

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1937
97TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, May 6, 2014, with recommendation that the Senate Committee Substitute do pass.

6129S.06C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 301.010, 304.180, 537.325, 537.345, 537.348, 578.018, and 578.030, RSMo, and to enact in lieu thereof seven new sections relating to agriculture, with penalty provisions, and an effective date for a certain section.

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

Section A. Sections 301.010, 304.180, 537.325, 537.345, 537.348, 578.018, 2 and 578.030, RSMo, are repealed and seven new sections enacted in lieu thereof, 3 to be known as sections 301.010, 304.180, 537.325, 537.345, 537.348, 578.018, and 4 578.030, to read as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 2 to 304.260, and sections 307.010 to 307.175, the following terms mean:

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used
4 exclusively for off-highway use which is fifty inches or less in width, with an
5 unladen dry weight of one thousand five hundred pounds or less, traveling on
6 three, four or more nonhighway tires, with a seat designed to be straddled by the
7 operator, or with a seat designed to carry more than one person, and handlebars
8 for steering control;

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

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

14 (4) "Boat transporter", any vehicle combination designed and used

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 specifically to transport assembled boats and boat hulls;

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

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

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

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

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

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

32 (11) "Driveaway operation":

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

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

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

48 (12) "Dromedary", a box, deck, or plate mounted behind the cab and
49 forward of the fifth wheel on the frame of the power unit of a truck tractor-
50 semitrailer combination. A truck tractor equipped with a dromedary may carry

51 part of a load when operating independently or in a combination with a
52 semitrailer;

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

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

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

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

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

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

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

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

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

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

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

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

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

85 (b) An area that extends not more than a radius of fifty miles from its
86 home base of operations when transporting its owner's machinery, equipment, or

87 auxiliary supplies to or from projects not involving soil and water
88 conservation. Nothing in this subdivision shall be construed to prevent any motor
89 vehicle from being registered as a commercial motor vehicle or local commercial
90 motor vehicle;

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

99 (26) "Local log truck", a commercial motor vehicle which is registered
100 pursuant to this chapter to operate as a motor vehicle on the public highways of
101 this state, used exclusively in this state, used to transport **any form or type of**
102 harvested forest products, operated solely at a forested site and in an area
103 extending not more than a [one] **two** hundred-mile radius from such site, carries
104 a load with dimensions not in excess of twenty-five cubic yards per two axles with
105 dual wheels, and when operated on the national system of interstate and defense
106 highways described in Title 23, Section 103(e) of the United States Code, such
107 vehicle shall not exceed the weight limits of section 304.180, does not have more
108 than four axles, and does not pull a trailer which has more than two
109 axles. Harvesting equipment which is used specifically for cutting, felling,
110 trimming, delimbing, debarking, chipping, skidding, loading, unloading, and
111 stacking may be transported on a local log truck. A local log truck may not
112 exceed the limits required by law, however, if the truck does exceed such limits
113 as determined by the inspecting officer, then notwithstanding any other
114 provisions of law to the contrary, such truck shall be subject to the weight limits
115 required by such sections as licensed for eighty thousand pounds;

116 (27) "Local log truck tractor", a commercial motor vehicle which is
117 registered under this chapter to operate as a motor vehicle on the public
118 highways of this state, used exclusively in this state, used to transport **any form**
119 **or type of** harvested forest products, operated solely at a forested site and in an
120 area extending not more than a [one] **two** hundred-mile radius from such site,
121 operates with a weight not exceeding twenty-two thousand four hundred pounds
122 on one axle or with a weight not exceeding forty-four thousand eight hundred

123 pounds on any tandem axle, and when operated on the national system of
124 interstate and defense highways described in Title 23, Section 103(e) of the
125 United States Code, such vehicle does not exceed the weight limits contained in
126 section 304.180, and does not have more than three axles and does not pull a
127 trailer which has more than two axles. Violations of axle weight limitations shall
128 be subject to the load limit penalty as described for in sections 304.180 to
129 304.220;

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

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

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

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

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

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

151 (34) "Motor vehicle primarily for business use", any vehicle other than a
152 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor
153 vehicle licensed for over twelve thousand pounds:

154 (a) Offered for hire or lease; or

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

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

157 (36) "Motorized bicycle", any two-wheeled or three-wheeled device having
158 an automatic transmission and a motor with a cylinder capacity of not more than

159 fifty cubic centimeters, which produces less than three gross brake horsepower,
160 and is capable of propelling the device at a maximum speed of not more than
161 thirty miles per hour on level ground;

