

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1124

AN ACT

To repeal sections 301.010, 301.227, 301.700, 302.020, 407.815, 407.826, and 578.120, RSMo, and to enact in lieu thereof eight new sections relating to motor vehicles, with existing penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1       Section A. Sections 301.010, 301.227, 301.700, 302.020,  
2       407.815, 407.826, and 578.120, RSMo, are repealed and eight new  
3       sections enacted in lieu thereof, to be known as sections  
4       301.010, 301.227, 301.700, 302.020, 304.005, 407.815, 407.826,  
5       and 578.120, to read as follows:

6       301.010. As used in this chapter and sections 304.010 to  
7       304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the  
8       following terms mean:

9       (1) "All-terrain vehicle", any motorized vehicle  
10      manufactured and used exclusively for off-highway use which is  
11      fifty inches or less in width, with an unladen dry weight of one  
12      thousand five hundred pounds or less, traveling on three, four or  
13      more nonhighway tires[, with a seat designed to be straddled by  
14      the operator, or with a seat designed to carry more than one

1 person, and handlebars for steering control];

2 (2) "Automobile transporter", any vehicle combination  
3 designed and used specifically for the transport of assembled  
4 motor vehicles;

5 (3) "Axle load", the total load transmitted to the road by  
6 all wheels whose centers are included between two parallel  
7 transverse vertical planes forty inches apart, extending across  
8 the full width of the vehicle;

9 (4) "Boat transporter", any vehicle combination designed  
10 and used specifically to transport assembled boats and boat  
11 hulls;

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

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

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

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

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

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

3           (11) "Driveaway operation":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28           (24) "Land improvement contractors' commercial motor

vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

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

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

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

(26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this

1 state, used to transport harvested forest products, operated  
2 solely at a forested site and in an area extending not more than  
3 a one hundred-mile radius from such site, carries a load with  
4 dimensions not in excess of twenty-five cubic yards per two axles  
5 with dual wheels, and when operated on the national system of  
6 interstate and defense highways described in Title 23, Section  
7 103(e) of the United States Code, such vehicle shall not exceed  
8 the weight limits of section 304.180, does not have more than  
9 four axles, and does not pull a trailer which has more than two  
10 axles. Harvesting equipment which is used specifically for  
11 cutting, felling, trimming, delimbing, debarking, chipping,  
12 skidding, loading, unloading, and stacking may be transported on  
13 a local log truck. A local log truck may not exceed the limits  
14 required by law, however, if the truck does exceed such limits as  
15 determined by the inspecting officer, then notwithstanding any  
16 other provisions of law to the contrary, such truck shall be  
17 subject to the weight limits required by such sections as  
18 licensed for eighty thousand pounds;

19 (27) "Local log truck tractor", a commercial motor vehicle  
20 which is registered under this chapter to operate as a motor  
21 vehicle on the public highways of this state, used exclusively in  
22 this state, used to transport harvested forest products, operated  
23 solely at a forested site and in an area extending not more than  
24 a one hundred-mile radius from such site, operates with a weight  
25 not exceeding twenty-two thousand four hundred pounds on one axle  
26 or with a weight not exceeding forty-four thousand eight hundred  
27 pounds on any tandem axle, and when operated on the national  
28 system of interstate and defense highways described in Title 23,

1 Section 103(e) of the United States Code, such vehicle does not  
2 exceed the weight limits contained in section 304.180, and does  
3 not have more than three axles and does not pull a trailer which  
4 has more than two axles. Violations of axle weight limitations  
5 shall be subject to the load limit penalty as described for in  
6 sections 304.180 to 304.220;

7 (28) "Local transit bus", a bus whose operations are  
8 confined wholly within a municipal corporation, or wholly within  
9 a municipal corporation and a commercial zone, as defined in  
10 section 390.020, adjacent thereto, forming a part of a public  
11 transportation system within such municipal corporation and such  
12 municipal corporation and adjacent commercial zone;

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

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

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

26 (32) "Motor change vehicle", a vehicle manufactured prior  
27 to August, 1957, which receives a new, rebuilt or used engine,  
28 and which used the number stamped on the original engine as the

1 vehicle identification number;

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

4 (34) "Motor vehicle primarily for business use", any  
5 vehicle other than a recreational motor vehicle, motorcycle,  
6 motortricycle, or any commercial motor vehicle licensed for over  
7 twelve thousand pounds:

8 (a) Offered for hire or lease; or

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

11 (35) "Motorcycle", a motor vehicle operated on two wheels;

