

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 0631, Page 14,
Section 302.286, Line 32, by inserting after all of said section and line, the following:

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

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

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

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

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

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

(6) Municipalities may by resolution or ordinance allow all-terrain vehicle operation on streets or
highways under the governing body's jurisdiction as provided in subsection 304.034.

2. No person shall operate an off-road vehicle within any stream or river in this state, except that
off-road vehicles may be operated within waterways which flow within the boundaries of land which an
off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an
off-road 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 an all-terrain 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 (3) of subsection 1 of this section, but shall not be required to have
passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of
less than thirty miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle

1 safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle.
2 The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and
3 shall be day-glow in color.

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

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

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

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

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

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

17 304.032. 1. No person shall operate a utility vehicle, as defined in section 301.010, upon the
18 highways of this state, except as follows:

19 (1) Utility vehicles owned and operated by a governmental entity for official use;

20 (2) Utility vehicles operated for agricultural purposes or industrial on-premises purposes between
21 the official sunrise and sunset on the day of operation, unless equipped with proper lighting;

22 (3) Utility vehicles operated by handicapped persons for short distances occasionally only on the
23 state's secondary roads when operated between the hours of sunrise and sunset;

24 (4) Governing bodies of cities may issue special permits for utility vehicles to be used on
25 highways within the city limits by licensed drivers. Fees of fifteen dollars may be collected and retained
26 by cities for such permits;

27 (5) Governing bodies of counties may issue special permits for utility vehicles to be used on
28 county roads within the county by licensed drivers. Fees of fifteen dollars may be collected and retained
29 by the counties for such permits;

30 (6) Municipalities may by resolution or ordinance allow utility vehicle operation on streets or
31 highways under the governing body's jurisdiction as provided in subsection 304.034.

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

40 3. A person operating a utility vehicle on a highway pursuant to an exception covered in this

1 section shall have a valid operator's or chauffeur's license, except that a handicapped person operating
2 such vehicle under subdivision (3) of subsection 1 of this section, but shall not be required to have passed
3 an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than
4 forty-five miles per hour.

5 4. No persons shall operate a utility vehicle:

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

7 (2) While under the influence of alcohol or any controlled substance.

8 5. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The
9 provisions of this subsection shall not apply to any utility vehicle in which the seat of such vehicle is
10 designed to carry more than one person.

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

15 304.034. 1. Notwithstanding any other law to the contrary, the governing body of any
16 municipality may by resolution or ordinance allow persons to operate golf carts or motorized wheelchairs,
17 or all-terrain vehicles or utility vehicles as defined in section 301.010, upon any street or highway under
18 the governing body's jurisdiction. A golf cart [or], motorized wheelchair, all-terrain vehicle, or utility
19 vehicle shall not be operated at any time on any state or federal highway, but may be operated upon such
20 highway in order to cross a portion of the state highway system which intersects a municipal street. No
21 golf cart [or], motorized wheelchair, all-terrain vehicle, or utility vehicle shall cross any highway at an
22 intersection where the highway being crossed has a posted speed limit of more than forty-five miles per
23 hour.

24 2. Golf carts, all-terrain vehicles, or utility vehicles operated on city streets shall be equipped
25 with adequate brakes and shall meet any other safety requirements imposed by the governing body. Golf
26 carts and utility vehicles are not subject to the registration provisions of chapter 301.

27 3. As used in this section, a "golf cart" means a motor vehicle that is designed and manufactured
28 for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding
29 speeds of twenty miles per hour.”; and

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31 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.