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

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

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

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

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

172 (42) "Owner", any person, firm, corporation or association, who holds the
173 legal title to a vehicle or in the event a vehicle is the subject of an agreement for
174 the conditional sale or lease thereof with the right of purchase upon performance
175 of the conditions stated in the agreement and with an immediate right of
176 possession vested in the conditional vendee or lessee, or in the event a mortgagor
177 of a vehicle is entitled to possession, then such conditional vendee or lessee or
178 mortgagor shall be deemed the owner for the purpose of this law;

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

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

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

189 (46) "Recreational motor vehicle", any motor vehicle designed, constructed
190 or substantially modified so that it may be used and is used for the purposes of
191 temporary housing quarters, including therein sleeping and eating facilities
192 which are either permanently attached to the motor vehicle or attached to a unit
193 which is securely attached to the motor vehicle. Nothing herein shall prevent any
194 motor vehicle from being registered as a commercial motor vehicle if the motor

195 vehicle could otherwise be so registered;

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

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

204 (49) "Saddlemount combination", a combination of vehicles in which a
205 truck or truck tractor tows one or more trucks or truck tractors, each connected
206 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"
207 is a mechanism that connects the front axle of the towed vehicle to the frame or
208 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
209 connection. When two vehicles are towed in this manner the combination is
210 called a "double saddlemount combination". When three vehicles are towed in
211 this manner, the combination is called a "triple saddlemount combination";

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

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

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

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

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

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

228 (e) Is abandoned property which is titled pursuant to section 304.155 or
229 section 304.157 and designated with the words "salvage/abandoned
230 property". The total cost of repairs to rebuild or reconstruct the vehicle shall not

231 include the cost of repairing, replacing, or reinstalling inflatable safety restraints,
232 tires, sound systems, or damage as a result of hail, or any sales tax on parts or
233 materials to rebuild or reconstruct the vehicle. For purposes of this definition,
234 "fair market value" means the retail value of a motor vehicle as:

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

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

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

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

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

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

257 (55) "Special mobile equipment", every self-propelled vehicle not designed
258 or used primarily for the transportation of persons or property and incidentally
259 operated or moved over the highways, including farm equipment, implements of
260 husbandry, road construction or maintenance machinery, ditch-digging apparatus,
261 stone crushers, air compressors, power shovels, cranes, graders, rollers, well-
262 drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous
263 mixers, bucket loaders, ditchers, leveling graders, finished machines, motor
264 graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines,
265 concrete pump trucks, rock-drilling and earth-moving equipment. This
266 enumeration shall be deemed partial and shall not operate to exclude other such

267 vehicles which are within the general terms of this section;

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

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

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

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

282 (60) "Trailer", any vehicle without motive power designed for carrying
283 property or passengers on its own structure and for being drawn by a self-
284 propelled vehicle, except those running exclusively on tracks, including a
285 semitrailer or vehicle of the trailer type so designed and used in conjunction with
286 a self-propelled vehicle that a considerable part of its own weight rests upon and
287 is carried by the towing vehicle. The term "trailer" shall not include cotton
288 trailers as defined in subdivision (8) of this section and shall not include
289 manufactured homes as defined in section 700.010;

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

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

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

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

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

312 (66) "Vanpool", any van or other motor vehicle used or maintained by any
313 person, group, firm, corporation, association, city, county or state agency, or any
314 member thereof, for the transportation of not less than eight nor more than forty-
315 eight employees, per motor vehicle, to and from their place of employment;
316 however, a vanpool shall not be included in the definition of the term bus or
317 commercial motor vehicle as defined by subdivisions (6) and (7) of this section,
318 nor shall a vanpool driver be deemed a chauffeur as that term is defined by
319 section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements,
320 recreational, personal, or maintenance uses constitute an unlicensed use of the
321 motor vehicle, unless used for monetary profit other than for use in a ride-sharing
322 arrangement;

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

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

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

304.180. 1. No vehicle or combination of vehicles shall be moved or
2 operated on any highway in this state having a greater weight than twenty
3 thousand pounds on one axle, no combination of vehicles operated by transporters

4 of general freight over regular routes as defined in section 390.020 shall be moved
 5 or operated on any highway of this state having a greater weight than the vehicle
 6 manufacturer's rating on a steering axle with the maximum weight not to exceed
 7 twelve thousand pounds on a steering axle, and no vehicle shall be moved or
 8 operated on any state highway of this state having a greater weight than
 9 thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall
 10 mean a group of two or more axles, arranged one behind another, the distance
 11 between the extremes of which is more than forty inches and not more than
 12 ninety-six inches apart.

