

SECOND REGULAR SESSION

HOUSE BILL NO. 1640

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MUNZLINGER (Sponsor), MCGHEE, WHORTON,
WILDBERGER AND MOORE (Co-sponsors).

Read 1st time February 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4533L.01i

AN ACT

To repeal sections 307.125 and 307.127, RSMo, and to enact in lieu thereof two new sections relating to animal-driven vehicles, with penalty provisions.

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

Section A. Sections 307.125 and 307.127, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 307.125 and 307.127, to read as follows:

307.125. 1. Any person who shall place or drive or cause to be placed or driven upon
2 or along any state or supplementary state highway of this state any animal-driven vehicle
3 whatsoever, whether in motion or at rest, shall after sunset to one-half hour before sunrise have
4 attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not
5 less than three inches in diameter of effective area or its equivalent in area. When such device
6 shall consist of reflecting buttons there shall be no less than seven of such buttons covering an
7 area equal to a circle with a three-inch diameter. The total subtended effective angle of reflection
8 of every such device shall be no less than sixty degrees and the spread and efficiency of the
9 reflected light shall be sufficient for the reflected light to be visible to the driver of any motor
10 vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five
11 hundred feet.

12 2. In addition, any person who operates any such animal-driven vehicle during the hours
13 between sunset and one-half hour before sunrise shall have at least one light flashing at all times
14 the vehicle is on any highway of this state. Such light or lights shall be amber in the front and

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

15 red in the back and shall be placed on the left side of the vehicle at a height of no more than six
16 feet from the ground and shall be visible from the front and the back of the vehicle at a distance
17 of at least five hundred feet.

18 **3. In addition, any person who shall place or drive or cause to be placed or driven**
19 **upon or along any state or supplementary state highway of this state any animal-driven**
20 **vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half hour before**
21 **sunrise have attached to every such vehicle at the rear thereof conspicuity reflective tape.**
22 **Such conspicuity reflective tape shall be placed across the entire length of the rear of the**
23 **vehicle and shall be visible from the back of the vehicle at a distance of at least five**
24 **hundred feet when illuminated by the lower beams of vehicle headlights. The department**
25 **of public safety shall by rule establish the specifications for such conspicuity reflective tape,**
26 **including but not limited to the width and color of the tape, and the height of placement**
27 **on the vehicle.**

28 **4.** Any person violating the provisions of this section shall be guilty of a class C
29 misdemeanor.

30 [3.] **5.** Any person operating an animal-driven vehicle during the hours between sunset
31 and one-half hour before sunrise may, in lieu of the requirements of subsection 2 of this section,
32 use lamps or lanterns complying with the rules promulgated by the director of the department
33 of public safety.

34 [4.] **6.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
35 that is created under the authority delegated in this section shall become effective only if it
36 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
37 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
38 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay
39 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
40 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall
41 be invalid and void.

307.127. 1. No person shall operate on any public highway of this state any
2 slow-moving vehicle or equipment after sunset to one-half hour before sunrise, any
3 animal-drawn vehicle, or any other machinery, designed for use or normally operated at speeds
4 less than twenty-five miles per hour, including all road construction or maintenance machinery
5 except when engaged in actual construction or maintenance work either guarded by a flagman
6 or clearly visible warning signs, which normally travels or is normally used at a speed of less
7 than twenty-five miles per hour unless there is displayed on the rear thereof an emblem as
8 described in, and displayed as provided in subsection 2 in this section. The requirement of such
9 emblem shall be in addition to any lighting devices required by section 307.115.

10 2. The emblem required by subsection 1 of this section shall be of substantial
11 construction, and shall be a basedown equilateral triangle of fluorescent yellow-orange film or
12 equivalent quality paint with a base of not less than fourteen inches and an altitude of not less
13 than twelve inches. Such triangle shall be bordered with reflective red strips having a minimum
14 width of one and three-fourths inches, with the vertices of the overall triangle truncated such that
15 the remaining altitude shall be a minimum of fourteen inches. Such emblem shall be mounted
16 on the rear of such vehicle near the horizontal geometric center of the rearmost vehicle at a
17 height of not less than four feet above the roadway, and shall be maintained in a clean, reflective
18 condition. The provisions of this section shall not apply to any vehicle or equipment being
19 operated on a gravel or dirt-surfaced public highway.

20 3. Any person who shall violate the provisions of this section shall be guilty of an
21 infraction.

22 4. No emblem shall be required on machinery or equipment pulled or attached to a farm
23 tractor providing the machinery or equipment does not extend more than twelve feet to the rear
24 of the tractor and permits a clear view of the emblem on the tractor by vehicles approaching from
25 the rear.

26 5. Any person operating an animal-drawn vehicle on any public highway of this state
27 [may, in lieu of displaying the emblem required by subsections 1 and 2 of this section, equip the
28 animal-drawn vehicle with reflective material complying with rules and regulations promulgated
29 by the director of the department of public safety. The reflective material shall be visible from
30 a distance of not less than five hundred feet to the rear when illuminated by the lower beams of
31 vehicle headlights. Any rule or portion of a rule, as that term is defined in section 536.010,
32 RSMo, that is created under the authority delegated in this section shall become effective only
33 if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
34 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and
35 if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review,
36 to delay the effective date, or to disapprove and annul a rule are subsequently held
37 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
38 August 28, 2004, shall be invalid and void] **shall be deemed in compliance with the**
39 **requirement of this section if the animal-driven vehicle displays conspicuity reflective tape**
40 **as required under this section.**

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