

FIRST REGULAR SESSION

# HOUSE BILL NO. 705

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FRASER.

Read 1<sup>st</sup> time March 3, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1684L.011

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### AN ACT

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

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Section A. Section 301.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.010, to read as follows: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

- 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 pounds or less, traveling on three, four or more low pressure tires, with a seat designed  
6 to be straddled by the operator, or with a seat designed to carry more than one person, and  
7 handlebars for steering control;
- 8 (2) "Automobile transporter", any vehicle combination designed and used specifically  
9 for the transport of assembled motor vehicles;
- 10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are  
11 included between two parallel transverse vertical planes forty inches apart, extending across the  
12 full width of the vehicle;
- 13 (4) "Boat transporter", any vehicle combination designed and used specifically to  
14 transport assembled boats and boat hulls;
- 15 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not  
16 owned by the shop or its officers or employees by mending, straightening, replacing body parts,

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.

17 or painting;

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

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

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

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

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

28 (11) "Driveaway operation":

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

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

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

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

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

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

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

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

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

52 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the

53 result of the impact of hail;

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

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

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

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

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

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

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

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

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

83 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this  
84 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
85 state, used to transport harvested forest products, operated solely at a forested site and in an area  
86 extending not more than a fifty-mile radius from such site, carries a load with dimensions not  
87 in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the  
88 national system of interstate and defense highways described in Title 23, Section 103(e) of the

89 United States Code, such vehicle shall not exceed the weight limits of section 304.180, RSMo,  
90 does not have more than four axles, and does not pull a trailer which has more than two axles.  
91 A local log truck may not exceed the limits required by law, however, if the truck does exceed  
92 such limits as determined by the inspecting officer, then notwithstanding any other provisions  
93 of law to the contrary, such truck shall be subject to the weight limits required by such sections  
94 as licensed for eighty thousand pounds;

95 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this  
96 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
97 state, used to transport harvested forest products, operated solely at a forested site and in an area  
98 extending not more than a fifty-mile radius from such site, operates with a weight not exceeding  
99 twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four  
100 thousand eight hundred pounds on any tandem axle, and when operated on the national system  
101 of interstate and defense highways described in Title 23, Section 103(e) of the United States  
102 Code, such vehicle does not exceed the weight limits contained in section 304.180, RSMo, and  
103 does not have more than three axles and does not pull a trailer which has more than two axles.  
104 Violations of axle weight limitations shall be subject to the load limit penalty as described for  
105 in sections 304.180 to 304.220, RSMo;

106 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal  
107 corporation, or wholly within a municipal corporation and a commercial zone, as defined in  
108 section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within  
109 such municipal corporation and such municipal corporation and adjacent commercial zone;

110 (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and  
111 is used exclusively to transport harvested forest products to and from forested sites which is  
112 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this  
113 state for the transportation of harvested forest products;

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

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

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

122 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which  
123 receives a new, rebuilt or used engine, and which used the number stamped on the original  
124 engine as the vehicle identification number;