13 2. An "axle load" is defined as the total load transmitted to the road by
 14 all wheels whose centers are included between two parallel transverse vertical
 15 planes forty inches apart, extending across the full width of the vehicle.

16 3. Subject to the limit upon the weight imposed upon a highway of this
 17 state through any one axle or on any tandem axle, the total gross weight with
 18 load imposed by any group of two or more consecutive axles of any vehicle or
 19 combination of vehicles shall not exceed the maximum load in pounds as set forth
 20 in the following table:

21 Distance in feet between the extremes
 22 of any group of two or more consecutive
 23 axles, measured to the nearest foot,

24	except where indicated otherwise			Maximum load in pounds		
25	feet	2 axles	3 axles	4 axles	5 axles	6 axles
26	4	34,000				
27	5	34,000				
28	6	34,000				
29	7	34,000				
30	8	34,000	34,000			
31	More than 8	38,000	42,000			
32	9	39,000	42,500			
33	10	40,000	43,500			
34	11	40,000	44,000			
35	12	40,000	45,000	50,000		
36	13	40,000	45,500	50,500		
37	14	40,000	46,500	51,500		

38	15	40,000	47,000	52,000		
39	16	40,000	48,000	52,500	58,000	
40	17	40,000	48,500	53,500	58,500	
41	18	40,000	49,500	54,000	59,000	
42	19	40,000	50,000	54,500	60,000	
43	20	40,000	51,000	55,500	60,500	66,000
44	21	40,000	51,500	56,000	61,000	66,500
45	22	40,000	52,500	56,500	61,500	67,000
46	23	40,000	53,000	57,500	62,500	68,000
47	24	40,000	54,000	58,000	63,000	68,500
48	25	40,000	54,500	58,500	63,500	69,000
49	26	40,000	55,500	59,500	64,000	69,500
50	27	40,000	56,000	60,000	65,000	70,000
51	28	40,000	57,000	60,500	65,500	71,000
52	29	40,000	57,500	61,500	66,000	71,500
53	30	40,000	58,500	62,000	66,500	72,000
54	31	40,000	59,000	62,500	67,500	72,500
55	32	40,000	60,000	63,500	68,000	73,000
56	33	40,000	60,000	64,000	68,500	74,000
57	34	40,000	60,000	64,500	69,000	74,500
58	35	40,000	60,000	65,500	70,000	75,000
59	36		60,000	66,000	70,500	75,500
60	37		60,000	66,500	71,000	76,000
61	38		60,000	67,500	72,000	77,000
62	39		60,000	68,000	72,500	77,500
63	40		60,000	68,500	73,000	78,000
64	41		60,000	69,500	73,500	78,500
65	42		60,000	70,000	74,000	79,000
66	43		60,000	70,500	75,000	80,000
67	44		60,000	71,500	75,500	80,000
68	45		60,000	72,000	76,000	80,000
69	46		60,000	72,500	76,500	80,000

70	47	60,000	73,500	77,500	80,000
71	48	60,000	74,000	78,000	80,000
72	49	60,000	74,500	78,500	80,000
73	50	60,000	75,500	79,000	80,000
74	51	60,000	76,000	80,000	80,000
75	52	60,000	76,500	80,000	80,000
76	53	60,000	77,500	80,000	80,000
77	54	60,000	78,000	80,000	80,000
78	55	60,000	78,500	80,000	80,000
79	56	60,000	79,500	80,000	80,000
80	57	60,000	80,000	80,000	80,000

81 Notwithstanding the above table, two consecutive sets of tandem axles may carry
 82 a gross load of thirty-four thousand pounds each if the overall distance between
 83 the first and last axles of such consecutive sets of tandem axles is thirty-six feet
 84 or more.

85 4. Whenever the state highways and transportation commission finds that
 86 any state highway bridge in the state is in such a condition that use of such
 87 bridge by vehicles of the weights specified in subsection 3 of this section will
 88 endanger the bridge, or the users of the bridge, the commission may establish
 89 maximum weight limits and speed limits for vehicles using such bridge. The
 90 governing body of any city or county may grant authority by act or ordinance to
 91 the state highways and transportation commission to enact the limitations
 92 established in this section on those roadways within the purview of such city or
 93 county. Notice of the weight limits and speed limits established by the
 94 commission shall be given by posting signs at a conspicuous place at each end of
 95 any such bridge.

96 5. Nothing in this section shall be construed as permitting lawful axle
 97 loads, tandem axle loads or gross loads in excess of those permitted under the
 98 provisions of Section 127 of Title 23 of the United States Code.

