

FIRST REGULAR SESSION

HOUSE BILL NO. 397

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WELLS (Sponsor), MAY, WALLACE, ROBB, SCHLOTTACH,
SATER, KELLY AND POLLOCK (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

1026L.01I

AN ACT

To repeal section 301.010, RSMo, and to enact in lieu thereof two new sections relating to utility vehicles, with penalty provisions.

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

Section A. Section 301.010, RSMo, is repealed and two new sections enacted in lieu
2 thereof, to be known as sections 301.010 and 304.032, to read as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260,
2 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;

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 (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,
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.

74

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

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

84 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
85 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this

86 state, used to transport harvested forest products, operated solely at a forested site and in an area
87 extending not more than a fifty-mile radius from such site, carries a load with dimensions not
88 in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the
89 national system of interstate and defense highways described in Title 23, Section 103(e) of the
90 United States Code, such vehicle shall not exceed the weight limits of section 304.180, RSMo,
91 does not have more than four axles, and does not pull a trailer which has more than two axles.
92 Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting,
93 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local
94 log truck. A local log truck may not exceed the limits required by law, however, if the truck does
95 exceed such limits as determined by the inspecting officer, then notwithstanding any other
96 provisions of law to the contrary, such truck shall be subject to the weight limits required by such
97 sections as licensed for eighty thousand pounds;

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

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

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

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

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

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

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

128 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
129 except farm tractors;

130 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational
131 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
132 twelve thousand pounds:

133 (a) Offered for hire or lease; or

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

135 (36) "Motorcycle", a motor vehicle operated on two wheels;

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

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

143 (39) "Municipality", any city, town or village, whether incorporated or not;

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

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

147 (42) "Operator", any person who operates or drives a motor vehicle;

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

154 (44) "Public garage", a place of business where motor vehicles are housed, stored,
155 repaired, reconstructed or repainted for persons other than the owners or operators of such place
156 of business;

157 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
158 rebuilder, but does not include certificated common or contract carriers of persons or property;

159 (46) "Reconstructed motor vehicle", a vehicle that is altered from its original
160 construction by the addition or substitution of two or more new or used major component parts,
161 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

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

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

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

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

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

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

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

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

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

191 (e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section
192 304.157, RSMo, and designated with the words "salvage/abandoned property".

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

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

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

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

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

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

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

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

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

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

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

233 (59) "Trailer", any vehicle without motive power designed for carrying property or
234 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
235 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
236 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
237 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
238 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
239 as defined in section 700.010, RSMo;

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

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

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

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

254 (64) **"Utility vehicle", any motorized vehicle manufactured and used exclusively for**
255 **off-highway use which is sixty-three inches or less in width, with an unladen dry weight of**
256 **one thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used**
257 **primarily for landscaping, lawn care, or maintenance purposes;**

258 (65) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
259 firm, corporation, association, city, county or state agency, or any member thereof, for the
260 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
261 and from their place of employment; however, a vanpool shall not be included in the definition
262 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this

263 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section
264 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
265 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
266 monetary profit other than for use in a ride-sharing arrangement;

267 [(65)] (66) "Vehicle", any mechanical device on wheels, designed primarily for use, or
268 used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human
269 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized
270 wheelchairs operated by handicapped persons;

271 [(66)] (67) "Wrecker" or "tow truck", any emergency commercial vehicle equipped,
272 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from
273 a highway, road, street or highway rights-of-way to a point of storage or repair, including towing
274 a replacement vehicle to replace a disabled or wrecked vehicle;

275 [(67)] (68) "Wrecker or towing service", the act of transporting, towing or recovering
276 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the
277 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives
278 compensation or other personal gain.

**304.032. 1. No person shall operate a utility vehicle, as defined in section 301.010,
2 RSMo, upon the highways of this state, except as follows:**

3 (1) **Utility vehicles owned and operated by a governmental entity for official use;**

4 (2) **Utility vehicles operated for agricultural purposes or industrial on-premises
5 purposes between the official sunrise and sunset on the day of operation;**

6 (3) **Utility vehicles operated by handicapped persons for short distances
7 occasionally only on the state's secondary roads when operated between the hours of
8 sunrise and sunset;**

9 (4) **Governing bodies of cities may issue special permits for utility vehicles to be
10 used on highways within the city limits by licensed drivers. Fees of fifteen dollars may be
11 collected and retained by cities for such permits;**

12 (5) **Governing bodies of counties may issue special permits for utility vehicles to be
13 used on county roads within the county by licensed drivers. Fees of fifteen dollars may be
14 collected and retained by the counties for such permits.**

15 **2. No person shall operate a utility vehicle within any stream or river in this state,
16 except that utility vehicles may be operated within waterways which flow within the
17 boundaries of land which a utility vehicle operator owns, or for agricultural purposes
18 within the boundaries of land which a utility vehicle operator owns or has permission to
19 be upon, or for the purpose of fording such stream or river of this state at such road
20 crossings as are customary or part of the highway system. All law enforcement officials**

21 or peace officers of this state and its political subdivisions or department of conservation
22 agents or department of natural resources park rangers shall enforce the provisions of this
23 subsection within the geographic area of their jurisdiction.

24 **3. A person operating a utility vehicle on a highway pursuant to an exception**
25 **covered in this section shall have a valid operator's or chauffeur's license, except that a**
26 **handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of**
27 **this section, but shall not be required to have passed an examination for the operation of**
28 **a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour.**

29 **4. No persons shall operate a utility vehicle:**

30 **(1) In any careless way so as to endanger the person or property of another;**

31 **(2) While under the influence of alcohol or any controlled substance;**

32 **(3) Without a securely fastened safety helmet on the head of an individual who**
33 **operates a utility vehicle or who is being towed or otherwise propelled by a utility vehicle,**
34 **unless the individual is at least eighteen years of age.**

35 **5. No operator of a utility vehicle shall carry a passenger, except for agricultural**
36 **purposes. The provisions of this subsection shall not apply to any utility vehicle in which**
37 **the seat of such vehicle is designed to carry more than one person.**

38 **6. A violation of this section shall be a class C misdemeanor. In addition to other**
39 **legal remedies, the attorney general or county prosecuting attorney may institute a civil**
40 **action in a court of competent jurisdiction for injunctive relief to prevent such violation or**
41 **future violations and for the assessment of a civil penalty not to exceed one thousand**
42 **dollars per day of violation.**

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