

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 900**  
**92ND GENERAL ASSEMBLY**

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Reported from the Committee on Transportation and Motor Vehicles May 5, 2004, with recommendation that the House Committee Substitute for Senate Bill No. 900 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

2765L.04C

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**AN ACT**

To repeal sections 301.010, 301.062, 301.132, 307.366, 307.400, and 643.315, RSMo, and to enact in lieu thereof six new sections relating to transportation, with penalty provisions.

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

Section A. Sections 301.010, 301.062, 301.132, 307.366, 307.400, and 643.315, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 301.010, 301.062, 301.132, 307.366, 307.400, and 643.315, to read as follows:

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

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control;

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

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

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

**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.**

- 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] **when** operated  
78 on the national system of interstate and defense highways described in Title 23, Section 103(e)  
79 of the United States Code, **such vehicle shall not exceed the weight limits of section 304.180,**  
80 **RSMo,** does not have more than four axles, and does not pull a trailer which has more than two  
81 axles. A local log truck may not exceed the limits required by law, however, if the truck does  
82 exceed such limits as determined by the inspecting officer, then notwithstanding any other  
83 provisions of law to the contrary, such truck shall be subject to the weight limits required by such  
84 sections as licensed for eighty thousand pounds;

85           (27) **"Local log truck tractor", a commercial motor vehicle which is registered**  
86 **under this chapter to operate as a motor vehicle on the public highways of this state, used**  
87 **exclusively in this state, used to transport harvested forest products, operated solely at a**  
88 **forested site and in an area extending not more than a fifty-mile radius from such site,**  
89 **operates with a weight not exceeding twenty-two thousand four hundred pounds on one**  
90 **axle or with a weight not exceeding forty-four thousand eight hundred pounds on any**  
91 **tandem axle, and when operated on the national system of interstate and defense highways**  
92 **described in Title 23, Section 103(e) of the United States Code, such vehicle does not exceed**  
93 **the weight limits contained in section 304.180, RSMo, and does not have more than three**  
94 **axles and does not pull a trailer which has more than two axles. Violations of axle weight**  
95 **limitations shall be subject to the load limit penalty as described for in sections 304.180 to**  
96 **304.220, RSMo;**

97           **28.** "Local transit bus", a bus whose operations are confined wholly within a municipal  
98 corporation, or wholly within a municipal corporation and a commercial zone, as defined in  
99 section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within  
100 such municipal corporation and such municipal corporation and adjacent commercial zone;

101           [(28)] **(29)** "Log truck", a vehicle which is not a local log truck **or local log truck**  
102 **tractor** and is used exclusively to transport harvested forest products to and from forested sites  
103 which is registered pursuant to this chapter to operate as a motor vehicle on the public highways  
104 of this state for the transportation of harvested forest products;

105           [(29)] **(30)** "Major component parts", the rear clip, cowl, frame, body, cab, front-end  
106 assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules  
107 and regulations or by illustrations;

108           [(30)] **(31)** "Manufacturer", any person, firm, corporation or association engaged in the  
109 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

110           [(31)] **(32)** "Mobile scrap processor", a business located in Missouri or any other state  
111 that comes onto a salvage site and crushes motor vehicles and parts for transportation to a  
112 shredder or scrap metal operator for recycling;

113           [(32)] **(33)** "Motor change vehicle", a vehicle manufactured prior to August, 1957, which  
114 receives a new, rebuilt or used engine, and which used the number stamped on the original  
115 engine as the vehicle identification number;

116           [(33)] **(34)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon  
117 tracks, except farm tractors;

118           [(34)] **(35)** "Motor vehicle primarily for business use", any vehicle other than a  
119 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed  
120 for over twelve thousand pounds;

