

SECOND REGULAR SESSION

# HOUSE BILL NO. 1124

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES KOLKMEYER (Sponsor) AND ENGLISH (Co-sponsor).

4778H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 301.010, RSMo, and to enact in lieu thereof one new section relating to motor vehicles.

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

Section A. Section 301.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.010, to read as follows:

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;

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.

- 18 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more  
19 passengers but not including shuttle buses;
- 20 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying  
21 freight and merchandise, or more than eight passengers but not including vanpools or shuttle  
22 buses;
- 23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at  
24 speeds less than forty miles per hour from field to field or from field to market and return;
- 25 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in  
26 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 27 (10) "Director" or "director of revenue", the director of the department of revenue;
- 28 (11) "Driveaway operation":  
29 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than  
30 a dealer over any public highway, under its own power singly, or in a fixed combination of two  
31 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;  
32 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting  
33 the commodity being transported, by a person engaged in the business of furnishing drivers and  
34 operators for the purpose of transporting vehicles in transit from one place to another by the  
35 driveaway or towaway methods; or  
36 (c) The movement of a motor vehicle by any person who is lawfully engaged in the  
37 business of transporting or delivering vehicles that are not the person's own and vehicles of a  
38 type otherwise required to be registered, by the driveaway or towaway methods, from a point of  
39 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent  
40 of a manufacturer or to any consignee designated by the shipper or consignor;
- 41 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth  
42 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor  
43 equipped with a dromedary may carry part of a load when operating independently or in a  
44 combination with a semitrailer;
- 45 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 46 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 47 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 48 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last  
49 vehicle in a saddlemount combination;
- 50 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus  
51 the weight of any load thereon;
- 52 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the  
53 result of the impact of hail;

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

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

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

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

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

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

67 (a) An area that extends not more than a radius of one hundred miles from its home base  
68 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or  
69 from projects involving soil and water conservation, or to and from equipment dealers'  
70 maintenance facilities for maintenance purposes; or

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

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

83 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this  
84 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
85 state, used to transport harvested forest products, operated solely at a forested site and in an area  
86 extending not more than a one hundred-mile radius from such site, carries a load with  
87 dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when  
88 operated on the national system of interstate and defense highways described in Title 23, Section  
89 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section

90 304.180, does not have more than four axles, and does not pull a trailer which has more than two  
91 axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimbing,  
92 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local  
93 log truck. A local log truck may not exceed the limits required by law, however, if the truck does  
94 exceed such limits as determined by the inspecting officer, then notwithstanding any other  
95 provisions of law to the contrary, such truck shall be subject to the weight limits required by such  
96 sections as licensed for eighty thousand pounds;

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

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

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

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

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

121 (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which  
122 receives a new, rebuilt or used engine, and which used the number stamped on the original  
123 engine as the vehicle identification number;

124 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,  
125 except farm tractors;

- 126 (34) "Motor vehicle primarily for business use", any vehicle other than a recreational  
127 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over  
128 twelve thousand pounds:
- 129 (a) Offered for hire or lease; or  
130 (b) The owner of which also owns ten or more such motor vehicles;
- 131 (35) "Motorcycle", a motor vehicle operated on two wheels;
- 132 (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic  
133 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which  
134 produces less than three gross brake horsepower, and is capable of propelling the device at a  
135 maximum speed of not more than thirty miles per hour on level ground;
- 136 (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle  
137 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.  
138 A motortricycle shall not be included in the definition of all-terrain vehicle;
- 139 (38) "Municipality", any city, town or village, whether incorporated or not;
- 140 (39) "Nonresident", a resident of a state or country other than the state of Missouri;
- 141 (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in  
142 compliance with United States emissions or safety standards;
- 143 (41) "Operator", any person who operates or drives a motor vehicle;
- 144 (42) "Owner", any person, firm, corporation or association, who holds the legal title to  
145 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease  
146 thereof with the right of purchase upon performance of the conditions stated in the agreement  
147 and with an immediate right of possession vested in the conditional vendee or lessee, or in the  
148 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee  
149 or mortgagor shall be deemed the owner for the purpose of this law;
- 150 (43) "Public garage", a place of business where motor vehicles are housed, stored,  
151 repaired, reconstructed or repainted for persons other than the owners or operators of such place  
152 of business;
- 153 (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the  
154 rebuilder, but does not include certificated common or contract carriers of persons or property;
- 155 (45) "Reconstructed motor vehicle", a vehicle that is altered from its original  
156 construction by the addition or substitution of two or more new or used major component parts,  
157 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
- 158 (46) "Recreational motor vehicle", any motor vehicle designed, constructed or  
159 substantially modified so that it may be used and is used for the purposes of temporary housing  
160 quarters, including therein sleeping and eating facilities which are either permanently attached  
161 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.

162 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor  
163 vehicle if the motor vehicle could otherwise be so registered;

164 (47) "Recreational off-highway vehicle", any motorized vehicle manufactured and used  
165 exclusively for off-highway use which is [sixty-four] **sixty-seven** inches or less in width, with  
166 an unladen dry weight of two thousand pounds or less, traveling on four or more nonhighway  
167 tires[, with a nonstraddle seat, and steering wheel, which may have access to ATV trails];

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

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

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

180 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

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

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

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

192 (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157  
193 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild  
194 or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling  
195 inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on  
196 parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair  
197 market value" means the retail value of a motor vehicle as:

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

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

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

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

208 (53) "Scrap processor", a business that, through the use of fixed or mobile equipment,  
209 flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or  
210 transportation to a shredder or scrap metal operator for recycling;

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

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

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

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

231 (58) "Tandem axle", a group of two or more axles, arranged one behind another, the  
232 distance between the extremes of which is more than forty inches and not more than ninety-six  
233 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 its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010;

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

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

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

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

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

(66) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal,



269 or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary  
270 profit other than for use in a ride-sharing arrangement;

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

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

279 (69) "Wrecker or towing service", the act of transporting, towing or recovering with a  
280 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,  
281 tow truck, rollback or car carrier for which the operator directly or indirectly receives  
282 compensation or other personal gain.

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