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

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

23 (38) "Municipality", any city, town or village, whether  
24 incorporated or not;

25 (39) "Nonresident", a resident of a state or country other  
26 than the state of Missouri;

27 (40) "Non-USA-std motor vehicle", a motor vehicle not  
28 originally manufactured in compliance with United States



1 emissions or safety standards;

2 (41) "Operator", any person who operates or drives a motor  
3 vehicle;

4 (42) "Owner", any person, firm, corporation or association,  
5 who holds the legal title to a vehicle or in the event a vehicle  
6 is the subject of an agreement for the conditional sale or lease  
7 thereof with the right of purchase upon performance of the  
8 conditions stated in the agreement and with an immediate right of  
9 possession vested in the conditional vendee or lessee, or in the  
10 event a mortgagor of a vehicle is entitled to possession, then  
11 such conditional vendee or lessee or mortgagor shall be deemed  
12 the owner for the purpose of this law;

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

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

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

25 (46) "Recreational motor vehicle", any motor vehicle  
26 designed, constructed or substantially modified so that it may be  
27 used and is used for the purposes of temporary housing quarters,  
28 including therein sleeping and eating facilities which are either

1 permanently attached to the motor vehicle or attached to a unit  
2 which is securely attached to the motor vehicle. Nothing herein  
3 shall prevent any motor vehicle from being registered as a  
4 commercial motor vehicle if the motor vehicle could otherwise be  
5 so registered;

6 (47) "Recreational off-highway vehicle", any motorized  
7 vehicle manufactured and used exclusively for off-highway use  
8 which is [sixty-four] more than fifty inches [or less] but no  
9 more than sixty-seven inches in width, with an unladen dry weight  
10 of two thousand pounds or less, traveling on four or more  
11 nonhighway tires[, with a nonstraddle seat, and steering wheel,]  
12 and which may have access to ATV trails;

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

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

27 (50) "Salvage dealer and dismantler", a business that  
28 dismantles used motor vehicles for the sale of the parts thereof,

1 and buys and sells used motor vehicle parts and accessories;

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

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

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

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

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

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

27 a. Set forth in a current edition of any nationally  
28 recognized compilation of retail values, including automated

1 databases, or from publications commonly used by the automotive  
2 and insurance industries to establish the values of motor  
3 vehicles;

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

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

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

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

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

24 (55) "Special mobile equipment", every self-propelled  
25 vehicle not designed or used primarily for the transportation of  
26 persons or property and incidentally operated or moved over the  
27 highways, including farm equipment, implements of husbandry, road  
28 construction or maintenance machinery, ditch-digging apparatus,

1 stone crushers, air compressors, power shovels, cranes, graders,  
2 rollers, well-drillers and wood-sawing equipment used for hire,  
3 asphalt spreaders, bituminous mixers, bucket loaders, ditchers,  
4 leveling graders, finished machines, motor graders, road rollers,  
5 scarifiers, earth-moving carryalls, scrapers, drag lines,  
6 concrete pump trucks, rock-drilling and earth-moving equipment.  
7 This enumeration shall be deemed partial and shall not operate to  
8 exclude other such vehicles which are within the general terms of  
9 this section;

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

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

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

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

27 (60) "Trailer", any vehicle without motive power designed  
28 for carrying property or passengers on its own structure and for

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

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

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

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

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

1           (65) "Utility vehicle", any motorized vehicle manufactured  
2 and used exclusively for off-highway use which is [sixty-three]  
3 more than fifty inches [or less] but no more than sixty-seven  
4 inches in width, with an unladen dry weight of [one] two thousand  
5 [eight hundred fifty] pounds or less, traveling on four or six  
6 wheels, to be used primarily for landscaping, lawn care, or  
7 maintenance purposes;

8           (66) "Vanpool", any van or other motor vehicle used or  
9 maintained by any person, group, firm, corporation, association,  
10 city, county or state agency, or any member thereof, for the  
11 transportation of not less than eight nor more than forty-eight  
12 employees, per motor vehicle, to and from their place of  
13 employment; however, a vanpool shall not be included in the  
14 definition of the term bus or commercial motor vehicle as defined  
15 by subdivisions (6) and (7) of this section, nor shall a vanpool  
16 driver be deemed a chauffeur as that term is defined by section  
17 303.020; nor shall use of a vanpool vehicle for ride-sharing  
18 arrangements, recreational, personal, or maintenance uses  
19 constitute an unlicensed use of the motor vehicle, unless used  
20 for monetary profit other than for use in a ride-sharing  
21 arrangement;