121 (a) Offered for hire or lease; or  
122 (b) The owner of which also owns ten or more such motor vehicles;  
123 [(35)] **(36)** "Motorcycle", a motor vehicle operated on two wheels;  
124 [(36)] **(37)** "Motorized bicycle", any two-wheeled or three-wheeled device having an  
125 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic  
126 centimeters, which produces less than three gross brake horsepower, and is capable of propelling  
127 the device at a maximum speed of not more than thirty miles per hour on level ground;  
128 [(37)] **(38)** "Motortricycle", a motor vehicle operated on three wheels, including a  
129 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of  
130 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;  
131 [(38)] **(39)** "Municipality", any city, town or village, whether incorporated or not;  
132 [(39)] **(40)** "Nonresident", a resident of a state or country other than the state of Missouri;  
133 [(40)] **(41)** "Non-USA-std motor vehicle", a motor vehicle not originally manufactured  
134 in compliance with United States emissions or safety standards;  
135 [(41)] **(42)** "Operator", any person who operates or drives a motor vehicle;  
136 [(42)] **(43)** "Owner", any person, firm, corporation or association, who holds the legal  
137 title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale  
138 or lease thereof with the right of purchase upon performance of the conditions stated in the  
139 agreement and with an immediate right of possession vested in the conditional vendee or lessee,  
140 or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee  
141 or lessee or mortgagor shall be deemed the owner for the purpose of this law;  
142 [(43)] **(44)** "Public garage", a place of business where motor vehicles are housed, stored,  
143 repaired, reconstructed or repainted for persons other than the owners or operators of such place  
144 of business;  
145 [(44)] **(45)** "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the  
146 rebuilder, but does not include certificated common or contract carriers of persons or property;  
147 [(45)] **(46)** "Reconstructed motor vehicle", a vehicle that is altered from its original  
148 construction by the addition or substitution of two or more new or used major component parts,  
149 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;  
150 [(46)] **(47)** "Recreational motor vehicle", any motor vehicle designed, constructed or  
151 substantially modified so that it may be used and is used for the purposes of temporary housing  
152 quarters, including therein sleeping and eating facilities which are either permanently attached  
153 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.  
154 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor  
155 vehicle if the motor vehicle could otherwise be so registered;

156 [(47)] **(48)** "Rollback or car carrier", any vehicle specifically designed to transport  
157 wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected  
158 to a wrecker or towing service;

159 [(48)] **(49)** "Saddlemount combination", a combination of vehicles in which a truck or  
160 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame  
161 or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front  
162 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a  
163 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination  
164 is called a double saddlemount combination. When three vehicles are towed in this manner, the  
165 combination is called a triple saddlemount combination;

166 [(49)] **(50)** "Salvage dealer and dismantler", a business that dismantles used motor  
167 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and  
168 accessories;

169 [(50)] **(51)** "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by  
170 reason of condition or circumstance, has been declared salvage, either by its owner, or by a  
171 person, firm, corporation, or other legal entity exercising the right of security interest in it, or by  
172 an insurance company as a result of settlement of a claim for loss due to damage or theft; or a  
173 vehicle, ownership of which is evidenced by a salvage title; or abandoned property which is titled  
174 pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words  
175 "salvage/abandoned property";

176 [(51)] **(52)** "School bus", any motor vehicle used solely to transport students to or from  
177 school or to transport students to or from any place for educational purposes;

178 [(52)] **(53)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or  
179 corporation as an incidental service to transport patrons or customers of the regular business of  
180 such person, firm, or corporation to and from the place of business of the person, firm, or  
181 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as  
182 buses or as commercial motor vehicles;

183 [(53)] **(54)** "Special mobile equipment", every self-propelled vehicle not designed or  
184 used primarily for the transportation of persons or property and incidentally operated or moved  
185 over the highways, including farm equipment, implements of husbandry, road construction or  
186 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,  
187 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt  
188 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,  
189 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump  
190 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and

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

193 [(54)] **(55)** "Specially constructed motor vehicle", a motor vehicle which shall not have  
194 been originally constructed under a distinctive name, make, model or type by a manufacturer of  
195 motor vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

196 [(55)] **(56)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth  
197 wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

198 [(56)] **(57)** "Tandem axle", a group of two or more axles, arranged one behind another,  
199 the distance between the extremes of which is more than forty inches and not more than  
200 ninety-six inches apart;

201 [(57)] **(58)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle  
202 designed for drawing other vehicles, but not for the carriage of any load when operating  
203 independently. When attached to a semitrailer, it supports a part of the weight thereof;

