

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 470, Page 6, Section 260.392, Line 143, by inserting after all of said section and line the following:

“301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, 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 one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, 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;

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

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

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

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

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

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

(11) "Driveaway operation":

1 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer
2 over any public highway, under its own power singly, or in a fixed combination of two or more vehicles,
3 for the purpose of delivery for sale or for delivery either before or after sale;

4 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the
5 commodity being transported, by a person engaged in the business of furnishing drivers and operators for
6 the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway
7 methods; or

8 (c) The movement of a motor vehicle by any person who is lawfully engaged in the business of
9 transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required
10 to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or
11 distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any
12 consignee designated by the shipper or consignor;

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (a) An area that extends not more than a radius of one hundred miles from its home base of
39 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects

1 involving soil and water conservation, or to and from equipment dealers' maintenance facilities for
2 maintenance purposes; or

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

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

13 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to
14 operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to
15 transport harvested forest products, operated solely at a forested site and in an area extending not more
16 than a one hundred-mile radius from such site, carries a load with dimensions not in excess of twenty-five
17 cubic yards per two axles with dual wheels, and when operated on the national system of interstate and
18 defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle shall not
19 exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer
20 which has more than two axles. Harvesting equipment which is used specifically for cutting, felling,
21 trimming, delimbing, debarking, chipping, skidding, loading, unloading, and stacking may be transported
22 on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck
23 does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions
24 of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed
25 for eighty thousand pounds;

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

36 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal
37 corporation, or wholly within a municipal corporation and a commercial zone, as defined in section
38 390.020, adjacent thereto, forming a part of a public transportation system within such municipal
39 corporation and such municipal corporation and adjacent commercial zone;

1 (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used
2 exclusively to transport harvested forest products to and from forested sites which is registered pursuant to
3 this chapter to operate as a motor vehicle on the public highways of this state for the transportation of
4 harvested forest products;

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

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

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

13 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a
14 new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle
15 identification number;

16 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except
17 farm tractors;

18 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational motor
19 vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand
20 pounds:

21 (a) Offered for hire or lease; or

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

23 (36) "Motorcycle", a motor vehicle operated on two wheels;

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

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

31 (39) "Municipality", any city, town or village, whether incorporated or not;

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

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

35 (42) "Operator", any person who operates or drives a motor vehicle;

36 (43) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle
37 or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the
38 right of purchase upon performance of the conditions stated in the agreement and with an immediate right
39 of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled

1 to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the
2 purpose of this law;

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

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

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

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

16 (48) "Recreational off-highway vehicle", any motorized vehicle manufactured and used
17 exclusively for off-highway use which is [sixty] sixty-four inches or less in width, with an unladen dry
18 weight of [one] two thousand [eight hundred fifty] pounds or less, traveling on four or more nonhighway
19 tires, with a nonstraddle seat, and steering wheel, which may have access to ATV trails;

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

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

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

31 (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

32 (a) Was damaged during a year that is no more than six years after the manufacturer's model year
33 designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle
34 to its condition immediately before it was damaged for legal operation on the roads or highways exceeds
35 eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;

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

38 (c) Has been declared salvage by an insurance company as a result of settlement of a claim;

39 (d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157 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 damage as a result of hail, 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;

(53) "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;

(54) "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;

(55) "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 section;

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

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

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

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

(60) "Trailer", any vehicle without motive power designed for carrying property or passengers on

1 its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on
2 tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a
3 self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing
4 vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and
5 shall not include manufactured homes as defined in section 700.010;

6 (61) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

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

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

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

18 (65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway
19 use which is sixty-three inches or less in width, with an unladen dry weight of one thousand eight hundred
20 fifty pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or
21 maintenance purposes;

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

30 (67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on
31 highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles
32 used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by
33 handicapped persons;

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

38 (69) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker,
39 tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback

or car carrier for which the operator directly or indirectly receives compensation or other personal gain.”;
and

Further amend said bill, Page 17, Section 304.022, Line 67, by inserting after all of said section and line the following:

“304.033. 1. No person shall operate a recreational off-highway vehicle, as defined in section 301.010, upon the highways of this state, except as follows:

(1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;

(2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;

(3) Recreational off-highway vehicles operated within three miles of the operator's primary residence. The provisions of this subdivision shall not authorize the operation of a recreational off-highway vehicle in a municipality unless such operation is authorized by such municipality as provided for in subdivision (5) of this subsection;

(4) Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads;

(5) Governing bodies of cities may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;

(6) Governing bodies of counties may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

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

3. A person operating a recreational off-highway vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (4) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle. An individual shall not operate a recreational off-highway vehicle upon on a highway in this state without displaying a lighted headlamp and a lighted tail lamp. A person may not operate a recreational off-highway vehicle upon a highway of this state unless such person wears a seat belt. When operated on a highway, a recreational off-highway

- 1 vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an
- 2 occupant of the vehicle in case of the vehicle's rollover.”; and
- 3
- 4 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.