22           (67) "Vehicle", any mechanical device on wheels, designed  
23 primarily for use, or used, on highways, except motorized  
24 bicycles, vehicles propelled or drawn by horses or human power,  
25 or vehicles used exclusively on fixed rails or tracks, or cotton  
26 trailers or motorized wheelchairs operated by handicapped  
27 persons;

28           (68) "Wrecker" or "tow truck", any emergency commercial

1 vehicle equipped, designed and used to assist or render aid and  
2 transport or tow disabled or wrecked vehicles from a highway,  
3 road, street or highway rights-of-way to a point of storage or  
4 repair, including towing a replacement vehicle to replace a  
5 disabled or wrecked vehicle;

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

11 301.227. 1. Whenever a vehicle is sold for salvage,  
12 dismantling or rebuilding, the purchaser shall forward to the  
13 director of revenue within ten days the certificate of ownership  
14 or salvage certificate of title and the proper application and  
15 fee of eight dollars and fifty cents, and the director shall  
16 issue a negotiable salvage certificate of title to the purchaser  
17 of the salvaged vehicle. On vehicles purchased during a year  
18 that is no more than six years after the manufacturer's model  
19 year designation for such vehicle, it shall be mandatory that the  
20 purchaser apply for a salvage title. On vehicles purchased  
21 during a year that is more than six years after the  
22 manufacturer's model year designation for such vehicle, then  
23 application for a salvage title shall be optional on the part of  
24 the purchaser. Whenever a vehicle is sold for destruction and a  
25 salvage certificate of title, junking certificate, or certificate  
26 of ownership exists, the seller, if licensed under sections  
27 301.217 to 301.221, shall forward the certificate to the director  
28 of revenue within ten days, with the notation of the date sold



1 for destruction and the name of the purchaser clearly shown on  
2 the face of the certificate.

3 2. Whenever a vehicle is classified as "junk", as defined  
4 in section 301.010, the purchaser may forward to the director of  
5 revenue the salvage certificate of title or certificate of  
6 ownership and the director shall issue a negotiable junking  
7 certificate [to the purchaser of the vehicle] which shall  
8 authorize the holder to possess, transport, or, by assignment,  
9 transfer ownership in such parts, scrap, or junk. The director  
10 may also issue a junking certificate to a possessor of a vehicle  
11 manufactured twenty-six years or more prior to the current model  
12 year who has a bill of sale for said vehicle but does not possess  
13 a certificate of ownership, provided no claim of theft has been  
14 made on the vehicle and the highway patrol has by letter stated  
15 the vehicle is not listed as stolen after checking the  
16 registration number through its nationwide computer system. Such  
17 certificate may be granted within thirty days of the submission  
18 of a request.

19 3. [Upon receipt of a properly completed application for a  
20 junking certificate, the director of revenue shall issue to the  
21 applicant a junking certificate which shall authorize the holder  
22 to possess, transport, or, by assignment, transfer ownership in  
23 such parts, scrap or junk, and a certificate of title shall not  
24 again be issued for such vehicle; except that, the initial  
25 purchaser] Notwithstanding any other provision of law, for any  
26 vehicle with a junk or substantially equivalent designation,  
27 whether so designated in Missouri or any other state, regardless  
28 of whether such designation has been subsequently changed

1 erroneously or by law in this or any other state, the department  
2 shall only issue a junking certificate, and a salvage or original  
3 certificate of title shall not thereafter be issued for such  
4 vehicle. If the vehicle has not previously been designated as  
5 junk or any other substantially equivalent designation from this  
6 state or any other state, the applicant making the original  
7 junking certification application shall, within ninety days, be  
8 allowed to rescind [his] the application for a junking  
9 certificate by surrendering the junking certificate and apply for  
10 a salvage certificate of title in [his] the applicant's name.  
11 The seller of a vehicle for which a junking certificate has been  
12 applied for or issued shall disclose such fact in writing to any  
13 prospective buyers before sale of such vehicle; otherwise the  
14 sale shall be voidable at the option of the buyer.

15 4. No scrap metal operator shall acquire or purchase a  
16 motor vehicle or parts thereof without, at the time of such  
17 acquisition, receiving the original certificate of title or  
18 salvage certificate of title or junking certificate from the  
19 seller of the vehicle or parts, unless the seller is a licensee  
20 under sections 301.219 to 301.221.