204 [(58)] **(59)** "Trailer", any vehicle without motive power designed for carrying property  
205 or passengers on its own structure and for being drawn by a self-propelled vehicle, except those  
206 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed  
207 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight  
208 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton  
209 trailers as defined in subdivision (8) of this section and shall not include manufactured homes  
210 as defined in section 700.010, RSMo;

211 [(59)] **(60)** "Truck", a motor vehicle designed, used, or maintained for the transportation  
212 of property;

213 [(60)] **(61)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the  
214 two trailing units are connected with a B-train assembly which is a rigid frame extension  
215 attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point  
216 for the second semitrailer and has one less articulation point than the conventional "A dolly"  
217 connected truck-tractor semitrailer-trailer combination;

218 [(61)] **(62)** "Truck-trailer boat transporter combination", a boat transporter combination  
219 consisting of a straight truck towing a trailer using typically a ball and socket connection with  
220 the trailer axle located substantially at the trailer center of gravity rather than the rear of the  
221 trailer but so as to maintain a downward force on the trailer tongue;

222 [(62)] **(63)** "Used parts dealer", a business that buys and sells used motor vehicle parts  
223 or accessories, but not including a business that sells only new, remanufactured or rebuilt parts.  
224 "Business" does not include isolated sales at a swap meet of less than three days;

225 [(63)] **(64)** "Vanpool", any van or other motor vehicle used or maintained by any person,  
226 group, firm, corporation, association, city, county or state agency, or any member thereof, for the

227 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to  
228 and from their place of employment; however, a vanpool shall not be included in the definition  
229 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this  
230 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section  
231 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,  
232 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for  
233 monetary profit other than for use in a ride-sharing arrangement;

234 [(64)] (65) "Vehicle", any mechanical device on wheels, designed primarily for use, or  
235 used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human  
236 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized  
237 wheelchairs operated by handicapped persons;

238 [(65)] (66) "Wrecker" or "tow truck", any emergency commercial vehicle equipped,  
239 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from  
240 a highway, road, street or highway rights-of-way to a point of storage or repair, including towing  
241 a replacement vehicle to replace a disabled or wrecked vehicle;

242 [(66)] (67) "Wrecker or towing service", the act of transporting, towing or recovering  
243 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the  
244 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives  
245 compensation or other personal gain.

301.062. The annual registration fee for a local log truck **or a local log truck tractor**,  
2 registered pursuant to this chapter, is three hundred dollars.

301.132. 1. [Any motor vehicle manufactured in 1948 or before which is modified for  
2 safe road use, including but not limited to modifications to the drive train, suspension, brake  
3 system, and any safety or comfort apparatus and which is not owned solely as a collector's item  
4 and which is not used or intended to be used solely for exhibition and educational purposes only,  
5 may be specially registered as a "street rod" upon payment of an annual fee equal to the fee  
6 charged for personalized license plates in section 301.144 in addition to the regular annual  
7 registration fees. Upon the transfer of the title to any such vehicle the registration shall be  
8 canceled and the license plates issued therefor shall be returned to the director of revenue.

9 2. The owner of any such vehicle shall file an application in a form prescribed by the  
10 director, verified by affidavit, providing that such vehicle meets the requirements which shall be  
11 issued by the director for classification as a "street rod", and a certificate of registration shall be  
12 issued therefor.

13 3. The director shall issue to the owner of any motor vehicle registered under this section  
14 two license plates containing the number assigned to the registration certificate issued by the  
15 director of revenue, and the following words: "Street Rod", "State of Missouri". Such license



16 plates shall be kept securely attached to the motor vehicle registered hereunder. The advisory  
17 committee established in section 301.129 shall determine the characteristic features of such  
18 license plates for vehicles registered under the provisions of this section so that they may be  
19 recognized as such, except that such license plates shall be made with fully reflective material  
20 with a common color scheme and design, shall be clearly visible at night, and shall be  
21 aesthetically attractive, as prescribed by section 301.130.

