** "Tandem axle", a group of two or more axles, arranged one behind another,  
240 the distance between the extremes of which is more than forty inches and not more than  
241 ninety-six inches apart;

242            **(60) "Towaway trailer transporter combination", a combination of vehicles**  
243 **consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total**  
244 **weight that does not exceed twenty-six thousand pounds; and in which the trailers or**  
245 **semitrailers carry no property and constitute inventory property of a manufacturer,**  
246 **distributor, or dealer of such trailers or semitrailers;**

247            [~~(59)~~] **(61)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle  
248 designed for drawing other vehicles, but not for the carriage of any load when operating  
249 independently. When attached to a semitrailer, it supports a part of the weight thereof;

250            [~~(60)~~] **(62)** "Trailer", any vehicle without motive power designed for carrying property  
251 or passengers on its own structure and for being drawn by a self-propelled vehicle, except those  
252 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed  
253 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight  
254 rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers

255 as defined in ~~[subdivision (8) of]~~ this section and shall not include manufactured homes as  
256 defined in section 700.010;

257 **(63) "Trailer transporter towing unit", a power unit that is not used to carry**  
258 **property when operating in a towaway trailer transporter combination;**

259 ~~[(61)]~~ **(64) "Truck"**, a motor vehicle designed, used, or maintained for the transportation  
260 of property;

261 ~~[(62)]~~ **(65) "Truck-tractor semitrailer-semitrailer"**, a combination vehicle in which the  
262 two trailing units are connected with a B-train assembly which is a rigid frame extension  
263 attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point  
264 for the second semitrailer and has one less articulation point than the conventional A-dolly  
265 connected truck-tractor semitrailer-trailer combination;

266 ~~[(63)]~~ **(66) "Truck-trailer boat transporter combination"**, a boat transporter combination  
267 consisting of a straight truck towing a trailer using typically a ball and socket connection with  
268 the trailer axle located substantially at the trailer center of gravity rather than the rear of the  
269 trailer but so as to maintain a downward force on the trailer tongue;

270 ~~[(64)]~~ **(67) "Used parts dealer"**, a business that buys and sells used motor vehicle parts  
271 or accessories, but not including a business that sells only new, remanufactured or rebuilt parts.  
272 Business does not include isolated sales at a swap meet of less than three days;

273 ~~[(65)]~~ **(68) "Utility vehicle"**, any motorized vehicle manufactured and used exclusively  
274 for off-highway use which is more than fifty inches but no more than sixty-seven inches in width,  
275 with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to  
276 be used primarily for landscaping, lawn care, or maintenance purposes;

277 ~~[(66)]~~ **(69) "Vanpool"**, any van or other motor vehicle used or maintained by any person,  
278 group, firm, corporation, association, city, county or state agency, or any member thereof, for the  
279 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to  
280 and from their place of employment; however, a vanpool shall not be included in the definition  
281 of the term bus or commercial motor vehicle as defined ~~[by subdivisions (6) and (7) of]~~ in this  
282 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section  
283 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal,  
284 or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary  
285 profit other than for use in a ride-sharing arrangement;

286 ~~[(67)]~~ **(70) "Vehicle"**, any mechanical device on wheels, designed primarily for use, or  
287 used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human  
288 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized  
289 wheelchairs operated by handicapped persons;

290           [(68)] (71) "Wrecker" or "tow truck", any emergency commercial vehicle equipped,  
291 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from  
292 a highway, road, street or highway rights-of-way to a point of storage or repair, including towing  
293 a replacement vehicle to replace a disabled or wrecked vehicle;

294           [(69)] (72) "Wrecker or towing service", the act of transporting, towing or recovering  
295 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the  
296 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives  
297 compensation or other personal gain.

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

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

14           2. Whenever a vehicle is classified as "junk", as defined in section 301.010, the  
15 purchaser may forward to the director of revenue a properly completed application for a junking  
16 certificate as well as the salvage certificate of title or certificate of ownership and the director  
17 shall issue a negotiable junking certificate to the purchaser of the vehicle. The director may also  
18 issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or more  
19 prior to the current model year who has a bill of sale for said vehicle but does not possess a  
20 certificate of ownership, provided no claim of theft has been made on the vehicle and the  
21 highway patrol has by letter stated the vehicle is not listed as stolen after checking the  
22 registration number through its nationwide computer system. Such junking certificate may be

23 granted within thirty days of the submission of a request. A junking certificate shall authorize  
24 the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap, or  
25 junk.

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

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

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

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

47 7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined  
48 in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may  
49 negotiate one reassignment of a salvage certificate of title on the back thereof.