21 5. All titles and certificates required to be received by  
22 scrap metal operators from nonlicensees shall be forwarded by the  
23 operator to the director of revenue within ten days of the  
24 receipt of the vehicle or parts.

25 6. The scrap metal operator shall keep a record, for three  
26 years, of the seller's name and address, the salvage business  
27 license number of the licensee, date of purchase, and any vehicle  
28 or parts identification numbers open for inspection as provided

1 in section 301.225.

2 7. Notwithstanding any other provision of this section, a  
3 motor vehicle dealer as defined in section 301.550 and licensed  
4 under the provisions of sections 301.550 to 301.572 may negotiate  
5 one reassignment of a salvage certificate of title on the back  
6 thereof.

7 8. Notwithstanding the provisions of subsection 1 of this  
8 section, an insurance company which settles a claim for a stolen  
9 vehicle may apply for and shall be issued a negotiable salvage  
10 certificate of title without the payment of any fee upon proper  
11 application within thirty days after settlement of the claim for  
12 such stolen vehicle. However, if the insurance company upon  
13 recovery of a stolen vehicle determines that the stolen vehicle  
14 has not sustained damage to the extent that the vehicle would  
15 have otherwise been declared a salvage vehicle pursuant to  
16 subdivision (51) of section 301.010, then the insurance company  
17 may have the vehicle inspected by the Missouri state highway  
18 patrol, or other law enforcement agency authorized by the  
19 director of revenue, in accordance with the inspection provisions  
20 of subsection 9 of section 301.190. Upon receipt of title  
21 application, applicable fee, the completed inspection, and the  
22 return of any previously issued negotiable salvage certificate,  
23 the director shall issue an original title with no salvage or  
24 prior salvage designation. Upon the issuance of an original  
25 title the director shall remove any indication of the negotiable  
26 salvage title previously issued to the insurance company from the  
27 department's electronic records.

28 9. Notwithstanding subsection 4 of this section or any

1 other provision of the law to the contrary, if a motor vehicle is  
2 inoperable and is at least ten model years old, or the parts are  
3 from a motor vehicle that is inoperable and is at least ten model  
4 years old, a scrap metal operator may purchase or acquire such  
5 motor vehicle or parts without receiving the original certificate  
6 of title, salvage certificate of title, or junking certificate  
7 from the seller of the vehicle or parts, provided the scrap metal  
8 operator verifies with the department of revenue, via the  
9 department's online record access, that the motor vehicle is not  
10 subject to any recorded security interest or lien and the scrap  
11 metal operator complies with the requirements of this subsection.  
12 In lieu of forwarding certificates of titles for such motor  
13 vehicles as required by subsection 5 of this section, the scrap  
14 metal operator shall forward a copy of the seller's state  
15 identification along with a bill of sale to the department of  
16 revenue. The bill of sale form shall be designed by the director  
17 and such form shall include, but not be limited to, a  
18 certification that the motor vehicle is at least ten model years  
19 old, is inoperable, is not subject to any recorded security  
20 interest or lien, and a certification by the seller that the  
21 seller has the legal authority to sell or otherwise transfer the  
22 seller's interest in the motor vehicle or parts. Upon receipt of  
23 the information required by this subsection, the department of  
24 revenue shall cancel any certificate of title and registration  
25 for the motor vehicle. If the motor vehicle is inoperable and at  
26 least twenty model years old, then the scrap metal operator shall  
27 not be required to verify with the department of revenue whether  
28 the motor vehicle is subject to any recorded security interests

1 or liens. As used in this subsection, the term "inoperable"  
2 means a motor vehicle that is in a rusted, wrecked, discarded,  
3 worn out, extensively damaged, dismantled, and mechanically  
4 inoperative condition and the vehicle's highest and best use is  
5 for scrap purposes. The director of the department of revenue is  
6 directed to promulgate rules and regulations to implement and  
7 administer the provisions of this section, including but not  
8 limited to, the development of a uniform bill of sale. Any rule  
9 or portion of a rule, as that term is defined in section 536.010,  
10 that is created under the authority delegated in this section  
11 shall become effective only if it complies with and is subject to  
12 all of the provisions of chapter 536 and, if applicable, section  
13 536.028. This section and chapter 536 are nonseverable and if  
14 any of the powers vested with the general assembly pursuant to  
15 chapter 536 to review, to delay the effective date, or to  
16 disapprove and annul a rule are subsequently held  
17 unconstitutional, then the grant of rulemaking authority and any  
18 rule proposed or adopted after August 28, 2012, shall be invalid  
19 and void.