22 4. Motor vehicles registered under this section are subject to the motor vehicle safety  
23 inspection requirements of sections 307.350 to 307.390, RSMo.] **For purposes of this section,**  
24 **"street rod" is a vehicle older than 1949 or a vehicle manufactured after 1948 to resemble**  
25 **a vehicle manufactured before 1949; and has been altered from the manufacturer's**  
26 **original design or has a body constructed from nonoriginal materials.**

27 2. **The model year and the year of manufacture that are listed on the certificate of**  
28 **title of a street rod vehicle shall be the model year and year of manufacture that the body**  
29 **of such vehicle resembles. The current and all subsequent certificates of ownership shall**  
30 **be designated with the word "REPLICA".**

31 3. **For each street rod, there shall be an annual fee equal to the fee charged for**  
32 **personalized license plates in section 301.144 in addition to the regular annual registration**  
33 **fees.**

34 4. **In applying for registration of a street rod pursuant to this section, the owner of**  
35 **the street rod shall submit with the application a certification that the vehicle for which the**  
36 **application is made:**

37 (1) **Will be maintained for occasional transportation, exhibitions, club activities,**  
38 **parades, tours, and similar uses;**

39 (2) **Will not be used for general daily transportation.**

40 5. **In addition to the certification required pursuant to subsection 4 of this section,**  
41 **when applying for registration of a street rod, the new owner of the street rod shall provide**  
42 **proof that the street rod passed a safety inspection in accordance with section 307.350,**  
43 **RSMo, that shall be approved by the department of public safety in consultation with the**  
44 **street rod community in this state.**

45 6. **On registration of a vehicle pursuant to this section, the director of the**  
46 **department of revenue shall issue to the owner two license plates containing the number**  
47 **assigned to the registration certificate issued by the director of revenue, and the following**  
48 **words: "Street Rod", "State of Missouri". Such license plates shall be kept securely**  
49 **attached to the motor vehicle registered pursuant to this section. The director of revenue**  
50 **shall determine the characteristic features of such license plates for vehicles registered**  
51 **pursuant to the provisions of this section so that they may be recognized as such, except**

52 that such license plates shall be made with fully reflective material with a common color  
53 scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as  
54 prescribed by section 301.130.

55 7. Unless the presence of the equipment was specifically required by a statute of this  
56 state as a condition of sale in the year listed as the year of manufacture on the certificate  
57 of title, the presence of any specific equipment is not required for the operation of a vehicle  
58 registered pursuant to this section.

59 8. Except as provided in subsection 5 of this section, a vehicle registered pursuant  
60 to this section is exempt from any statute of this state that requires periodic vehicle  
61 inspections and from any statute of this state that requires the use and inspection of  
62 emission controls.

63 9. A custom vehicle means any motor vehicle that:

64 (1) Is at least twenty-five years old and of a model year after 1948, or was  
65 manufactured to resemble a vehicle twenty-five years old or older and of a model year after  
66 1948; and

67 (2) Has been altered from the manufacturer's original design, or has an entire body  
68 constructed from nonoriginal materials.

69 10. The model year and the year of manufacture that are listed on the certificate  
70 of title of a custom vehicle shall be the model year and year of manufacture that the body  
71 of such vehicle resembles. The current and all subsequent certificates of ownership shall  
72 be designated with the word "REPLICA".

73 11. For each custom vehicle, there shall be an annual fee equal to the fee charged  
74 for personalized license plates in section 301.144 in addition to the regular annual  
75 registration fees.

76 12. In applying for registration of a custom vehicle pursuant to this section, the  
77 owner of the custom vehicle shall submit with the application a certification that the vehicle  
78 for which the application is made:

79 (1) Will be maintained for occasional transportation, exhibits, club activities,  
80 parades, tours, and similar uses; and

81 (2) Will not be used for general daily transportation.

82 13. In addition to the certification required pursuant to subsection 12 of this  
83 section, when applying for registration of a custom vehicle, the new owner of the custom  
84 vehicle shall provide proof that the custom vehicle passed a safety inspection in accordance  
85 with section 307.350, RSMo, that shall be approved by the department of public safety in  
86 consultation with the street rod community in this state.

14. On registration of a vehicle pursuant to this section, the director of the department of revenue shall issue to the owner two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: "Custom Vehicle", "State of Missouri". Such license plates shall be kept securely attached to the motor vehicle registered hereunder. The director of revenue shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

15. Unless the presence of the equipment was specifically required by a statute of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered pursuant to this section.