99 6. Notwithstanding the weight limitations contained in this section, any
 100 vehicle or combination of vehicles operating on highways other than the interstate
 101 highway system may exceed single axle, tandem axle and gross weight limitations
 102 in an amount not to exceed two thousand pounds. However, total gross weight
 103 shall not exceed eighty thousand pounds, except as provided in subsections 9 and

104 10 of this section.

105 7. Notwithstanding any provision of this section to the contrary, the
106 department of transportation shall issue a single-use special permit, or upon
107 request of the owner of the truck or equipment, shall issue an annual permit, for
108 the transporting of any concrete pump truck or well-drillers' equipment. The
109 department of transportation shall set fees for the issuance of permits pursuant
110 to this subsection. Notwithstanding the provisions of section 301.133, concrete
111 pump trucks or well-drillers' equipment may be operated on state-maintained
112 roads and highways at any time on any day.

113 8. Notwithstanding the provision of this section to the contrary, the
114 maximum gross vehicle limit and axle weight limit for any vehicle or combination
115 of vehicles equipped with an idle reduction technology may be increased by a
116 quantity necessary to compensate for the additional weight of the idle reduction
117 system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the
118 additional weight increase allowed by this subsection be greater than five
119 hundred fifty pounds. Upon request by an appropriate law enforcement officer,
120 the vehicle operator shall provide proof that the idle reduction technology is fully
121 functional at all times and that the gross weight increase is not used for any
122 purpose other than for the use of idle reduction technology.

123 9. **(1)** Notwithstanding subsection 3 of this section or any other provision
124 of law to the contrary, the total gross weight of any vehicle or combination of
125 vehicles hauling livestock **or agricultural products not including local log**
126 **trucks as defined in section 301.010** may be as much as, but shall not exceed,
127 eighty-five thousand five hundred pounds [while operating on U.S. Highway 36
128 from St. Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state line
129 to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S.
130 Highway 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route
131 17]. The provisions of this subsection shall not apply to vehicles operated on the
132 Dwight D. Eisenhower System of Interstate and Defense Highways. **As used in**
133 **this section, "agricultural product" means an agricultural, horticultural,**
134 **viticultural, or vegetable product, growing of grapes that will be**
135 **processed into wine, bees, honey, fish or other aquacultural product,**
136 **planting seed, livestock, a livestock product, a forestry product, poultry**
137 **or a poultry product, either in its natural or processed state, that has**
138 **been produced, processed, or otherwise had value added to it in this**
139 **state.**

140 **(2) Any business operating any vehicles hauling greater than**
141 **eighty thousand pounds under the provisions of this subsection shall**
142 **apply yearly to the department of transportation for a permit and upon**
143 **payment of a twenty-five dollar fee, the department shall grant the**
144 **applicant a permit. Upon renewal of the permit, an applicant shall**
145 **submit to the department a list of roads traveled and the number of**
146 **miles traveled on each road during the year.**

147 10. Notwithstanding any provision of this section or any other law to the
148 contrary, the total gross weight of any vehicle or combination of vehicles hauling
149 milk from a farm to a processing facility may be as much as, but shall not exceed,
150 eighty-five thousand five hundred pounds while operating on highways other than
151 the interstate highway system. The provisions of this subsection shall not apply
152 to vehicles operated and operating on the Dwight D. Eisenhower System of
153 Interstate and Defense Highways.

 537.325. 1. As used in this section, unless the context otherwise requires,
2 the following words and phrases shall mean:

3 (1) "Engages in an equine activity", riding, training, assisting in medical
4 treatment of, driving or being a passenger upon an equine, whether mounted or
5 unmounted, or any person assisting a participant or any person involved in show
6 management. The term "engages in an equine activity" does not include being a
7 spectator at an equine activity, except in cases where the spectator places himself
8 in an unauthorized area;

9 (2) "Equine", a horse, pony, mule, donkey or hinny;

10 (3) "Equine activity":

11 (a) Equine shows, fairs, competitions, performances or parades that
12 involve any or all breeds of equines and any of the equine disciplines, including,
13 but not limited to, dressage, hunter and jumper horse shows, grand prix jumping,
14 three-day events, combined training, rodeos, driving, pulling, cutting, polo,
15 steeplechasing, English and western performance riding, endurance trail riding
16 and western games and hunting;

17 (b) Equine training or teaching activities or both;

18 (c) Boarding equines;

19 (d) Riding, inspecting or evaluating an equine belonging to another,
20 whether or not the owner has received [some] **or currently receives** monetary
21 consideration or other thing of value for the use of the equine or is permitting a
22 prospective purchaser of the equine to ride, inspect or evaluate the equine;