20 301.700. All-terrain vehicles shall be treated in the same  
21 manner as motor vehicles, pursuant to this chapter, for the  
22 purposes of transfer, titling, perfection of liens and  
23 encumbrances, and the collection of all taxes, fees and other  
24 charges. Funds collected by the department of revenue pursuant  
25 to sections 301.700 to 301.714 shall be deposited by the director  
26 in the state treasury to the credit of the general revenue fund.  
27 An applicant that purchases a used all-terrain vehicle after  
28 August 28, 2014, that was defined as a utility or recreation off-

1 highway vehicle prior to August 28, 2014, may present a notarized  
2 bill of sale as evidence of lawful ownership when a certificate  
3 of title has not been issued for such all-terrain vehicle.

4 302.020. 1. Unless otherwise provided for by law, it shall  
5 be unlawful for any person, except those expressly exempted by  
6 section 302.080, to:

7 (1) Operate any vehicle upon any highway in this state  
8 unless the person has a valid license;

9 (2) Operate a motorcycle or motortricycle upon any highway  
10 of this state unless such person has a valid license that shows  
11 the person has successfully passed an examination for the  
12 operation of a motorcycle or motortricycle as prescribed by the  
13 director. The director may indicate such upon a valid license  
14 issued to such person, or shall issue a license restricting the  
15 applicant to the operation of a motorcycle or motortricycle if  
16 the actual demonstration, required by section 302.173, is  
17 conducted on such vehicle;

18 (3) Authorize or knowingly permit a motorcycle or  
19 motortricycle owned by such person or under such person's control  
20 to be driven upon any highway by any person whose license does  
21 not indicate that the person has passed the examination for the  
22 operation of a motorcycle or motortricycle or has been issued an  
23 instruction permit therefor;

24 (4) Operate a motor vehicle with an instruction permit or  
25 license issued to another person.

26 2. Every person operating or riding as a passenger on any  
27 motorcycle or motortricycle, as defined in section 301.010, upon  
28 any highway of this state shall wear protective headgear at all

1 times the vehicle is in motion. The protective headgear shall  
2 meet reasonable standards and specifications established by the  
3 director. The provisions of this subsection shall not apply to  
4 such a person or passenger on any three wheeled vehicle that is  
5 fully enclosed and contains manufacturer-installed seat belts  
6 with shoulder restraints.

7 3. Notwithstanding the provisions of section 302.340 any  
8 person convicted of violating subdivision (1) or (2) of  
9 subsection 1 of this section is guilty of a misdemeanor. A first  
10 violation of subdivision (1) or (2) of subsection 1 of this  
11 section shall be punishable by a fine not to exceed three hundred  
12 dollars. A second violation of subdivision (1) or (2) of  
13 subsection 1 of this section shall be punishable by imprisonment  
14 in the county jail for a term not to exceed one year and/or a  
15 fine not to exceed one thousand dollars. Any person convicted a  
16 third or subsequent time of violating subdivision (1) or (2) of  
17 subsection 1 of this section is guilty of a class D felony.  
18 Notwithstanding the provisions of section 302.340, violation of  
19 subdivisions (3) and (4) of subsection 1 of this section is a  
20 misdemeanor, the first violation punishable by a fine not to  
21 exceed three hundred dollars, a second or subsequent violation of  
22 this section punishable as a class C misdemeanor, and the penalty  
23 for failure to wear protective headgear as required by subsection  
24 2 of this section is an infraction for which a fine not to exceed  
25 twenty-five dollars may be imposed. Notwithstanding all other  
26 provisions of law and court rules to the contrary, no court costs  
27 shall be imposed upon any person due to such violation. No  
28 points shall be assessed pursuant to section 302.302 for a

1 failure to wear such protective headgear. Prior pleas of guilty  
2 and prior findings of guilty shall be pleaded and proven in the  
3 same manner as required by section 558.021.

4 304.005. 1. As used in this section, the term "autocycle"  
5 means an enclosed motorcycle that is equipped with safety belts,  
6 roll cage, windshield wipers, steering wheel, and equipment  
7 otherwise required on a motorcycle and which has no more than  
8 three wheels in contact with the roadway at any one time.

9 2. Notwithstanding subsection 2 of section 302.020, a  
10 person operating or riding in an autocycle shall not be required  
11 to wear protective headgear if the vehicle is equipped with a  
12 roof that meets or exceeds the standards established for  
13 protective headgear.