16. Except as provided in subsection 12 of this section, a vehicle registered pursuant to this section is exempt from any statute of this state that requires periodic vehicle inspections and from any statute of this state that requires the use and inspection of emission controls.

17. For purposes of this section, "blue dot tail light" is a red lamp installed in the rear of a motor vehicle containing a blue or purple insert that is not more than one inch in diameter.

18. A street rod or custom vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors.

307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any portion of an area designated by the governor as a nonattainment area, as defined in the federal Clean Air Act, as amended, 42 U.S.C.A. Section 7501, and located within the area described in subsection 1 of section 643.305, RSMo, certain motor vehicles shall be tested and approved prior to sale or transfer and biennially thereafter to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. For such biennial testing, any such vehicle manufactured as an even-numbered model year vehicle shall be tested and approved in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be tested and approved in each odd-numbered calendar year. The motor vehicles to be tested shall be all motor vehicles except those

13 specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and  
14 those exempted pursuant to this section.

15 2. The provisions of this section shall not apply to:

16 (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight  
17 thousand five hundred pounds;

18 (2) Motorcycles and motortricycles;

19 (3) Model year vehicles **manufactured twenty-six years or more** prior to [1971] **the**  
20 **current model year**;

21 (4) School buses;

22 (5) Diesel-powered vehicles;

23 (6) Motor vehicles registered in the area covered by this section but which are based and  
24 operated exclusively in an area of this state not subject to the provisions of this section if the  
25 owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and  
26 operated outside the covered area;

27 (7) New and unused motor vehicles, of model years of the current calendar year and of  
28 any calendar year within two years of such calendar year, which have an odometer reading of less  
29 than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed  
30 motor vehicle dealer to the first user; and

31 (8) Motor vehicles owned by a person who resides in a county of the first classification  
32 without a charter form of government with a population of less than one hundred thousand  
33 inhabitants according to the most recent decennial census who has completed an emission  
34 inspection pursuant to section 643.315, RSMo.

35 Each official inspection station which conducts emissions inspections within the area referred  
36 to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor  
37 vehicle on the inspection certificate if the vehicle is exempt from the emissions inspection  
38 pursuant to subdivision (1) of this subsection.

39 3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,  
40 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section  
41 either:

42 (a) With prior inspection and approval as provided in subdivision (2) of this subsection;  
43 or

44 (b) Without prior inspection and approval as provided in subdivision (3) of this  
45 subsection.

46 (2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer  
47 shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the  
48 emissions standards established pursuant to this section or by obtaining a waiver pursuant to

49 subsection 6 of this section. A vehicle sold pursuant to this subdivision by a licensed motor  
50 vehicle dealer shall be inspected and approved within the one hundred twenty days immediately  
51 preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection  
52 shall be considered timely.

53 (3) If the dealer chooses to sell the vehicle without prior inspection and approval, the  
54 purchaser may return the vehicle within ten days of the date of purchase, provided that the  
55 vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails,  
56 upon inspection, to meet the emissions standards specified by the commission and the dealer  
57 shall have the vehicle inspected and approved without the option for a waiver of the emissions  
58 standard and return the vehicle to the purchaser with a valid emissions certificate and sticker  
59 within five working days or the purchaser and dealer may enter into any other mutually  
60 acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and  
61 approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the  
62 purchaser has the option to return the vehicle within ten days, provided that the vehicle has no  
63 more than one thousand additional miles since the time of sale, to have the dealer repair the  
64 vehicle and provide an emissions certificate and sticker within five working days if the vehicle  
65 fails, upon inspection, to meet the emissions standards established by the commission, or enter  
66 into any mutually acceptable agreement with the dealer. A violation of this subsection shall be  
67 an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be  
68 required pursuant to this section for the sale of any motor vehicle which may be sold without a  
69 certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.

