

SECOND REGULAR SESSION

# HOUSE BILL NO. 1284

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ENGLER.

Read 1<sup>st</sup> time January 27, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4228L.011

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### AN ACT

To repeal sections 301.010 and 301.217, RSMo, and to enact in lieu thereof two new sections relating to salvage motor vehicles.

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

Section A. Sections 301.010 and 301.217, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 301.010 and 301.217, 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 six hundred  
5 pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be  
6 straddled by the operator, and handlebars for steering control;

7 (2) "Automobile transporter", any vehicle combination designed and used specifically  
8 for the transport of assembled motor vehicles;

9 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are  
10 included between two parallel transverse vertical planes forty inches apart, extending across the  
11 full width of the vehicle;

12 (4) "Boat transporter", any vehicle combination designed and used specifically to  
13 transport assembled boats and boat hulls;

14 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not  
15 owned by the shop or its officers or employees by mending, straightening, replacing body parts,  
16 or painting;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

61 (b) An area that extends not more than a radius of twenty-five miles from its home base  
62 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or  
63 from projects not involving soil and water conservation. Nothing in this subdivision shall be  
64 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or  
65 local commercial motor vehicle;

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

73 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this  
74 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
75 state, used to transport harvested forest products, operated solely at a forested site and in an area  
76 extending not more than a fifty-mile radius from such site, carries a load with dimensions not  
77 in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the  
78 national system of interstate and defense highways described in Title 23, Section 103(e) of the  
79 United States Code, does not have more than four axles and does not pull a trailer which has  
80 more than two axles. A local log truck may not exceed the limits required by law, however, if  
81 the truck does exceed such limits as determined by the inspecting officer, then notwithstanding  
82 any other provisions of law to the contrary, such truck shall be subject to the weight limits  
83 required by such sections as licensed for eighty thousand pounds;

84 (27) "Local transit bus", a bus whose operations are confined wholly within a municipal  
85 corporation, or wholly within a municipal corporation and a commercial zone, as defined in  
86 section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within  
87 such municipal corporation and such municipal corporation and adjacent commercial zone;

88 (28) "Log truck", a vehicle which is not a local log truck and is used exclusively to  
89 transport harvested forest products to and from forested sites which is registered pursuant to this  
90 chapter to operate as a motor vehicle on the public highways of this state for the transportation

91 of harvested forest products;

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

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

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

100 (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which  
101 receives a new, rebuilt or used engine, and which used the number stamped on the original  
102 engine as the vehicle identification number;

103 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,  
104 except farm tractors;

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

108 (a) Offered for hire or lease; or

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

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

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

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

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

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

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

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

123 (42) "Owner", any person, firm, corporation or association, who holds the legal title to  
124 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease  
125 thereof with the right of purchase upon performance of the conditions stated in the agreement  
126 and with an immediate right of possession vested in the conditional vendee or lessee, or in the

127 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee  
128 or mortgagor shall be deemed the owner for the purpose of this law;

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

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

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

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

143 (47) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,  
144 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a  
145 wrecker or towing service;

146 (48) "Saddlemount combination", a combination of vehicles in which a truck or truck  
147 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth  
148 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of  
149 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth  
150 wheel kingpin connection. When two vehicles are towed in this manner the combination is  
151 called a double saddlemount combination. When three vehicles are towed in this manner, the  
152 combination is called a triple saddlemount combination;

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

155 (50) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which **has been**  
156 **damaged to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to**  
157 **its condition immediately before it was damaged for legal operation on the roads or**  
158 **highways exceeds seventy-five percent of the fair market value of the vehicle immediately**  
159 **preceding the time it was damaged and**, by reason of condition or circumstance, has been  
160 declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity  
161 exercising the right of security interest in it, or by an insurance company as a result of settlement  
162 of a claim for loss due to damage or theft; or a vehicle, ownership of which is evidenced by a

