

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1284
92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation and Motor Vehicles, March 11, 2004, with recommendation that the House Committee Substitute for House Bill No. 1284 Do Pass by Consent.

STEPHEN S. DAVIS, Chief Clerk

4228L.04C

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.

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Section A. Sections 301.010 and 301.217, RSMo, are repealed and two new sections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,

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.

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

a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;

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

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

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

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

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

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

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

(50) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which[,]:

(a) Has been damaged to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds seventy-five percent of the fair market value of the vehicle immediately preceding the time it was damaged;

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

(c) **Has been declared salvage** by an insurance company as a result of settlement of a claim for loss due to damage or theft; [or]

(d) [A vehicle,] Ownership of which is evidenced by a salvage title; or

(e) **Is abandoned property** which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words "salvage/abandoned property".

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

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

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

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

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

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

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

196 section;

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

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

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

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

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

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

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

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

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

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

232 and from their place of employment; however, a vanpool shall not be included in the definition
233 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this
234 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section
235 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
236 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
237 monetary profit other than for use in a ride-sharing arrangement;

238 (64) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
239 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
240 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
241 operated by handicapped persons;

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

246 (66) "Wrecker or towing service", the act of transporting, towing or recovering with a
247 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
248 tow truck, rollback or car carrier for which the operator directly or indirectly receives
249 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.