14 3. No person shall operate an autocycle on any highway or  
15 street in this state unless the person has a valid driver's  
16 licence. The operator of an autocycle, however, shall not be  
17 required to obtain a motorcycle or motortricycle license or  
18 endorsement pursuant to sections 302.010 to 302.340.

19 407.815. As used in sections 407.810 to 407.835, unless the  
20 context otherwise requires, the following terms mean:

21 (1) "Administrative hearing commission", the body  
22 established in chapter 621 to conduct administrative hearings;

23 (2) "All-terrain vehicle", any motorized vehicle  
24 manufactured and used exclusively for off-highway use which is  
25 fifty inches or less in width, with an unladen dry weight of six  
26 hundred pounds or less, traveling on three, four or more low  
27 pressure tires, with a seat designed to be straddled by the  
28 operator, and handlebars for steering control;



1           (3) "Autocycle", an enclosed motorcycle, as defined in  
2 section 304.005;

3           (4) "Coerce", to compel or attempt to compel a person to  
4 act in a given manner by pressure, intimidation, or threat of  
5 harm, damage, or breach of contract, but shall not include the  
6 following:

7           (a) Good faith recommendations, exposition, argument,  
8 persuasion or attempts at persuasion without unreasonable  
9 conditions;

10           (b) Notice given in good faith to any franchisee of such  
11 franchisee's violation of terms or provisions of such franchise  
12 or contractual agreement; or

13           (c) Any conduct set forth in sections 407.810 to 407.835  
14 that is permitted of the franchisor;

15           [(4)] (5) "Common entity", a person:

16           (a) Who is either controlled or owned, beneficially or of  
17 record, by one or more persons who also control or own more than  
18 forty percent of the voting equity interest of a franchisor; or

19           (b) Who shares directors or officers or partners with a  
20 franchisor;

21           [(5)] (6) "Control", to possess, directly or indirectly,  
22 the power to direct or cause the direction of the management or  
23 policies of a person, whether through the ownership of voting  
24 securities, by contract, or otherwise; except that "control" does  
25 not include the relationship between a franchisor and a  
26 franchisee under a franchise agreement;

27           [(6)] (7) "Dealer-operator", the individual who works at  
28 the established place of business of a dealer and who is

1 responsible for and in charge of day-to-day operations of that  
2 place of business;

3 [(7)] (8) "Distributor", a person, resident or nonresident,  
4 who, in whole or in part, sells or distributes new motor vehicles  
5 to motor vehicle dealers in this state;

6 [(8)] (9) "Franchise" or "franchise agreement", a written  
7 arrangement or contract for a definite or indefinite period, in  
8 which a person grants to another person a license to use, or the  
9 right to grant to others a license to use, a trade name,  
10 trademark, service mark, or related characteristics, in which  
11 there is a community of interest in the marketing of goods or  
12 services, or both, at wholesale or retail, by agreement, lease or  
13 otherwise, and in which the operation of the franchisee's  
14 business with respect to such franchise is substantially reliant  
15 on the franchisor for the continued supply of franchised new  
16 motor vehicles, parts and accessories for sale at wholesale or  
17 retail. The franchise includes all portions of all agreements  
18 between a franchisor and a franchisee, including but not limited  
19 to a contract, new motor vehicle franchise, sales and service  
20 agreement, or dealer agreement, regardless of the terminology  
21 used to describe the agreement or relationship between the  
22 franchisor and franchisee, and also includes all provisions,  
23 schedules, attachments, exhibits and agreements incorporated by  
24 reference therein;

25 [(9)] (10) "Franchisee", a person to whom a franchise is  
26 granted;

27 [(10)] (11) "Franchisor", a person who grants a franchise  
28 to another person;

1           [(11)] (12) "Good faith", the duty of each party to any  
2 franchise and all officers, employees, or agents thereof, to act  
3 in a fair and equitable manner toward each other so as to  
4 guarantee the one party freedom from coercion, intimidation, or  
5 threat of coercion or intimidation from the other party;

6           [(12)] (13) "Importer", a person who has written  
7 authorization from a foreign manufacturer of a line-make of motor  
8 vehicles to grant a franchise to a motor vehicle dealer in this  
9 state with respect to that line-make;

10          [(13)] (14) "Line-make", a collection of models, series, or  
11 groups of motor vehicles manufactured by or for a particular  
12 manufacturer, distributor or importer offered for sale, lease or  
13 distribution pursuant to a common brand name or mark; provided,  
14 however:

15           (a) Multiple brand names or marks may constitute a single  
16 line-make, but only when included in a common dealer agreement  
17 and the manufacturer, distributor or importer offers such  
18 vehicles bearing the multiple names or marks together only, and  
19 not separately, to its authorized dealers; and

