

SECOND REGULAR SESSION

HOUSE BILL NO. 1988

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WHITE.

5580H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 301.010, RSMo, and to enact in lieu thereof one new section relating to three-wheeled motor 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Section A. Section 301.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.010, to read as follows:

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

- 3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
5 thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;
- 6 (2) "Automobile transporter", any vehicle combination designed and used specifically
7 for the transport of assembled motor vehicles;
- 8 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
9 included between two parallel transverse vertical planes forty inches apart, extending across the
10 full width of the vehicle;
- 11 (4) "Boat transporter", any vehicle combination designed and used specifically to
12 transport assembled boats and boat hulls;
- 13 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
14 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
15 or painting;
- 16 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
17 passengers but not including shuttle buses;

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.

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

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

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

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

26 (11) "Driveaway operation":

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

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

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

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

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

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

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

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

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

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

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

- 54 (20) "Improved highway", a highway which has been paved with gravel, macadam,
55 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;
- 56 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
57 the same;
- 58 (22) "Junk vehicle", a vehicle which:
- 59 (a) Is incapable of operation or use upon the highways and has no resale value except as
60 a source of parts or scrap; or
- 61 (b) Has been designated as junk or a substantially equivalent designation by this state
62 or any other state;
- 63 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally
64 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
65 an authorized manufacturer and accompanied by a manufacturer's statement of origin;
- 66 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire
67 commercial motor vehicle the operation of which is confined to:
- 68 (a) An area that extends not more than a radius of one hundred miles from its home base
69 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
70 from projects involving soil and water conservation, or to and from equipment dealers'
71 maintenance facilities for maintenance purposes; or
- 72 (b) An area that extends not more than a radius of fifty miles from its home base of
73 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
74 projects not involving soil and water conservation. Nothing in this subdivision shall be
75 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
76 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 one hundred-mile radius from such site, carries a load with
88 dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when
89 operated on the national system of interstate and defense highways described in [Title 23, Section

90 103(e) of the United States Code] **23 U.S.C. Section 103, as amended**, such vehicle shall not
91 exceed the weight limits of section 304.180, does not have more than four axles, and does not
92 pull a trailer which has more than two axles. Harvesting equipment which is used specifically
93 for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading, unloading, and
94 stacking may be transported on a local log truck. A local log truck may not exceed the limits
95 required by law, however, if the truck does exceed such limits as determined by the inspecting
96 officer, then notwithstanding any other provisions of law to the contrary, such truck shall be
97 subject to the weight limits required by such 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 one hundred-mile radius from such site, operates with a weight not
102 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
103 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
104 system of interstate and defense highways described in [Title 23, Section 103(e) of the United
105 States Code] **23 U.S.C. Section 103, as amended**, such vehicle does not exceed the weight
106 limits contained in section 304.180, and does not have more than three axles and does not pull
107 a trailer which has more than two axles. Violations of axle weight limitations shall be subject
108 to the load limit penalty as described for in sections 304.180 to 304.220;

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, adjacent thereto, forming a part of a public transportation system within such
112 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) "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 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
126 [except] **including a three-wheeled vehicle in which the driver and any passenger ride in**
127 **a completely enclosed area that is equipped with airbag protection and seatbelts, but not**
128 **including** farm tractors;

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

132 (a) Offered for hire or lease; or

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

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

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

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

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

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

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

146 (41) "Operator", any person who operates or drives a motor vehicle;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

195 (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157
196 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild

197 or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling
198 inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on
199 parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair
200 market value" means the retail value of a motor vehicle as:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

265 (66) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
266 firm, corporation, association, city, county or state agency, or any member thereof, for the
267 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to

268 and from their place of employment; however, a vanpool shall not be included in the definition
269 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this
270 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
271 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal,
272 or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary
273 profit other than for use in a ride-sharing arrangement;

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

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

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

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