70 4. A fee not to exceed twenty-four dollars may be charged for an automobile emissions  
71 and air pollution control inspection in order to attain the national health standards for air quality.  
72 Such fee shall be conspicuously posted on the premises of each such inspection station. The  
73 official emissions inspection station shall issue a certificate of inspection and an approval sticker  
74 or seal certifying the emissions system is functioning properly. The certificate or approval issued  
75 shall bear the legend: "This cost is mandated by your United States Congress.". No owner shall  
76 be charged an additional fee after having corrected defects or unsafe conditions in the  
77 automobile's emissions and air pollution control system if the reinspection is completed within  
78 twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up  
79 inspection is made by the station making the initial inspection.

80 5. The air conservation commission shall establish, by rule, a waiver amount which may  
81 be lower for older model vehicles and which shall be no greater than seventy-five dollars for  
82 model year vehicles prior to 1981 and no greater than two hundred dollars for model year  
83 vehicles of 1981 and all subsequent model years.

84           6. An owner whose vehicle fails upon reinspection to meet the emission standards  
85 specified by the Missouri air conservation commission shall be issued a certificate of inspection  
86 and an approval sticker or seal by the official emissions inspection station that provided the  
87 inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements  
88 of this subsection and the cost of emissions repairs and adjustments is equal to or greater than  
89 the waiver amount established by the air conservation commission pursuant to this section. The  
90 air conservation commission shall establish, by rule, a form and a procedure for verifying that  
91 repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and  
92 approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

93           (1) A statement signed by the repairer that the specified work was done and stating the  
94 itemized charges for the work; and

95           (2) A statement signed by the inspector that an inspection of the vehicle verified, to the  
96 extent practical, that the specified work was done.

97           7. The department of revenue shall require evidence of the inspection and approval  
98 required by this section in issuing the motor vehicle annual registration in conformity with the  
99 procedure required by sections 307.350 to 307.370.

100           8. Each emissions inspection station located in the area described in subsection 1 of this  
101 section shall purchase from the highway patrol sufficient forms and stickers or other devices to  
102 evidence approval of the motor vehicle's emissions control system. In addition, emissions  
103 inspection stations may be required to purchase forms for use in automated analyzers from  
104 outside vendors of the inspection station's choice. The forms must comply with state regulations.

105           9. In addition to the fee collected by the superintendent pursuant to subsection 5 of  
106 section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile  
107 emissions certificate issued to the applicable official emissions inspection stations, except that  
108 no charge shall be made for certificates of inspection issued to official emissions inspection  
109 stations operated by governmental entities. All fees collected by the superintendent pursuant to  
110 this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution  
111 Control Fund", which is hereby created.

112           10. The moneys collected and deposited in the Missouri air pollution control fund  
113 pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol  
114 and the Missouri department of natural resources, air pollution control program, and shall be  
115 expended subject to appropriation by the general assembly for the administration and  
116 enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of  
117 each appropriation period shall not be transferred to the general revenue fund, except as directed  
118 by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating  
119 to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply

120 to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and  
121 the interest shall be credited to the fund.

122 11. The superintendent of the Missouri state highway patrol shall issue such rules and  
123 regulations as are necessary to determine whether a motor vehicle's emissions control system is  
124 operating as required by subsection 1 of this section, and the superintendent and the state  
125 highways and transportation commission shall use their best efforts to seek federal funds from  
126 which reimbursement grants may be made to those official inspection stations which acquire and  
127 use the necessary testing equipment which will be required to perform the tests required by the  
128 provisions of this section.

129 12. The provisions of this section shall not apply in any county for any time period  
130 during which the air conservation commission has established a motor vehicle emissions  
131 inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county, except  
132 where motor vehicle owners have the option of biennial testing pursuant to chapter 643, RSMo.  
133 In counties where such option is available, the emissions inspection may be conducted in stations  
134 conducting only an emissions inspection under contract to the state.

135 13. Notwithstanding the provisions of section 307.390, violation of this section shall be  
136 deemed a class C misdemeanor.