20           (b) Motor vehicles bearing a common brand name or mark may  
21 constitute separate line-makes when pertaining to motor vehicles  
22 subject to separate dealer agreements or when such vehicles are  
23 intended for different types of use;

24          [(14)] (15) "Manufacturer", any person, whether a resident  
25 or nonresident of this state, who manufactures or assembles motor  
26 vehicles or who manufactures or installs on previously assembled  
27 truck chassis special bodies or equipment which, when installed,  
28 form an integral part of the motor vehicle and which constitute a

1 major manufacturing alteration. The term "manufacturer" includes  
2 a central or principal sales corporation or other entity, other  
3 than a franchisee, through which, by contractual agreement or  
4 otherwise, it distributes its products;

5       [(15)] (16) "Motor vehicle", for the purposes of sections  
6 407.810 to 407.835, any motor-driven vehicle required to be  
7 registered pursuant to the provisions of chapter 301, including  
8 autocycles as defined in this section, except that, motorcycles  
9 and all-terrain vehicles as defined in section 301.010 shall not  
10 be included. The term "motor vehicle" shall also include any  
11 engine, transmission, or rear axle, regardless of whether  
12 attached to a vehicle chassis, that is manufactured for the  
13 installation in any motor-driven vehicle with a gross vehicle  
14 weight rating of more than sixteen thousand pounds that is  
15 registered for the operations on the highways of this state under  
16 chapter 301;

17       [(16)] (17) "New", when referring to motor vehicles or  
18 parts, means those motor vehicles or parts which have not been  
19 held except as inventory, as that term is defined in subdivision  
20 (4) of section 400.9-109;

21       [(17)] (18) "Person", a natural person, sole proprietor,  
22 partnership, corporation, or any other form of business entity or  
23 organization;

24       [(18)] (19) "Principal investor", the owner of the majority  
25 interest of any franchisee;

26       [(19)] (20) "Reasonable", shall be based on the  
27 circumstances of a franchisee in the market served by the  
28 franchisee;

1           [(20)] (21) "Require", to impose upon a franchisee a  
2 provision not required by law or previously agreed to by a  
3 franchisee in a franchise agreement;

4           [(21)] (22) "Successor manufacturer", any manufacturer that  
5 succeeds, or assumes any part of the business of, another  
6 manufacturer, referred to as the "predecessor manufacturer", as  
7 the result of:

8           (a) A change in ownership, operation, or control of the  
9 predecessor manufacturer by sale or transfer of assets, corporate  
10 stock, or other equity interest, assignment, merger,  
11 consolidation, combination, joint venture, redemption,  
12 court-approved sale, operation of law, or otherwise;

13           (b) The termination, suspension or cessation of a part or  
14 all of the business operations of the predecessor manufacturer;

15           (c) The noncontinuation of the sale of the product line; or

16           (d) A change in distribution system by the predecessor  
17 manufacturer, whether through a change in distributor or the  
18 predecessor manufacturer's decision to cease conducting business  
19 through a distributor altogether.

20           407.826. 1. (1) A franchisor shall be prohibited from  
21 owning or operating a new motor vehicle dealership in this state.  
22 It is not a violation of this section for a franchisor to own or  
23 operate a new motor vehicle dealership:

24           (a) For a temporary period of not more than twenty-four  
25 months if the dealership is for sale at a reasonable price and on  
26 reasonable terms and conditions to an independent qualified  
27 buyer. On showing by a franchisor of good cause, the time limit  
28 set forth above may be extended for an additional period of up to

1 twelve months; or

2 (b) In a bona fide relationship with an independent person  
3 (i) who is required to make a significant investment in the new  
4 motor vehicle dealership subject to loss and (ii) operates the  
5 dealership and can reasonably expect to acquire full ownership of  
6 the dealership within a reasonable time and under reasonable  
7 terms and conditions.