- 125 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,  
126 except farm tractors;
- 127 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational  
128 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over  
129 twelve thousand pounds:
- 130 (a) Offered for hire or lease; or  
131 (b) The owner of which also owns ten or more such motor vehicles;
- 132 (36) "Motorcycle", a motor vehicle operated on two wheels;
- 133 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic  
134 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which  
135 produces less than three gross brake horsepower, and is capable of propelling the device at a  
136 maximum speed of not more than thirty miles per hour on level ground;
- 137 (38) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle  
138 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.  
139 A motortricycle shall not be included in the definition of all-terrain vehicle;
- 140 (39) "Municipality", any city, town or village, whether incorporated or not;
- 141 (40) "Nonresident", a resident of a state or country other than the state of Missouri;
- 142 (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in  
143 compliance with United States emissions or safety standards;
- 144 (42) "Operator", any person who operates or drives a motor vehicle;
- 145 (43) "Owner", any person, firm, corporation or association, who holds the legal title to  
146 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease  
147 thereof with the right of purchase upon performance of the conditions stated in the agreement  
148 and with an immediate right of possession vested in the conditional vendee or lessee, or in the  
149 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee  
150 or mortgagor shall be deemed the owner for the purpose of this law;
- 151 (44) "Public garage", a place of business where motor vehicles are housed, stored,  
152 repaired, reconstructed or repainted for persons other than the owners or operators of such place  
153 of business;
- 154 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the  
155 rebuilder, but does not include certificated common or contract carriers of persons or property;
- 156 (46) "Reconstructed motor vehicle", a vehicle that is altered from its original  
157 construction by the addition or substitution of two or more new or used major component parts,  
158 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
- 159 (47) "Recreational motor vehicle", any motor vehicle designed, constructed or  
160 substantially modified so that it may be used and is used for the purposes of temporary housing

161 quarters, including therein sleeping and eating facilities which are either permanently attached  
162 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.  
163 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor  
164 vehicle if the motor vehicle could otherwise be so registered;

165 (48) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,  
166 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a  
167 wrecker or towing service;

168 (49) "Saddlemount combination", a combination of vehicles in which a truck or truck  
169 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth  
170 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of  
171 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth  
172 wheel kingpin connection. When two vehicles are towed in this manner the combination is  
173 called a "double saddlemount combination". When three vehicles are towed in this manner, the  
174 combination is called a "triple saddlemount combination";

175 (50) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for  
176 the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

177 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

178 (a) Has been damaged to the extent that the total cost of repairs to rebuild or reconstruct  
179 the vehicle to its condition immediately before it was damaged for legal operation on the roads  
180 or highways exceeds seventy- five percent of the fair market value of the vehicle immediately  
181 preceding the time it was damaged;

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

185 (c) Has been declared salvage by an insurance company as a result of settlement of a  
186 claim for loss due to damage or theft;

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

188 (e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section  
189 304.157, RSMo, and designated with the words "salvage/abandoned property".

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191 The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of  
192 repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, **repairing**  
193 **hail damage**, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For  
194 purposes of this definition, "fair market value" means the retail value of a motor vehicle as:

195 a. Set forth in a current edition of any nationally recognized compilation of retail values,  
196 including automated databases, or from publications commonly used by the automotive and

197 insurance industries to establish the values of motor vehicles;

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

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

203           (52) "School bus", any motor vehicle used solely to transport students to or from school  
204 or to transport students to or from any place for educational purposes;

205           (53) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or  
206 corporation as an incidental service to transport patrons or customers of the regular business of  
207 such person, firm, or corporation to and from the place of business of the person, firm, or  
208 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as  
209 buses or as commercial motor vehicles;

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

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

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

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

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

231           (59) "Trailer", any vehicle without motive power designed for carrying property or  
232 passengers on its own structure and for being drawn by a self-propelled vehicle, except those

233 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed  
234 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight  
235 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton  
236 trailers as defined in subdivision (8) of this section and shall not include manufactured homes  
237 as defined in section 700.010, RSMo;

238 (60) "Truck", a motor vehicle designed, used, or maintained for the transportation of  
239 property;

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

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

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

252 (64) "Vanpool", any van or other motor vehicle used or maintained by any person, group,  
253 firm, corporation, association, city, county or state agency, or any member thereof, for the  
254 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to  
255 and from their place of employment; however, a vanpool shall not be included in the definition  
256 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this  
257 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section  
258 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,  
259 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for  
260 monetary profit other than for use in a ride-sharing arrangement;

261 (65) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,  
262 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,  
263 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs  
264 operated by handicapped persons;

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



269           (67) "Wrecker or towing service", the act of transporting, towing or recovering with a  
270 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,  
271 tow truck, rollback or car carrier for which the operator directly or indirectly receives  
272 compensation or other personal gain.