- 23 (e) Rides, trips, hunts or other equine activities [of any type] however
24 informal or impromptu that are sponsored by an equine activity sponsor; and
- 25 (f) Placing or replacing horseshoes on an equine;
- 26 (4) "Equine activity sponsor", an individual, group, club, partnership or
27 corporation, whether or not operating for profit or nonprofit, **legal entity**, or any
28 employee thereof, which sponsors, organizes or provides the facilities for, an
29 equine activity, including but not limited to pony clubs, 4-H clubs, hunt clubs,
30 riding clubs, school- and college-sponsored classes, programs and activities,
31 therapeutic riding programs and operators, instructors and promoters of equine
32 facilities, including but not limited to stables, clubhouses, pony ride strings, fairs
33 and arenas at which the activity is held;
- 34 (5) "Equine professional", a person engaged for compensation, or an
35 employee of such a person engaged:
- 36 (a) In instructing a participant or renting to a participant an equine for
37 the purpose of riding, driving or being a passenger upon the equine; or
- 38 (b) In renting equipment or tack to a participant;
- 39 (6) "Inherent risks of equine **or livestock** activities", those dangers or
40 conditions which are an integral part of equine **or livestock** activities, including
41 but not limited to:
- 42 (a) The propensity of any equine **or livestock** to behave in ways that may
43 result in injury, harm or death to persons on or around it;
- 44 (b) The unpredictability of any equine's **or livestock's** reaction to such
45 things as sounds, sudden movement and unfamiliar objects, persons or other
46 animals;
- 47 (c) Certain hazards such as surface and subsurface conditions;
- 48 (d) Collisions with other equines, **livestock**, or objects;
- 49 (e) The potential of a participant to act in a negligent manner that may
50 contribute to injury to the participant or others, such as failing to maintain
51 control over the animal or not acting within his ability;
- 52 (7) **"Livestock", the same as used in section 277.020;**
- 53 (8) **"Livestock activity":**
- 54 (a) **Grazing, herding, feeding, branding, milking, or other activity**
55 **that involves the care or maintenance of livestock;**
- 56 (b) **A livestock show, fair, competition, or auction;**
- 57 (c) **A livestock training or teaching activity;**
- 58 (d) **Boarding livestock; and**

59 (e) **Inspecting or evaluating livestock;**

60 (9) **"Livestock activity sponsor", an individual, group, club,**
61 **partnership or corporation, whether or not operating for profit or**
62 **nonprofit, legal entity, or any employee thereof, which sponsors,**
63 **organizes, or provides the facilities for, a livestock activity;**

64 (10) **"Livestock facility", a property or facility at which a**
65 **livestock activity is held;**

66 (11) **"Livestock owner", a person who owns livestock that is**
67 **involved in livestock activity;**

68 (12) **"Participant", any person, whether amateur or professional, who**
69 **engages in an equine activity or a livestock activity, whether or not a fee is**
70 **paid to participate in the equine activity or livestock activity.**

71 2. Except as provided in subsection 4 of this section, an equine activity
72 sponsor, an equine professional, **a livestock activity sponsor, a livestock**
73 **owner, a livestock facility, a livestock auction market, any employee**
74 **thereof**, or any other person or corporation shall not be liable for an injury to or
75 the death of a participant resulting from the inherent risks of equine **or**
76 **livestock** activities and, except as provided in subsection 4 of this section, no
77 participant or a participant's representative shall make any claim against,
78 maintain an action against, or recover from an equine activity sponsor, [an]
79 equine professional, **livestock activity sponsor, livestock owner, livestock**
80 **facility, livestock auction market, any employee thereof**, or any other
81 person from injury, loss, damage or death of the participant resulting from any
82 of the inherent risks of equine **or livestock** activities.

83 3. This section shall not apply to the horse racing industry as regulated
84 in sections 313.050 to 313.720. This section shall not apply to any
85 employer-employee relationship governed by the provisions of, and for which
86 liability is established pursuant to, chapter 287.

