

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1489

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BARNITZ (Sponsor), PURGASON, SHOEMYER, DETHROW,
KUESSNER, SCHLOTTACH, WARD AND ANGST (Co-sponsors).

Read 1st time February 16, 2004, and copies ordered printed.

Read 2nd time February 17, 2004 and referred to the Committee on Transportation and Motor Vehicles February 26, 2004.

Reported from the Committee on Transportation and Motor Vehicles March 11, 2004, with recommendation that the bill Do Pass
by Consent.

Perfectured by Consent March 29, 2004.

STEPHEN S. DAVIS, Chief Clerk

3976L.03P

AN ACT

To repeal sections 301.010 and 304.013, RSMo, and to enact in lieu thereof two new sections
relating to operation of all-terrain vehicles, with penalty provisions.

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

Section A. Sections 301.010 and 304.013, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 301.010 and 304.013, 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
5 hundred] **one thousand** pounds or less, traveling on three, four or more low pressure 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;

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended
to be omitted in the law. Matter in boldface type in the above law is proposed language.**

- 10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
11 included between two parallel transverse vertical planes forty inches apart, extending across the
12 full width of the vehicle;
- 13 (4) "Boat transporter", any vehicle combination designed and used specifically to
14 transport assembled boats and boat hulls;
- 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", the movement of a motor vehicle or trailer by any person
29 or motor carrier other than a dealer over any public highway, under its own power singly, or in
30 a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery
31 either before or after sale;
- 32 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
33 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
34 equipped with a dromedary may carry part of a load when operating independently or in a
35 combination with a semitrailer;
- 36 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 37 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 38 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 39 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
40 vehicle in a saddlemount combination;
- 41 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
42 the weight of any load thereon;
- 43 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
44 result of the impact of hail;

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

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

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

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

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

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

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

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

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

74 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
75 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
76 state, used to transport harvested forest products, operated solely at a forested site and in an area
77 extending not more than a fifty-mile radius from such site, carries a load with dimensions not
78 in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the
79 national system of interstate and defense highways described in Title 23, Section 103(e) of the
80 United States Code, does not have more than four axles and does not pull a trailer which has

81 more than two axles. A local log truck may not exceed the limits required by law, however, if
82 the truck does exceed such limits as determined by the inspecting officer, then notwithstanding
83 any other provisions of law to the contrary, such truck shall be subject to the weight limits
84 required by such sections as licensed for eighty thousand pounds;

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

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

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

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

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

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

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

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

109 (a) Offered for hire or lease; or

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

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

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

- 116 (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
117 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
118 A motortricycle shall not be included in the definition of all-terrain vehicle;
- 119 (38) "Municipality", any city, town or village, whether incorporated or not;
- 120 (39) "Nonresident", a resident of a state or country other than the state of Missouri;
- 121 (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
122 compliance with United States emissions or safety standards;
- 123 (41) "Operator", any person who operates or drives a motor vehicle;
- 124 (42) "Owner", any person, firm, corporation or association, who holds the legal title to
125 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
126 thereof with the right of purchase upon performance of the conditions stated in the agreement
127 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
128 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
129 or mortgagor shall be deemed the owner for the purpose of this law;
- 130 (43) "Public garage", a place of business where motor vehicles are housed, stored,
131 repaired, reconstructed or repainted for persons other than the owners or operators of such place
132 of business;
- 133 (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
134 rebuilder, but does not include certificated common or contract carriers of persons or property;
- 135 (45) "Reconstructed motor vehicle", a vehicle that is altered from its original
136 construction by the addition or substitution of two or more new or used major component parts,
137 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
- 138 (46) "Recreational motor vehicle", any motor vehicle designed, constructed or
139 substantially modified so that it may be used and is used for the purposes of temporary housing
140 quarters, including therein sleeping and eating facilities which are either permanently attached
141 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
142 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
143 vehicle if the motor vehicle could otherwise be so registered;
- 144 (47) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
145 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
146 wrecker or towing service;
- 147 (48) "Saddlemount combination", a combination of vehicles in which a truck or truck
148 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth
149 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of
150 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth
151 wheel kingpin connection. When two vehicles are towed in this manner the combination is

152 called a double saddlemount combination. When three vehicles are towed in this manner, the
153 combination is called a triple saddlemount combination;

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

156 (50) "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by reason of
157 condition or circumstance, has been declared salvage, either by its owner, or by a person, firm,
158 corporation, or other legal entity exercising the right of security interest in it, or by an insurance
159 company as a result of settlement of a claim for loss due to damage or theft; or a vehicle,
160 ownership of which is evidenced by a salvage title; or abandoned property which is titled
161 pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words
162 "salvage/abandoned property";

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

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

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

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

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

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

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

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

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

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

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

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

212 (63) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
213 firm, corporation, association, city, county or state agency, or any member thereof, for the
214 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
215 and from their place of employment; however, a vanpool shall not be included in the definition
216 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this
217 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section
218 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
219 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
220 monetary profit other than for use in a ride-sharing arrangement;

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

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

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

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

304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010,
2 RSMo, upon the highways of this state, except as follows:

3 (1) All-terrain vehicles owned and operated by a governmental entity for official use;

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

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

8 (4) Governing bodies of cities may issue special permits to licensed drivers for special
9 uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be
10 collected and retained by cities for such permits;

11 (5) Governing bodies of counties may issue special permits to licensed drivers for special
12 uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be
13 collected and retained by the counties for such permits.

14 2. No person shall operate an off-road vehicle within any stream or river in this state,
15 except that off-road vehicles may be operated within waterways which flow within the
16 boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within
17 the boundaries of land which an off-road vehicle operator owns or has permission to be upon,
18 or for the purpose of fording such stream or river of this state at such road crossings as are
19 customary or part of the highway system. All law enforcement officials or peace officers of this
20 state and its political subdivisions or department of conservation agents or department of natural
21 resources park rangers shall enforce the provisions of this subsection within the geographic area
22 of their jurisdiction.

23 3. A person operating an all-terrain vehicle on a highway pursuant to an exception
24 covered in this section shall have a valid operator's or chauffeur's license, except that a
25 handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this
26 section, but shall not be required to have passed an examination for the operation of a

27 motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When
28 operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not
29 less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag
30 shall be triangular in shape with an area of not less than thirty square inches and shall be
31 day-glow in color.

32 4. No persons shall operate an all-terrain vehicle:

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

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

35 (3) Without a securely fastened safety helmet on the head of an individual who operates
36 an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle,
37 unless the individual is at least eighteen years of age.

38 5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural
39 purposes. **The provisions of this subsection shall not apply to any all-terrain vehicle in**
40 **which the seat of such vehicle is designed to carry more than one person.**

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