307.400. 1. It is unlawful for any person to operate any commercial motor vehicle as  
2 defined in Title 49, Code of Federal Regulations, Part 390.5, either singly or in combination with  
3 a trailer, as both vehicles are defined in Title 49, Code of Federal Regulations, Part 390.5, unless  
4 such vehicles are equipped and operated as required by Parts 390 through 397, Title 49, Code  
5 of Federal Regulations, as such regulations have been and may periodically be amended, whether  
6 intrastate transportation or interstate transportation. Members of the Missouri state highway  
7 patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to inspect  
8 the contents when reasonable grounds exist to cause belief that the vehicle is transporting  
9 hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of  
10 the department of public safety is hereby authorized to further regulate the safety of commercial  
11 motor vehicles and trailers as he deems necessary to govern and control their operation on the  
12 public highways of this state by promulgating and publishing rules and regulations consistent  
13 with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by  
14 the director, require:

15 (1) Every commercial motor vehicle and trailer and all parts thereof to be maintained in  
16 a safe condition at all times;

17 (2) Accidents arising from or in connection with the operation of commercial motor  
18 vehicles and trailers to be reported to the department of public safety in such detail and in such  
19 manner as the director may require.

20 Except for the provisions of subdivisions (1) and (2) of this subsection, the provisions of this  
21 section shall not apply to any commercial motor vehicle operated in intrastate commerce and  
22 licensed for a gross weight of sixty thousand pounds or less when used exclusively for the  
23 transportation of solid waste or forty-two thousand pounds or less when the license plate has  
24 been designated for farm use by the letter "F" as authorized by the Revised Statutes of Missouri,  
25 unless such vehicle is transporting hazardous materials as defined in Title 49, Code of Federal  
26 Regulations.

27       2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part  
28 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of  
29 drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were  
30 licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.  
31 Persons who are otherwise qualified and licensed to operate a commercial motor vehicle in this  
32 state may operate such vehicle intrastate at the age of eighteen years or older, except that any  
33 person transporting hazardous material must be at least twenty-one years of age.

34       3. Commercial motor vehicles and drivers of such vehicles may be placed out of service  
35 if the vehicles are not equipped and operated according to the requirements of this section.  
36 Criteria used for placing vehicles and drivers out of service are the North American Uniform  
37 Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United  
38 States Department of Transportation, as such criteria have been and may periodically be  
39 amended.

40       4. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part  
41 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to any  
42 vehicle owned or operated by any public utility, rural electric cooperative or other public service  
43 organization, or to the driver of such vehicle, while providing restoration of essential utility  
44 services during emergencies and operating intrastate. For the purposes of this subsection, the  
45 term "essential utility services" means electric, gas, water, telephone and sewer services.

46       5. Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall  
47 not apply to drivers transporting agricultural commodities or farm supplies for agricultural  
48 purposes in this state if such transportation:

49       (1) Is limited to an area within a one hundred air mile radius from the source of the  
50 commodities or the distribution point for the farm supplies; and

51       (2) Is conducted during the planting and harvesting season within this state, as defined  
52 by the department of public safety by regulation.

53       6. The provisions of Part 395.8, Title 49, Code of Federal Regulations, relating to  
54 recording of a driver's duty status, shall not apply to drivers engaged in agricultural operations



55 referred to in subsection 5 of this section, if the motor carrier who employs the driver maintains  
56 and retains for a period of six months accurate and true records showing:

57 (1) The total number of hours the driver is on duty each day; and

58 (2) The time at which the driver reports for, and is released from, duty each day.

59 **7. Notwithstanding the provisions of subsection 1 of this section to the contrary,**  
60 **Parts 390 through 397, Title 49, Code of Federal Regulations shall not apply to commercial**  
61 **motor vehicles operated in intrastate commerce to transport property, which have a gross**  
62 **vehicle weight rating or gross combination weight rating of twenty-six thousand pounds**  
63 **or less. The exception provided by this subsection shall not apply to vehicles transporting**  
64 **hazardous materials as defined by Title 49 of the Code of Federal Regulations. Nothing**  
65 **in this subsection shall be construed to prohibit persons designated by the department of**  
66 **public safety from inspecting vehicles defined in this subsection or placing such vehicles**  
67 **out of service due to the unsafe condition of the vehicle, as authorized under subsection 3**  
68 **of this section.**

69 **8.** Violation of any provision of this section or any rule promulgated as authorized  
70 therein is a class B misdemeanor.