87 4. The provisions of subsection 2 of this section shall not prevent or limit
88 the liability of an equine activity sponsor, [an] equine professional, **livestock**
89 **activity sponsor, livestock owner, livestock facility, livestock auction**
90 **market, any employee thereof**, or any other person if the equine activity
91 sponsor, equine professional, **livestock activity sponsor, livestock owner,**
92 **livestock facility, livestock auction market, any employee thereof**, or
93 person:

94 (1) Provided the equipment or tack and knew or should have known that

95 the equipment or tack was faulty and such equipment or tack was faulty to the
96 extent that [it did cause] **the equipment or tack caused** the injury; or

97 (2) Provided the equine **or livestock** and failed to make reasonable and
98 prudent efforts to determine the ability of the participant to engage safely in the
99 equine activity **or livestock activity** and determine the ability of the
100 participant to safely manage the particular equine **or livestock** based on the
101 participant's age, obvious physical condition or the participant's representations
102 of his **or her** ability;

103 (3) Owns, leases, rents or otherwise is in lawful possession and control of
104 the land or facilities upon which the participant sustained injuries because of a
105 dangerous latent condition which was known to the equine activity sponsor,
106 equine professional, **livestock activity sponsor, livestock owner, livestock**
107 **facility, livestock auction market, any employee thereof**, or person and
108 for which warning signs have not been conspicuously posted;

109 (4) Commits an act or omission that constitutes willful or wanton
110 disregard for the safety of the participant and that act or omission caused the
111 injury;

112 (5) Intentionally injures the participant;

113 (6) Fails to use that degree of care that an ordinarily careful and prudent
114 person would use under the same or similar circumstances.

115 5. The provisions of subsection 2 of this section shall not prevent or limit
116 the liability of an equine activity sponsor [or an], equine professional, **livestock**
117 **activity sponsor, livestock owner, livestock facility, livestock auction**
118 **market, or any employee thereof** under liability provisions as set forth in any
119 other section of law.

120 6. Every equine activity sponsor **and livestock activity sponsor** shall
121 post and maintain signs which contain the warning notice specified in this
122 subsection. Such signs shall be placed in a clearly visible location on or near
123 stables, corrals or arenas where the [equine professional] **equine activity**
124 **sponsor or livestock activity sponsor** conducts equine **or livestock**
125 activities if such stables, corrals or arenas are owned, managed or controlled by
126 the [equine professional] **equine activity sponsor or livestock activity**
127 **sponsor**. The warning notice specified in this subsection shall appear on the
128 sign in black letters on a white background with each letter to be a minimum of
129 one inch in height. Every written contract entered into by an equine professional
130 [and], equine activity sponsor, **livestock activity sponsor, livestock owner,**

131 **livestock facility, livestock auction market, or any employee thereof** for
132 the providing of professional services, instruction or the rental of equipment [or],
133 tack, or an equine to a participant, whether or not the contract involves equine
134 **or livestock** activities on or off the location or site of the equine professional's
135 [or], equine activity sponsor's **or livestock activity sponsor's** business, shall
136 contain in clearly readable print the warning notice specified in this
137 subsection. The signs and contracts described in this subsection shall contain the
138 following warning notice:

139 **WARNING**

140 Under Missouri law, an **equine activity sponsor**, equine
141 professional, **livestock activity sponsor, livestock owner,**
142 **livestock facility, livestock auction market, or any**
143 **employee thereof** is not liable for an injury to or the death of a
144 participant in equine **or livestock** activities resulting from the
145 inherent risks of equine **or livestock** activities pursuant to the
146 Revised Statutes of Missouri.

537.345. As used in sections 537.345 to [537.347] **537.348**, and section
2 537.351, the following terms mean:

3 (1) "Charge", the admission price or fee asked by an owner of land or an
4 invitation or permission without price or fee to use land for recreational purposes
5 when such invitation or permission is given for the purpose of sales promotion,
6 advertising or public goodwill in fostering business purposes;

7 (2) "Land", all real property, land and water, and all structures, fixtures,
8 equipment and machinery thereon;

9 (3) "Owner", any individual, legal entity or governmental agency that has
10 any ownership or security interest whatever or lease or right of possession in
11 land;

12 (4) "Recreational use", hunting, fishing, camping, picnicking, biking,
13 **aviation activities for personal or private use and not for a commercial**
14 **event or gathering**, nature study, winter sports, viewing or enjoying
15 archaeological or scenic sites, **trapping, paddle sports as defined in section**
16 **537.327, swimming except for such activity as defined in section**
17 **537.348**, or other similar activities undertaken for recreation, exercise, education,
18 relaxation, or pleasure on land owned by another;

19 (5) "Trespasser", any person who enters on the property of another
20 without permission and without an invitation, express or implied regardless of

21 whether actual notice of trespass was given or the land was posted in accordance
22 with the provisions of sections 569.140 and 569.145.