8 (2) Nothing in this section shall be deemed to prohibit a  
9 franchisor from owning a minority interest in an entity that owns  
10 motor vehicle dealerships of the same line-make manufactured and  
11 franchised by the factory, provided that all of the following  
12 conditions are met at the time of acquisition and continue to be  
13 met during the time the entity maintains ownership:

14 (a) The interest owned by the factory in said entity shall  
15 not exceed forty-five percent of the total ownership;

16 (b) Any dealership in which the entity owns an interest  
17 shall be no less than nine miles of any unaffiliated new motor  
18 vehicle dealership trading in the same line-make of vehicle;

19 (c) All of the licensed dealerships for the sale of such  
20 factory's new motor vehicle in the state trade exclusively in the  
21 factory's line-make;

22 (d) During any period in which the entity has such  
23 ownership interest, the factory shall have no more than four  
24 franchise agreements governing such line-make with dealers  
25 licensed to do business in this state;

26 (e) All the factory's franchise agreements confer rights on  
27 the franchisee of the line-make to develop and operate, within a  
28 defined geographic territory or area, as many dealership

1 facilities as the franchisee and factory shall agree are  
2 appropriate;

3 (f) At the time the entity first acquires an ownership  
4 interest, not fewer than seventy-five percent of the franchisees  
5 of the line-make within this state own and operate two or more  
6 dealership facilities in the geographic territory or area covered  
7 by the franchise agreement with the factory;

8 (g) As of January 1, 2001, there were no more than ten  
9 dealerships of such line-make licensed as a new motor vehicle  
10 dealer in this state; and

11 (h) Prior to August 28, 2001, the factory has been  
12 continuously engaged, at least since July 1, 1998, in the retail  
13 sale of motor vehicles of its own line-make through direct or  
14 indirect ownership of dealerships in at least five states.

15 2. A franchisor shall not sell new motor vehicles directly  
16 to any retail consumer except through a franchisee for the  
17 line-make that includes the new motor vehicle unless such  
18 consumer is an employee of the franchisor, or is a not-for-profit  
19 organization or an agency of the federal, state or local  
20 governments. This subsection shall not preclude a franchisor  
21 from providing information to consumers for the purpose of  
22 marketing or facilitating the sale of a new motor vehicle or from  
23 establishing programs to sell or offer to sell new motor vehicles  
24 through participating franchisees.

25 3. For purposes of this section, "franchisor" shall be  
26 deemed to include any manufacturer of new motor vehicles which  
27 establishes any business location or facility within the state of  
28 Missouri, when such facilities are used by the manufacturer to

1 inform, entice, or otherwise market to potential customers, or  
2 where customer orders for the manufacturer's new motor vehicles  
3 are placed, received, or processed, whether or not any sales of  
4 such vehicles are finally consummated, and whether or not any  
5 such vehicles are actually delivered to the retail customer, at  
6 such business location or facility. Accordingly, for purposes of  
7 this section, "new motor vehicle dealership" shall be deemed to  
8 include any business location or facility as described in this  
9 subsection.

10 4. In enacting subsection 3 of this section, it is the  
11 express intent of the legislature to prevent any manufacturer of  
12 new motor vehicles from circumventing the public policy as stated  
13 in section 407.811, by engaging in methods of retailing new motor  
14 vehicles which are designed to avoid the provisions of sections  
15 407.810 to 407.835.

16 5. The remedies and relief available pursuant to section  
17 407.835 shall apply to this section.

18 578.120. 1. Notwithstanding any provision in this chapter  
19 to the contrary, no dealer, distributor or manufacturer licensed  
20 under section 301.559 may keep open, operate, or assist in  
21 keeping open or operating any established place of business for  
22 the purpose of buying, selling, bartering or exchanging, or  
23 offering for sale, barter or exchange, any motor vehicle, whether  
24 new or used, on Sunday. However, this section does not apply to  
25 the sale of manufactured housing; the sale of recreational motor  
26 vehicles; the sale of motorcycles as that term is defined in  
27 section 301.010; the sale of motortricycles, motorized bicycles,  
28 all-terrain vehicles, recreational off-highway vehicles, utility



1 vehicles, personal watercraft, or other motorized vehicles  
2 customarily sold by powersports dealers licensed pursuant to  
3 sections 301.550 to 301.560; washing, towing, wrecking or  
4 repairing operations; the sale of petroleum products, tires, and  
5 repair parts and accessories; or new vehicle shows or displays  
6 participated in by five or more franchised dealers or in towns or  
7 cities with five or fewer dealers, a majority.

8       2. No association consisting of motor vehicle dealers,  
9 distributors or manufacturers licensed under section 301.559  
10 shall be in violation of antitrust or restraint of trade statutes  
11 under chapter 416 or regulation promulgated thereunder solely  
12 because it encourages its members not to open or operate on  
13 Sunday a place of business for the purpose of buying, selling,  
14 bartering or exchanging any motor vehicle.

15       3. Any person who violates the provisions of this section  
16 shall be guilty of a class C misdemeanor.