71 **[8.] 9.** No rule or portion of a rule promulgated under the authority of this chapter shall  
72 become effective unless it has been promulgated pursuant to the provisions of section 536.024,  
73 RSMo.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which  
2 are domiciled, registered or primarily operated in an area for which the commission has  
3 established a motor vehicle emissions inspection program pursuant to sections 643.300 to  
4 643.355, which may include all motor vehicles owned by residents of a county of the first  
5 classification without a charter form of government with a population of less than one hundred  
6 thousand inhabitants according to the most recent decennial census who have chosen to  
7 participate in such a program in lieu of the provisions of section 307.366, RSMo, shall be  
8 inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as  
9 an even-numbered model year vehicle shall be inspected and approved under the emissions  
10 inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered  
11 calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall  
12 be inspected and approved under the emissions inspection program established pursuant to  
13 sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to  
14 the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions  
15 inspection sticker, and when applicable, a valid emissions inspection certificate shall be  
16 presented at the time of registration or registration renewal of such motor vehicle.

17           2. No emission standard established by the commission for a given make and model year  
18 shall exceed the lesser of the following:

19           (1) The emission standard for that vehicle model year as established by the United States  
20 Environmental Protection Agency; or

21           (2) The emission standard for that vehicle make and model year as established by the  
22 vehicle manufacturer.

23           3. The inspection requirement of subsection 1 of this section shall apply to all motor  
24 vehicles except:

25           (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight  
26 thousand five hundred pounds;

27           (2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle  
28 emissions inspection under federal regulation and approved by the commission by rule;

29           (3) Model year vehicles **manufactured twenty-six years or more** prior to [1971] **the**  
30 **current model year;**

31           (4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels  
32 other than gasoline which are exempted from the motor vehicle emissions inspection under  
33 federal regulation and approved by the commission by rule;

34           (5) Motor vehicles registered in an area subject to the inspection requirements of sections  
35 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not  
36 subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of  
37 such vehicle presents to the department an affidavit that the vehicle will be operated exclusively  
38 in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355  
39 for the next twenty-four months, and the owner applies for and receives a waiver which shall be  
40 presented at the time of registration or registration renewal;

41           (6) New and unused motor vehicles, of model years of the current calendar year and of  
42 any calendar year within two years of such calendar year, which have an odometer reading of less  
43 than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed  
44 motor vehicle dealer to the first user; and

45           (7) Historic motor vehicles registered pursuant to section 301.131, RSMo.

46           4. The commission may, by rule, allow inspection reciprocity with other states having  
47 equivalent or more stringent testing and waiver requirements than those established pursuant to  
48 sections 643.300 to 643.355.

49           5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,  
50 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections  
51 643.300 to 643.355 either:

52 (a) With prior inspection and approval as provided in subdivision (2) of this subsection;  
53 or

54 (b) Without prior inspection and approval as provided in subdivision (3) of this  
55 subsection.

56 (2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer  
57 shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the  
58 emissions standards established pursuant to sections 643.300 to 643.355 or by obtaining a waiver  
59 pursuant to section 643.335. A vehicle sold pursuant to this subdivision by a licensed motor  
60 vehicle dealer shall be inspected and approved within the one hundred twenty days immediately  
61 preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection  
62 shall be considered timely.

63 (3) If the dealer chooses to sell the vehicle without prior inspection and approval, the  
64 purchaser may return the vehicle within ten days of the date of purchase, provided that the  
65 vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails,  
66 upon inspection, to meet the emissions standards specified by the commission and the dealer  
67 shall have the vehicle inspected and approved without the option for a waiver of the emissions  
68 standard and return the vehicle to the purchaser with a valid emissions certificate and sticker  
69 within five working days or the purchaser and dealer may enter into any other mutually  
70 acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and  
71 approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the  
72 purchaser has the option to return the vehicle within ten days, provided that the vehicle has no  
73 more than one thousand additional miles since the time of sale, to have the dealer repair the  
74 vehicle and provide an emissions certificate and sticker within five working days if the vehicle  
75 fails, upon inspection, to meet the emissions standards established by the commission, or enter  
76 into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be  
77 an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be  
78 required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may  
79 be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of  
80 section 307.380, RSMo.