537.348. Nothing in this act shall be construed to create liability, but it
2 does not limit liability that otherwise would be incurred by those who use the
3 land of others, or by owners of land for:

4 (1) Malicious or grossly negligent failure to guard or warn against a
5 dangerous condition, structure, personal property which the owner knew or
6 should have known to be dangerous, or negligent failure to guard or warn against
7 an ultrahazardous condition which the owner knew or should have known to be
8 dangerous;

9 (2) Injury suffered by a person who has paid a charge for entry to the
10 land; [or]

11 (3) Injuries occurring on or in:

12 (a) Any land within the corporate boundaries of any city, municipality,
13 town, or village in this state;

14 (b) Any swimming pool. "Swimming pool" means a pool or tank, especially
15 an artificial pool or tank, intended and adapted for swimming and held out as a
16 swimming pool;

17 (c) Any residential area. "Residential area" as used herein means a tract
18 of land of one acre or less predominately used for residential purposes, or a tract
19 of land of any size used for multifamily residential services; or

20 (d) Any noncovered land. "Noncovered land" as used herein means any
21 portion of any land, the surface of which portion is actually used primarily for
22 commercial, industrial, mining or manufacturing purposes; provided, however,
23 that use of any portion of any land primarily for agricultural, grazing, forestry,
24 conservation, natural area, owner's recreation or similar or related uses or
25 purposes shall not under any circumstances be deemed to be use of such portion
26 for commercial, industrial, mining or manufacturing purposes; **or**

27 **(4) A landowner who:**

28 **(a) Intentionally injures a participant;**

29 **(b) Provides unsafe equipment or devices who knew or should**
30 **have known that the equipment or device was unsafe to the extent that**
31 **it did cause the injury; or**

32 **(c) Fails to use that degree of care that an ordinarily careful and**
33 **prudent person would use under the same or similar circumstances.**

578.018. 1. Any duly authorized [public health official or] law

2 enforcement official may seek a warrant from the appropriate **circuit** court to
3 enable him **or her** to enter private property in order to inspect, care for, or
4 **[impound] confiscate** neglected or abused animals **as set forth in said**
5 **warrant**. All requests for such warrants shall be **signed, witnessed, and**
6 accompanied by an affidavit stating the probable cause to believe a violation of
7 sections 578.005 to **[578.023] 578.025** has occurred. A person acting under the
8 authority of a warrant shall:

9 (1) **[Be given a] Appear at a** disposition hearing before the court through
10 which the warrant was issued, within thirty days **[of the filing of the request] of**
11 **confiscation** for the purpose of granting immediate disposition of the animals
12 **[impounded]**. **No animal shall be sterilized prior to the completion of**
13 **such disposition hearing unless necessary to save life or relieve**
14 **suffering;**

15 (2) Place **[impounded]** animals in the care or custody of a veterinarian,
16 the appropriate animal control authority, **[or] an animal shelter, or third party**
17 **approved by the court**. If no appropriate veterinarian, animal control
18 authority, **[or] animal shelter, or third party** is available, the animal shall not
19 be **[impounded] confiscated** unless it is diseased or disabled beyond recovery for
20 any useful purpose;

21 (3) Humanely kill any animal **[impounded] confiscated** if it is
22 determined by a licensed veterinarian that the animal is diseased or disabled
23 beyond recovery for any useful purpose;

24 (4) Not be liable for any **reasonable and** necessary damage to property
25 while acting under such warrant.

26 2. (1) **The owner of any animal that has been confiscated under**
27 **this section shall not be responsible for the animal's care and keeping**
28 **prior to a disposition hearing if the owner is acquitted or there is a**
29 **final discharge without conviction.**

30 (2) **After completion of the disposition hearing**, the owner or
31 custodian or any person claiming an interest in any animal that has been
32 **[impounded] confiscated** because of neglect or abuse may prevent disposition
33 of the animal **after the disposition hearing and until final judgment,**
34 **settlement, or dismissal of the case** by posting **reasonable** bond or security
35 **within seventy-two hours of the disposition hearing** in an amount
36 sufficient to provide for the animal's care and keeping **[for at least thirty days,**
37 **inclusive of the date on which the animal was taken into custody] and**

38 **consistent with the fair market cost of boarding such an animal in an**
39 **appropriate retail boarding facility.** Notwithstanding the fact that
40 **reasonable** bond may be posted pursuant to this [subsection] **subdivision**, the
41 authority having custody of the animal may humanely dispose of the animal at
42 the end of the time for which **reasonable** expenses are covered by the bond or
43 security, unless there is a court order prohibiting such disposition. Such order
44 shall provide for a **reasonable** bond or other security in the amount necessary
45 to protect the authority having custody of the animal from any cost of the care,
46 keeping or disposal of the animal.

47 **(3)** The authority taking custody of an animal shall give notice of the
48 provisions of this section [by posting a copy of this section at the place where the
49 animal was taken into custody or] by delivering it to a person residing on the
50 property.