50 8. Notwithstanding the provisions of subsection 1 of this section, an insurance company  
51 which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage  
52 certificate of title without the payment of any fee upon proper application within thirty days after  
53 settlement of the claim for such stolen vehicle. However, if the insurance company upon  
54 recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the  
55 extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to  
56 ~~[subdivision (51) of]~~ section 301.010, then the insurance company may have the vehicle  
57 inspected by the Missouri state highway patrol, or other law enforcement agency authorized by  
58 the director of revenue, in accordance with the inspection provisions of subsection 9 of section

59 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the  
60 return of any previously issued negotiable salvage certificate, the director shall issue an original  
61 title with no salvage or prior salvage designation. Upon the issuance of an original title the  
62 director shall remove any indication of the negotiable salvage title previously issued to the  
63 insurance company from the department's electronic records.

64 9. Notwithstanding subsection 4 of this section or any other provision of the law to the  
65 contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from  
66 a motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may  
67 purchase or acquire such motor vehicle or parts without receiving the original certificate of  
68 ownership, salvage certificate of title, or junking certificate from the seller of the vehicle or parts,  
69 provided the scrap metal operator verifies with the department of revenue, via the department's  
70 online record access, that the motor vehicle is not subject to any recorded security interest or lien  
71 and the scrap metal operator complies with the requirements of this subsection. In lieu of  
72 forwarding certificates of title or ownership for such motor vehicles as required by subsection  
73 5 of this section, the scrap metal operator shall forward a copy of the seller's state identification  
74 **card** along with a bill of sale to the department of revenue. The bill of sale form shall be  
75 designed by the director and such form shall include, but not be limited to, a certification that the  
76 motor vehicle is at least ten model years old, is inoperable, is not subject to any recorded security  
77 interest or lien, and a certification by the seller that the seller has the legal authority to sell or  
78 otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt of the  
79 information required by this subsection, the department of revenue shall cancel any certificate  
80 of title or ownership and registration for the motor vehicle. If the motor vehicle is inoperable  
81 and at least twenty model years old, then the scrap metal operator shall not be required to verify  
82 with the department of revenue whether the motor vehicle is subject to any recorded security  
83 interests or liens. As used in this subsection, the term "inoperable" means a motor vehicle that  
84 is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically  
85 inoperative condition and the vehicle's highest and best use is for scrap purposes. The director  
86 of the department of revenue is directed to promulgate rules and regulations to implement and  
87 administer the provisions of this section, including but not limited to, the development of a  
88 uniform bill of sale. Any rule or portion of a rule, as that term is defined in section 536.010, that  
89 is created under the authority delegated in this section shall become effective only if it complies  
90 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
91 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
92 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
93 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
94 any rule proposed or adopted after August 28, 2012, shall be invalid and void.

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

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

(2) "Boat manufacturer", any person engaged in the manufacturing, assembling or modification of new vessels or vessel trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of vessels or vessel trailers;

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

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

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

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

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

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

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

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

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

(8) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person;

37 provided, however, an individual auctioneer or auction conducted by an auctioneer licensed  
38 pursuant to chapter 343 shall not be included within the definition of a motor vehicle dealer. The  
39 sale of six or more motor vehicles or trailers in any calendar year shall be required as evidence  
40 that such person is engaged in the motor vehicle business and is eligible for licensure as a motor  
41 vehicle dealer under sections 301.550 to 301.573. Any motor vehicle dealer licensed before  
42 August 28, 2007, shall be required to meet the minimum calendar year sales of six or more motor  
43 vehicles provided the dealer can prove the business achieved, cumulatively, six or more sales per  
44 year for the preceding twenty-four months in business; or if the dealer has not been in business  
45 for twenty-four months, the cumulative equivalent of one sale every two months for the months  
46 the dealer has been in business before August 28, 2007. Any licensed motor vehicle dealer  
47 failing to meet the minimum vehicle sales requirements as referenced in this subsection shall not  
48 be qualified to renew his or her license for one year. Applicants who reapply after the one-year  
49 period shall meet the requirement of six sales per year;

