

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1735 & 1618
97TH GENERAL ASSEMBLY

5860S.05T

2014

AN ACT

To repeal sections 301.010, 301.700, and 578.120, RSMo, and to enact in lieu thereof three new sections relating to ownership of certain vehicles, with existing penalty provisions.

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

Section A. Sections 301.010, 301.700, and 578.120, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 301.010, 301.700, and 578.120, to read
3 as follows:

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[, with
6 a seat designed to be straddled by the operator, or with a seat designed to carry more than one
7 person, and 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;

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.

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

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

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

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

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

- 119 (31) "Manufacturer", any person, firm, corporation or association engaged in the
120 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;
- 121 (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
122 receives a new, rebuilt or used engine, and which used the number stamped on the original
123 engine as the vehicle identification number;
- 124 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
125 except farm tractors;
- 126 (34) "Motor vehicle primarily for business use", any vehicle other than a recreational
127 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
128 twelve thousand pounds:
- 129 (a) Offered for hire or lease; or
130 (b) The owner of which also owns ten or more such motor vehicles;
- 131 (35) "Motorcycle", a motor vehicle operated on two wheels;
- 132 (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
133 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
134 produces less than three gross brake horsepower, and is capable of propelling the device at a
135 maximum speed of not more than thirty miles per hour on level ground;
- 136 (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
137 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
138 A motortricycle shall not be included in the definition of all-terrain vehicle;
- 139 (38) "Municipality", any city, town or village, whether incorporated or not;
- 140 (39) "Nonresident", a resident of a state or country other than the state of Missouri;
- 141 (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
142 compliance with United States emissions or safety standards;
- 143 (41) "Operator", any person who operates or drives a motor vehicle;
- 144 (42) "Owner", any person, firm, corporation or association, who holds the legal title to
145 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
146 thereof with the right of purchase upon performance of the conditions stated in the agreement
147 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
148 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
149 or mortgagor shall be deemed the owner for the purpose of this law;
- 150 (43) "Public garage", a place of business where motor vehicles are housed, stored,
151 repaired, reconstructed or repainted for persons other than the owners or operators of such place
152 of business;
- 153 (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
154 rebuilder, but does not include certificated common or contract carriers of persons or property;

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

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

164 (47) "Recreational off-highway vehicle", any motorized vehicle manufactured and used
165 exclusively for off-highway use which is [sixty-four] **more than fifty** inches [or less] **but no**
166 **more than sixty-seven inches** in width, with an unladen dry weight of two thousand pounds or
167 less, traveling on four or more nonhighway tires[, with a nonstraddle seat, and steering wheel,]
168 **and** which may have access to ATV trails;

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

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

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

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

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

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

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

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

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

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

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

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

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

209 (53) "Scrap processor", a business that, through the use of fixed or mobile equipment,
210 flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or
211 transportation to a shredder or scrap metal operator for recycling;

212 (54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
213 corporation as an incidental service to transport patrons or customers of the regular business of
214 such person, firm, or corporation to and from the place of business of the person, firm, or
215 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
216 buses or as commercial motor vehicles;

217 (55) "Special mobile equipment", every self-propelled vehicle not designed or used
218 primarily for the transportation of persons or property and incidentally operated or moved over
219 the highways, including farm equipment, implements of husbandry, road construction or
220 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
221 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
222 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
223 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
224 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and

225 shall not operate to exclude other such vehicles which are within the general terms of this
226 section;

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

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

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

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

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

245 (61) "Truck", a motor vehicle designed, used, or maintained for the transportation of
246 property;

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

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

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

259 (65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for
260 off-highway use which is [sixty-three] **more than fifty** inches [or less] **but no more than sixty-**

261 **seven inches** in width, with an unladen dry weight of [one] **two** thousand [eight hundred fifty]
262 pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care,
263 or maintenance purposes;

264 (66) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
265 firm, corporation, association, city, county or state agency, or any member thereof, for the
266 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
267 and from their place of employment; however, a vanpool shall not be included in the definition
268 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this
269 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
270 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal,
271 or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary
272 profit other than for use in a ride-sharing arrangement;

273 (67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
274 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
275 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
276 operated by handicapped persons;

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

281 (69) "Wrecker or towing service", the act of transporting, towing or recovering with a
282 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
283 tow truck, rollback or car carrier for which the operator directly or indirectly receives
284 compensation or other personal gain.

301.700. All-terrain vehicles shall be treated in the same manner as motor vehicles,
2 pursuant to this chapter, for the purposes of transfer, titling, perfection of liens and
3 encumbrances, and the collection of all taxes, fees and other charges. Funds collected by the
4 department of revenue pursuant to sections 301.700 to 301.714 shall be deposited by the director
5 in the state treasury to the credit of the general revenue fund. **An applicant that purchases a**
6 **used all-terrain vehicle after August 28, 2014, that was defined as a utility or recreation off-**
7 **highway vehicle prior to August 28, 2014, may present a notarized bill of sale as evidence**
8 **of lawful ownership when a certificate of title has not been issued for such all-terrain**
9 **vehicle.**

578.120. 1. Notwithstanding any provision in this chapter to the contrary, no dealer,
2 distributor or manufacturer licensed under section 301.559 may keep open, operate, or assist in
3 keeping open or operating any established place of business for the purpose of buying, selling,

4 bartering or exchanging, or offering for sale, barter or exchange, any motor vehicle, whether new
5 or used, on Sunday. However, this section does not apply to the sale of manufactured housing;
6 the sale of recreational motor vehicles; **the sale of motorcycles as that term is defined in**
7 **section 301.010; the sale of motortricycles, motorized bicycles, all-terrain vehicles,**
8 **recreational off-highway vehicles, utility vehicles, personal watercraft, or other motorized**
9 **vehicles customarily sold by powersports dealers licensed pursuant to sections 301.550 to**
10 **301.560;** washing, towing, wrecking or repairing operations; the sale of petroleum products,
11 tires, and repair parts and accessories; or new vehicle shows or displays participated in by five
12 or more franchised dealers or in towns or cities with five or fewer dealers, a majority.

13 2. No association consisting of motor vehicle dealers, distributors or manufacturers
14 licensed under section 301.559 shall be in violation of antitrust or restraint of trade statutes under
15 chapter 416 or regulation promulgated thereunder solely because it encourages its members not
16 to open or operate on Sunday a place of business for the purpose of buying, selling, bartering or
17 exchanging any motor vehicle.

18 3. Any person who violates the provisions of this section shall be guilty of a class C
19 misdemeanor.

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