163 salvage title; or abandoned property which is titled pursuant to section 304.155, RSMo, or  
164 section 304.157, RSMo, and designated with the words "salvage/abandoned property". **For**  
165 **purposes of this definition, "fair market value" means the retail value of a motor vehicle**  
166 **as:**

167 **(a) Set forth in a current edition of any nationally recognized compilation of retail**  
168 **values, including automated databases, or from publications commonly used by the**  
169 **automotive and insurance industries to establish the values of motor vehicles;**

170 **(b) Determined pursuant to a market survey of comparable vehicles with regard**  
171 **to condition and equipment; and**

172 **(c) Determined by an insurance company using any other procedure recognized by**  
173 **the insurance industry, including market surveys, that is applied by the company in a**  
174 **uniform manner;**

175 (51) "School bus", any motor vehicle used solely to transport students to or from school  
176 or to transport students to or from any place for educational purposes;

177 (52) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or  
178 corporation as an incidental service to transport patrons or customers of the regular business of  
179 such person, firm, or corporation to and from the place of business of the person, firm, or  
180 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as  
181 buses or as commercial motor vehicles;

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

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

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

197 (56) "Tandem axle", a group of two or more axles, arranged one behind another, the  
198 distance between the extremes of which is more than forty inches and not more than ninety-six

199 inches apart;

200 (57) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed  
201 for drawing other vehicles, but not for the carriage of any load when operating independently.

202 When attached to a semitrailer, it supports a part of the weight thereof;

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

210 (59) "Truck", a motor vehicle designed, used, or maintained for the transportation of  
211 property;

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

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

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

224 (63) "Vanpool", any van or other motor vehicle used or maintained by any person, group,  
225 firm, corporation, association, city, county or state agency, or any member thereof, for the  
226 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to  
227 and from their place of employment; however, a vanpool shall not be included in the definition  
228 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this  
229 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section  
230 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,  
231 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for  
232 monetary profit other than for use in a ride-sharing arrangement;

233 (64) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,  
234 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,

235 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs  
236 operated by handicapped persons;

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

241 (66) "Wrecker or towing service", the act of transporting, towing or recovering with a  
242 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,  
243 tow truck, rollback or car carrier for which the operator directly or indirectly receives  
244 compensation or other personal gain.

301.217. 1. As used in sections 301.217 to 301.229, the following words and phrases  
2 mean:

3 (1) "Purchaser", the buyer of a salvage vehicle, including an insurance company for  
4 purposes of sections 301.217 to 301.229;

5 (2) "Salvage certificate of title", the title issued by the department of revenue as proof  
6 of ownership for a salvaged vehicle, and it shall not be acceptable for the purpose of registering  
7 a motor vehicle. The salvage title shall be negotiable with one reassignment on back by  
8 registered dealers **or insurance companies** only. The redeemed title shall be returned in its  
9 original form;

10 (3) "Salvage pool" or "salvage disposal sale", a scheduled sale at auction or by private  
11 bid of wrecked or repairable motor vehicles or trailers by insurance companies, underwriters, or  
12 dealers, either at retail or wholesale.

13 2. The department of revenue may issue a certificate of title for a salvaged motor vehicle  
14 at least twenty-five years old and if, in the judgment of the department of revenue it may be  
15 needed, require the applicant to file with the department of revenue a corporate surety bond in  
16 the form prescribed by the department and executed by the applicant, and executed by a person  
17 authorized to conduct a surety business in this state. The bond shall be in an amount equal to one  
18 and one-half times the value of the vehicle as determined by the department and conditioned to  
19 indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle or person  
20 acquiring any security interest in it, and their respective successors in interest, against any  
21 expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the  
22 certificate of title of the vehicle or on account of any defect in or undisclosed security interest  
23 upon the right, title and interest of the applicant in and to the vehicle. Any such interested person  
24 has a right of action to recover on the bond for any breach of its conditions, but the aggregate  
25 liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be  
26 returned at the end of three years or prior thereto if the vehicle is no longer registered in this state

27 and the currently valid certificate of title is surrendered to the department, unless the department  
28 has been notified of the pendency of an action to recover on the bond.