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

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

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

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

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

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

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

75 (16) "Trailer dealer", any person selling, either exclusively or otherwise, trailers as  
76 defined in ~~[subdivision (6) of]~~ section 301.010. A trailer dealer may acquire a motor vehicle  
77 for resale only as a trade-in for a trailer. Notwithstanding the provisions of ~~[subdivision (11) of]~~  
78 section 301.010 and section 301.069, trailer dealers may purchase one driveaway license plate  
79 to display such motor vehicle for demonstration purposes. The sale of six or more trailers in any  
80 calendar year shall be required as evidence that such person is engaged in the trailer business and  
81 is eligible for licensure as a trailer dealer under sections 301.550 to 301.573. Any trailer dealer  
82 licensed before August 28, 2007, shall be required to meet the minimum calendar year sales of  
83 six or more trailers provided the dealer can prove the business achieved, cumulatively, six or  
84 more sales per year for the preceding twenty-four months in business; or if the dealer has not  
85 been in business for twenty-four months, the cumulative equivalent of one sale every two months  
86 for the months the dealer has been in business before August 28, 2007. Any licensed trailer  
87 dealer failing to meet the minimum trailer and vehicle sales requirements as referenced in this  
88 subsection shall not be qualified to renew his or her license for one year. Applicants who reapply  
89 after the one-year period shall meet the requirement of six sales per year;

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

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

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

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

104 (21) "Wholesale motor vehicle auction", any person, firm or corporation in the business  
105 of providing auction services solely in wholesale transactions at its established place of business  
106 in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and  
107 which neither buys, sells nor owns the motor vehicles it auctions in the ordinary course of its  
108 business. Except as required by law with regard to the auction sale of a government-owned

109 motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection  
110 with the retail sale of a motor vehicle;

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

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

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

117 (1) Boat dealers;

118 (2) Franchised new motor vehicle dealers;

119 (3) Used motor vehicle dealers;

120 (4) Wholesale motor vehicle dealers;

121 (5) Recreational motor vehicle dealers;

122 (6) Historic motor vehicle dealers;

123 (7) Classic motor vehicle dealers;

124 (8) Powersport dealers; and

125 (9) Trailer dealers.

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

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

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

16 4. No bus, recreational motor vehicle or trackless trolley coach operated upon the  
17 highways of this state shall have a length in excess of forty-five feet, except that such vehicles  
18 may exceed the forty-five feet length when such excess length is caused by the projection of a  
19 front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the

20 length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more  
21 than one foot in the front and one foot in the rear.

22

23 The term "safety bumper" means any device which may be fitted on an existing bumper or which  
24 replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon  
25 impact.

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

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

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

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

63           **(2) Automobile transporters may transport cargo or general freight on a backhaul,**  
64 **as long as in compliance with weight limitations for a truck-tractor and semitrailer**  
65 **combination as outlined in section 304.180.**

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

73           9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the  
74 interstate and designated primary highway system of this state shall have a semitrailer length in  
75 excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and  
76 lawful operation in any state on December 1, 1982, operating in a truck-tractor  
77 semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement  
78 of semitrailer length when used between the first and second semitrailer of a truck-tractor  
79 semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the  
80 B-train assembly, it shall be included in the length measurement of the semitrailer.

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

84           **11.** The ~~[highways and transportation]~~ commission is authorized to designate routes on  
85 the state highway system other than the interstate system over which those combinations of  
86 vehicles of the lengths specified in subsections 5, 6, 7, 8, ~~[and]~~ 9, **and 10** of this section may be  
87 operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8, ~~[and]~~  
88 **9, and 10** of this section may be operated at a distance not to exceed ten miles from the interstate  
89 system and such routes as designated under the provisions of this subsection.

90           ~~[11.]~~ **12.** Except as provided in subsections 5, 6, 7, 8, 9, ~~[and]~~ 10, **and 11** of this section,  
91 no other combination of vehicles operated upon the primary or interstate highways of this state

92 plus a distance of ten miles from a primary or interstate highway shall have an overall length,  
93 unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other  
94 highway~~]; except the state highways and transportation commission may designate additional~~  
95 ~~routes for use by sixty-five foot combinations, seventy-five foot stinger-steered or seventy-five~~  
96 ~~foot saddle-mount combinations. Any vehicle or combination of vehicles transporting~~  
97 ~~automobiles, boats or other motor vehicles may carry a load which extends no more than three~~  
98 ~~feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of~~  
99 ~~vehicles].~~

100 [12.] 13. (1) Except as hereinafter provided, these restrictions shall not apply to  
101 agricultural implements operating occasionally on the highways for short distances including  
102 tractor parades for fund-raising activities or special events, provided the tractors are driven by  
103 licensed drivers during daylight hours only and with the approval of the superintendent of the  
104 Missouri state highway patrol; or to self-propelled hay-hauling equipment or to implements of  
105 husbandry, or to the movement of farm products as defined in section 400.9-102 or to vehicles  
106 temporarily transporting agricultural implements or implements of husbandry or road-making  
107 machinery, or road materials or towing for repair purposes vehicles that have become disabled  
108 upon the highways; or to implement dealers delivering or moving farm machinery for repairs on  
109 any state highway other than the interstate system.

