

SECOND REGULAR SESSION

HOUSE BILL NO. 1714

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUNNINGHAM (86).

Read 1st time April 1, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5014L.011

AN ACT

To repeal section 301.010, RSMo, and to enact in lieu thereof one new section relating to all-terrain vehicles.

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

Section A. Section 301.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.010, RSMo, to read as follows:

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

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control **or any motorized vehicle manufactured and used exclusively for off-highway use which is eighty-four inches or less in overall width, traveling on four or more wheels and/or tracks, intended to transport persons and cargo having a top speed in excess of twenty-five miles per hour but not to exceed fifty miles per hour, and a steering wheel for control;**

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

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

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

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

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

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

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

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

30 (10) "Director" or "director of revenue", the director of the department of revenue;

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

35 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
36 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
37 equipped with a dromedary may carry part of a load when operating independently or in a
38 combination with a semitrailer;

39 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

40 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

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

42 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
43 vehicle in a saddlemount combination;

44 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
45 the weight of any load thereon;

46 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
47 result of the impact of hail;

48 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads
49 and public streets, avenues, boulevards, parkways or alleys in any municipality;

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

52 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
53 the same;

54 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways
55 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

56 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally
57 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
58 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

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

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

65 (b) An area that extends not more than a radius of twenty-five miles from its home base
66 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
67 from projects not involving soil and water conservation. Nothing in this subdivision shall be
68 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
69 local commercial motor vehicle;

70 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
71 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
72 or a commercial motor vehicle whose property-carrying operations are confined solely to the
73 transportation of property owned by any person who is the owner or operator of such vehicle to
74 or from a farm owned by such person or under the person's control by virtue of a landlord and
75 tenant lease; provided that any such property transported to any such farm is for use in the
76 operation of such farm;

77 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
78 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
79 state, used to transport harvested forest products, operated solely at a forested site and in an area
80 extending not more than a fifty-mile radius from such site, carries a load with dimensions not
81 in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the
82 national system of interstate and defense highways described in Title 23, Section 103(e) of the
83 United States Code, does not have more than four axles and does not pull a trailer which has
84 more than two axles. A local log truck may not exceed the limits required by law, however, if
85 the truck does exceed such limits as determined by the inspecting officer, then notwithstanding
86 any other provisions of law to the contrary, such truck shall be subject to the weight limits
87 required by such sections as licensed for eighty thousand pounds;

88 (27) "Local transit bus", a bus whose operations are confined wholly within a municipal
89 corporation, or wholly within a municipal corporation and a commercial zone, as defined in

90 section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within
91 such municipal corporation and such municipal corporation and adjacent commercial zone;

92 (28) "Log truck", a vehicle which is not a local log truck and is used exclusively to
93 transport harvested forest products to and from forested sites which is registered pursuant to this
94 chapter to operate as a motor vehicle on the public highways of this state for the transportation
95 of harvested forest products;

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

99 (30) "Manufacturer", any person, firm, corporation or association engaged in the
100 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

101 (31) "Mobile scrap processor", a business located in Missouri or any other state that
102 comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder
103 or scrap metal operator for recycling;

104 (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
105 receives a new, rebuilt or used engine, and which used the number stamped on the original
106 engine as the vehicle identification number;

107 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
108 except farm tractors;

109 (34) "Motor vehicle primarily for business use", any vehicle other than a recreational
110 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
111 twelve thousand pounds:

112 (a) Offered for hire or lease; or

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

114 (35) "Motorcycle", a motor vehicle operated on two wheels;

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

119 (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
120 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
121 A motortricycle shall not be included in the definition of all-terrain vehicle;

122 (38) "Municipality", any city, town or village, whether incorporated or not;

123 (39) "Nonresident", a resident of a state or country other than the state of Missouri;

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

- 126 (41) "Operator", any person who operates or drives a motor vehicle;
- 127 (42) "Owner", any person, firm, corporation or association, who holds the legal title to
128 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
129 thereof with the right of purchase upon performance of the conditions stated in the agreement
130 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
131 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
132 or mortgagor shall be deemed the owner for the purpose of this law;
- 133 (43) "Public garage", a place of business where motor vehicles are housed, stored,
134 repaired, reconstructed or repainted for persons other than the owners or operators of such place
135 of business;
- 136 (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
137 rebuilder, but does not include certificated common or contract carriers of persons or property;
- 138 (45) "Reconstructed motor vehicle", a vehicle that is altered from its original
139 construction by the addition or substitution of two or more new or used major component parts,
140 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
- 141 (46) "Recreational motor vehicle", any motor vehicle designed, constructed or
142 substantially modified so that it may be used and is used for the purposes of temporary housing
143 quarters, including therein sleeping and eating facilities which are either permanently attached
144 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
145 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
146 vehicle if the motor vehicle could otherwise be so registered;
- 147 (47) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
148 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
149 wrecker or towing service;
- 150 (48) "Saddlemount combination", a combination of vehicles in which a truck or truck
151 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth
152 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of
153 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth
154 wheel kingpin connection. When two vehicles are towed in this manner the combination is
155 called a double saddlemount combination. When three vehicles are towed in this manner, the
156 combination is called a triple saddlemount combination;
- 157 (49) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for
158 the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;
- 159 (50) "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by reason of
160 condition or circumstance, has been declared salvage, either by its owner, or by a person, firm,
161 corporation, or other legal entity exercising the right of security interest in it, or by an insurance

162 company as a result of settlement of a claim for loss due to damage or theft; or a vehicle,
163 ownership of which is evidenced by a salvage title; or abandoned property which is titled
164 pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words
165 "salvage/abandoned property";

166 (51) "School bus", any motor vehicle used solely to transport students to or from school
167 or to transport students to or from any place for educational purposes;

168 (52) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
169 corporation as an incidental service to transport patrons or customers of the regular business of
170 such person, firm, or corporation to and from the place of business of the person, firm, or
171 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
172 buses or as commercial motor vehicles;

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

183 (54) "Specially constructed motor vehicle", a motor vehicle which shall not have been
184 originally constructed under a distinctive name, make, model or type by a manufacturer of motor
185 vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

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

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

191 (57) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed
192 for drawing other vehicles, but not for the carriage of any load when operating independently.
193 When attached to a semitrailer, it supports a part of the weight thereof;

194 (58) "Trailer", any vehicle without motive power designed for carrying property or
195 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
196 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
197 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight

198 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
199 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
200 as defined in section 700.010, RSMo;

201 (59) "Truck", a motor vehicle designed, used, or maintained for the transportation of
202 property;

203 (60) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
204 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
205 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second
206 semitrailer and has one less articulation point than the conventional "A dolly" connected
207 truck-tractor semitrailer-trailer combination;

208 (61) "Truck-trailer boat transporter combination", a boat transporter combination
209 consisting of a straight truck towing a trailer using typically a ball and socket connection with
210 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
211 trailer but so as to maintain a downward force on the trailer tongue;

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

215 (63) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
216 firm, corporation, association, city, county or state agency, or any member thereof, for the
217 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
218 and from their place of employment; however, a vanpool shall not be included in the definition
219 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this
220 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section
221 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
222 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
223 monetary profit other than for use in a ride-sharing arrangement;

224 (64) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
225 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
226 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
227 operated by handicapped persons;

228 (65) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed
229 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a
230 highway, road, street or highway rights-of-way to a point of storage or repair, including towing
231 a replacement vehicle to replace a disabled or wrecked vehicle;

232 (66) "Wrecker or towing service", the act of transporting, towing or recovering with a
233 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,

234 tow truck, rollback or car carrier for which the operator directly or indirectly receives
235 compensation or other personal gain.