51 3. The owner or custodian of any animal humanely killed pursuant to this
52 section shall not be entitled to recover any damages related to nor the actual
53 value of the animal if the animal was found by a licensed veterinarian to be
54 diseased or disabled **beyond recovery for any useful purpose**, or if the owner
55 or custodian failed to post bond or security for the care, keeping and disposition
56 of the animal after being notified of [impoundment] **confiscation and after**
57 **completion of the disposition hearing.**

58 4. All animals **confiscated under this section shall receive proper**
59 **care as determined by state law and regulations for each specific**
60 **animal and facility or organization where the animal is placed after**
61 **such confiscation.** Any such facility or organization shall be liable to
62 the owner for damages for any negligent acts or abuse of such animal
63 which occurs while the animal is in the care, custody, and control of
64 such facility or organization.

65 5. If the owner posted a sufficient bond and is acquitted or there
66 is a final discharge without conviction, unless there is a settlement
67 agreement, consent judgment, or a suspended imposition of sentence,
68 the owner may demand the return of the animal held in custody. Any
69 entity with care, custody, and control of such animal shall immediately
70 return such animal to the owner upon demand and proof of such
71 acquittal or final discharge without conviction. Upon acquittal or final
72 discharge without conviction, unless there is a settlement agreement,
73 consent judgment, or a suspended imposition of sentence, the owner

74 shall not be liable for any costs incurred relating to the placement or
75 care of the animal during the pendency of the charges.

76 **6. Any person or entity that intentionally euthanizes, other than**
77 **as permissible under this section, or intentionally sterilizes an animal**
78 **prior to a disposition hearing or during any period for which**
79 **reasonable bond was secured for the animal's care is guilty of a class**
80 **B misdemeanor and shall be liable to the owner of the animal for**
81 **damages including the actual value of the animal. Each individual**
82 **animal for which a violation occurs is a separate offense. Any second**
83 **or subsequent violation is a class A misdemeanor and any entity**
84 **licensed under state law shall be subject to licensure sanction by its**
85 **governing body.**

578.030. 1. The provisions of section 43.200 notwithstanding, any member
2 of the state highway patrol or other law enforcement officer may apply for and
3 serve a search warrant, and shall have the power of search and seizure in order
4 to enforce the provisions of sections 578.025 to 578.050. **All requests for such**
5 **warrants shall be signed, witnessed, and accompanied by an affidavit**
6 **stating the probable cause to believe a violation of sections 578.025 to**
7 **578.050 has occurred.**

8 2. Any member of the state highway patrol or other law enforcement
9 officer making an arrest under section 578.025 shall lawfully take possession of
10 all dogs or other animals **in accordance with the provisions of section**
11 **578.018** and all paraphernalia, implements, or other property or things used or
12 employed, or about to be employed, in the violation of any of the provisions of
13 section 578.025. Such officer, after taking possession of such dogs, animals,
14 paraphernalia, implements or other property or things, shall file with the court
15 before whom the complaint is made against any person so arrested an affidavit
16 stating therein the name of the person charged in such complaint, a description
17 of the property so taken and the time and place of the taking thereof together
18 with the name of the person from whom the same was taken and the name of the
19 person who claims to own such property, if known, and that the affiant has
20 reason to believe and does believe, stating the ground of such belief, that the
21 property so taken was used or employed, or was about to be used or employed, in
22 such violation of section 578.025. **He or she** shall thereupon deliver the property
23 so taken to the court, which shall, by order in writing, place the same in the
24 custody of an officer or other proper person named and designated in such order,

25 to be kept by him **or her** until the conviction or final discharge of such person
26 complained against, and shall send a copy of such order without delay to the
27 prosecuting attorney of the county. The officer or person so named and
28 designated in such order shall immediately thereupon assume the custody of such
29 property and shall retain the same, subject to the order of the court before which
30 such person so complained against may be required to appear for trial. **If the**
31 **property includes animals, the placement of the animals shall be**
32 **handled in accordance with the provisions of section 578.018.** Upon the
33 conviction of the person so charged, all property so seized shall be adjudged by
34 the court to be forfeited and shall thereupon be destroyed or otherwise disposed
35 of as the court may order. In the event of the acquittal or final discharge without
36 conviction of the person so charged, such court shall, on demand, direct the
37 delivery of such property so held in custody to the owner thereof.

Section B. The repeal and reenactment of section 304.180 shall become
2 effective only upon passage and approval by the voters of a constitutional
3 amendment submitted to them by the general assembly regarding the
4 authorization of an additional sales and use tax, the proceeds of which shall be
5 used for transportation purposes.

✓