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

114 [13.] 14. As used in this chapter the term "implements of husbandry" means all  
115 self-propelled machinery operated at speeds of less than thirty miles per hour, specifically  
116 designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad  
117 usage and used exclusively for the application of commercial plant food materials or agricultural  
118 chemicals, and not specifically designed or intended for transportation of such chemicals and  
119 materials.

120 [14.] 15. Sludge disposal units may be operated on all state highways other than the  
121 interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may  
122 be equipped with over-width tires. Such units shall observe all axle weight limits. The ~~chief~~  
123 ~~engineer of the state transportation department] **commission**~~ shall issue special permits for the  
124 movement of such disposal units and may by such permits restrict the movements to specified  
125 routes, days and hours.

304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any  
2 highway in this state having a greater weight than twenty thousand pounds on one axle, no

3 combination of vehicles operated by transporters of general freight over regular routes as defined  
 4 in section 390.020 shall be moved or operated on any highway of this state having a greater  
 5 weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not  
 6 to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated  
 7 on any state highway of this state having a greater weight than thirty-four thousand pounds on  
 8 any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one  
 9 behind another, the distance between the extremes of which is more than forty inches and not  
 10 more than ninety-six inches apart.

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

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

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

|    |             | Maximum load in pounds |         |         |         |         |
|----|-------------|------------------------|---------|---------|---------|---------|
| 23 | feet        | 2 axles                | 3 axles | 4 axles | 5 axles | 6 axles |
| 25 | 4           | 34,000                 |         |         |         |         |
| 26 | 5           | 34,000                 |         |         |         |         |
| 27 | 6           | 34,000                 |         |         |         |         |
| 28 | 7           | 34,000                 |         |         |         |         |
| 29 | 8           | 34,000                 | 34,000  |         |         |         |
| 30 | More than 8 | 38,000                 | 42,000  |         |         |         |
| 31 | 9           | 39,000                 | 42,500  |         |         |         |
| 32 | 10          | 40,000                 | 43,500  |         |         |         |
| 33 | 11          | 40,000                 | 44,000  |         |         |         |
| 34 | 12          | 40,000                 | 45,000  | 50,000  |         |         |
| 35 | 13          | 40,000                 | 45,500  | 50,500  |         |         |
| 36 | 14          | 40,000                 | 46,500  | 51,500  |         |         |
| 37 | 15          | 40,000                 | 47,000  | 52,000  |         |         |
| 38 | 16          | 40,000                 | 48,000  | 52,500  | 58,000  |         |

|    |    |        |        |        |        |        |
|----|----|--------|--------|--------|--------|--------|
| 39 | 17 | 40,000 | 48,500 | 53,500 | 58,500 |        |
| 40 | 18 | 40,000 | 49,500 | 54,000 | 59,000 |        |
| 41 | 19 | 40,000 | 50,000 | 54,500 | 60,000 |        |
| 42 | 20 | 40,000 | 51,000 | 55,500 | 60,500 | 66,000 |
| 43 | 21 | 40,000 | 51,500 | 56,000 | 61,000 | 66,500 |
| 44 | 22 | 40,000 | 52,500 | 56,500 | 61,500 | 67,000 |
| 45 | 23 | 40,000 | 53,000 | 57,500 | 62,500 | 68,000 |
| 46 | 24 | 40,000 | 54,000 | 58,000 | 63,000 | 68,500 |
| 47 | 25 | 40,000 | 54,500 | 58,500 | 63,500 | 69,000 |
| 48 | 26 | 40,000 | 55,500 | 59,500 | 64,000 | 69,500 |
| 49 | 27 | 40,000 | 56,000 | 60,000 | 65,000 | 70,000 |
| 50 | 28 | 40,000 | 57,000 | 60,500 | 65,500 | 71,000 |
| 51 | 29 | 40,000 | 57,500 | 61,500 | 66,000 | 71,500 |
| 52 | 30 | 40,000 | 58,500 | 62,000 | 66,500 | 72,000 |
| 53 | 31 | 40,000 | 59,000 | 62,500 | 67,500 | 72,500 |
| 54 | 32 | 40,000 | 60,000 | 63,500 | 68,000 | 73,000 |
| 55 | 33 | 40,000 | 60,000 | 64,000 | 68,500 | 74,000 |
| 56 | 34 | 40,000 | 60,000 | 64,500 | 69,000 | 74,500 |
| 57 | 35 | 40,000 | 60,000 | 65,500 | 70,000 | 75,000 |
| 58 | 36 |        | 60,000 | 66,000 | 70,500 | 75,500 |
| 59 | 37 |        | 60,000 | 66,500 | 71,000 | 76,000 |
| 60 | 38 |        | 60,000 | 67,500 | 72,000 | 77,000 |
| 61 | 39 |        | 60,000 | 68,000 | 72,500 | 77,500 |
| 62 | 40 |        | 60,000 | 68,500 | 73,000 | 78,000 |
| 63 | 41 |        | 60,000 | 69,500 | 73,500 | 78,500 |
| 64 | 42 |        | 60,000 | 70,000 | 74,000 | 79,000 |
| 65 | 43 |        | 60,000 | 70,500 | 75,000 | 80,000 |
| 66 | 44 |        | 60,000 | 71,500 | 75,500 | 80,000 |
| 67 | 45 |        | 60,000 | 72,000 | 76,000 | 80,000 |
| 68 | 46 |        | 60,000 | 72,500 | 76,500 | 80,000 |
| 69 | 47 |        | 60,000 | 73,500 | 77,500 | 80,000 |
| 70 | 48 |        | 60,000 | 74,000 | 78,000 | 80,000 |
| 71 | 49 |        | 60,000 | 74,500 | 78,500 | 80,000 |
| 72 | 50 |        | 60,000 | 75,500 | 79,000 | 80,000 |
| 73 | 51 |        | 60,000 | 76,000 | 80,000 | 80,000 |
| 74 | 52 |        | 60,000 | 76,500 | 80,000 | 80,000 |

