

SECOND REGULAR SESSION

# HOUSE BILL NO. 2412

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FITZWATER (144).

6191H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 301.010, RSMo, and to enact in lieu thereof one new section relating to weight limitations for certain vehicles hauling harvested forest products.

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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Section A. Section 301.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.010, to read as follows: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, 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  
87 area 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 **or outside the one hundred-mile radius from such site**, such  
91 vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles,  
92 and does not pull a trailer which has more than two axles. Harvesting equipment which is used  
93 specifically for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading,  
94 unloading, and stacking may be transported on a local log truck. A local log truck may not  
95 exceed the limits required by law, however, if the truck does exceed such limits as determined  
96 by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such  
97 truck shall be subject to the weight limits required by such sections as licensed for eighty  
98 thousand pounds;

99 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this  
100 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
101 state, used to transport harvested forest products, operated [solely] at a forested site and in an  
102 area extending not more than a one hundred-mile radius from such site, operates with a weight  
103 not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not  
104 exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on  
105 the national system of interstate and defense highways described in Title 23, Section 103(e) of  
106 the United States Code **or outside the one-hundred mile radius from such site**, such vehicle  
107 does not exceed the weight limits contained in section 304.180, and does not have more than  
108 three axles and does not pull a trailer which has more than two axles. Violations of axle weight  
109 limitations shall be subject to the load limit penalty as described for in sections 304.180 to  
110 304.220;

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

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

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

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

- 124 (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which  
125 receives a new, rebuilt or used engine, and which used the number stamped on the original  
126 engine as the vehicle identification number;
- 127 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,  
128 except 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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