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

80

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

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

93 5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle  
 94 loads or gross loads in excess of those permitted under the provisions of ~~[Section 127 of Title~~  
 95 ~~23 of the United States Code]~~ **P.L. 97-424 codified in Title 23 of the United States Code (23**  
 96 **U.S.C. Section 101, et al.), as amended.**

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

102 7. Notwithstanding any provision of this section to the contrary, the ~~[department of~~  
 103 ~~transportation]~~ **commission** shall issue a single-use special permit, or upon request of the owner  
 104 of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump  
 105 truck or well-drillers' equipment. The ~~[department of transportation]~~ **commission** shall set fees  
 106 for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section  
 107 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained  
 108 roads and highways at any time on any day.

109 8. Notwithstanding the provision of this section to the contrary, the maximum gross  
 110 vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an

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

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

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

130 11. Notwithstanding any provision of this section or any other law to the contrary, the  
131 ~~[department of transportation]~~ **commission** shall issue emergency utility response permits for the  
132 transporting of utility wires or cables, poles, and equipment needed for repair work immediately  
133 following a disaster where utility service has been disrupted. Under exigent circumstances,  
134 verbal approval of such operation may be made either by the **department of transportation**  
135 motor carrier compliance supervisor or other designated motor carrier services representative.  
136 Utility vehicles and equipment used to assist utility companies granted special permits under this  
137 subsection may be operated and transported on state-maintained roads and highways at any time  
138 on any day. The ~~[department of transportation]~~ **commission** shall promulgate all necessary rules  
139 and regulations for the administration of this section. Any rule or portion of a rule, as that term  
140 is defined in section 536.010, that is created under the authority delegated in this section shall  
141 become effective only if it complies with and is subject to all of the provisions of chapter 536  
142 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of  
143 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
144 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
145 grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be  
146 invalid and void.

147           **12. Notwithstanding any provision of this section to the contrary, emergency**  
148 **vehicles designed to be used under emergency conditions to transport personnel and**  
149 **equipment and to mitigate hazardous situations may have a maximum gross vehicle weight**  
150 **of eighty-six thousand pounds inclusive of twenty-four thousand pounds on a single**  
151 **steering axle; thirty-three thousand five hundred pounds on a single drive axle; sixty-two**  
152 **thousand pounds on a tandem axle; or fifty-two thousand pounds on a tandem rear drive**  
153 **steer axle.**

154           **13. Notwithstanding any provision of this section to the contrary, a vehicle operated**  
155 **by an engine fueled primarily by natural gas may operate upon the public highways of this**  
156 **state in excess of the vehicle weight limits set forth in this section by an amount that is**  
157 **equal to the difference between the weight of the vehicle attributable to the natural gas**  
158 **tank and fueling system carried by that vehicle and the weight of a comparable diesel tank**  
159 **and fueling system. In no event shall the maximum gross vehicle weight of the vehicle**  
160 **operating with a natural gas engine exceed eighty-two thousand pounds.**

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

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

6           3. As of August 1, 2002, the term "motor vehicle" as used in sections 407.810 to 407.835  
7 shall not apply to recreational vehicles as defined in section 407.1320.

✓