

**HOUSE AMENDMENT NO. \_\_\_\_\_**  
**TO**  
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**Offered By**

AMEND House Amendment No. \_\_\_\_\_ to Senate Bill No. 8, Page 1, Line 4, by inserting immediately prior to the phrase "304.170." on said line the following:

"287.020. 1. The word "employee" as used in this chapter shall be construed to mean every person in the service of any employer, as defined in this chapter, under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of corporations. Except as otherwise provided in section 287.200, any reference to any employee who has been injured shall, when the employee is dead, also include his dependents, and other persons to whom compensation may be payable.

The word "employee" shall also include all minors who work for an employer, whether or not such minors are employed in violation of law, and all such minors are hereby made of full age for all purposes under, in connection with, or arising out of this chapter. The word "employee" shall not include an individual who is the owner, as defined in ~~[subdivision (42) of]~~ section 301.010, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041, or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies. The word "employee" also shall not include any person performing services for board, lodging, aid, or sustenance received from any religious, charitable, or relief organization.

2. The word "accident" as used in this chapter shall mean an unexpected traumatic event or unusual strain identifiable by time and place of occurrence and producing at the time objective symptoms of an injury caused by a specific event during a single work shift. An injury is not compensable because work was a triggering or precipitating factor.

3. (1) In this chapter the term "injury" is hereby defined to be an injury which has arisen out of and in the course of employment. An injury by accident is compensable only if the accident was the prevailing factor in causing both the resulting medical condition and disability. "The prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability.

(2) An injury shall be deemed to arise out of and in the course of the employment only if:

(a) It is reasonably apparent, upon consideration of all the circumstances, that the accident is the prevailing factor in causing the injury; and

(b) It does not come from a hazard or risk unrelated to the employment to which workers

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1 would have been equally exposed outside of and unrelated to the employment in normal  
2 nonemployment life.

3 (3) An injury resulting directly or indirectly from idiopathic causes is not compensable.

4 (4) A cardiovascular, pulmonary, respiratory, or other disease, or cerebrovascular accident  
5 or myocardial infarction suffered by a worker is an injury only if the accident is the prevailing  
6 factor in causing the resulting medical condition.

7 (5) The terms "injury" and "personal injuries" shall mean violence to the physical structure  
8 of the body and to the personal property which is used to make up the physical structure of the body,  
9 such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other prostheses which are  
10 placed in or on the body to replace the physical structure and such disease or infection as naturally  
11 results therefrom. These terms shall in no case except as specifically provided in this chapter be  
12 construed to include occupational disease in any form, nor shall they be construed to include any  
13 contagious or infectious disease contracted during the course of the employment, nor shall they  
14 include death due to natural causes occurring while the worker is at work.

15 4. "Death" when mentioned as a basis for the right to compensation means only death  
16 resulting from such violence and its resultant effects occurring within three hundred weeks after the  
17 accident; except that in cases of occupational disease, the limitation of three hundred weeks shall  
18 not be applicable.

19 5. Injuries sustained in company-owned or subsidized automobiles in accidents that occur  
20 while traveling from the employee's home to the employer's principal place of business or from the  
21 employer's principal place of business to the employee's home are not compensable. The extension  
22 of premises doctrine is abrogated to the extent it extends liability for accidents that occur on  
23 property not owned or controlled by the employer even if the accident occurs on customary,  
24 approved, permitted, usual or accepted routes used by the employee to get to and from their place of  
25 employment.

26 6. The term "total disability" as used in this chapter shall mean inability to return to any  
27 employment and not merely mean inability to return to the employment in which the employee was  
28 engaged at the time of the accident.

29 7. As used in this chapter and all acts amendatory thereof, the term "commission" shall  
30 hereafter be construed as meaning and referring exclusively to the labor and industrial relations  
31 commission of Missouri, and the term "director" shall hereafter be construed as meaning the director  
32 of the department of insurance, financial institutions and professional registration of the state of  
33 Missouri or such agency of government as shall exercise the powers and duties now conferred and  
34 imposed upon the department of insurance, financial institutions and professional registration of the  
35 state of Missouri.

36 8. The term "division" as used in this chapter means the division of workers' compensation  
37 of the department of labor and industrial relations of the state of Missouri.

38 9. For the purposes of this chapter, the term "minor" means a person who has not attained  
39 the age of eighteen years; except that, for the purpose of computing the compensation provided for  
40 in this chapter, the provisions of section 287.250 shall control.

41 10. In applying the provisions of this chapter, it is the intent of the legislature to reject and  
42 abrogate earlier case law interpretations on the meaning of or definition of "accident", "occupational  
43 disease", "arising out of", and "in the course of the employment" to include, but not be limited to,  
44 holdings in: Bennett v. Columbia Health Care and Rehabilitation, 80 S.W.3d 524 (Mo.App. W.D.  
45 2002); Kasl v. Bristol Care, Inc., 984 S.W.2d 852 (Mo.banc 1999); and Drewes v. TWA, 984 S.W.2d  
46 512 (Mo.banc 1999) and all cases citing, interpreting, applying, or following those cases.

47 11. For the purposes of this chapter, "occupational diseases due to toxic exposure" shall only  
48 include the following: mesothelioma, asbestosis, berylliosis, coal worker's pneumoconiosis,

brochiolitis obliterans, silicosis, silicotuberculosis, manganism, acute myelogenous leukemia, and myelodysplastic syndrome.

287.040. 1. Any person who has work done under contract on or about his premises which is an operation of the usual business which he there carries on shall be deemed an employer and shall be liable under this chapter to such contractor, his subcontractors, and their employees, when injured or killed on or about the premises of the employer while doing work which is in the usual course of his business.

2. The provisions of this section shall not apply to the owner of premises upon which improvements are being erected, demolished, altered or repaired by an independent contractor but such independent contractor shall be deemed to be the employer of the employees of his subcontractors and their subcontractors when employed on or about the premises where the principal contractor is doing work.

3. In all cases mentioned in the preceding subsections, the immediate contractor or subcontractor shall be liable as an employer of the employees of his subcontractors. All persons so liable may be made parties to the proceedings on the application of any party. The liability of the immediate employer shall be primary, and that of the others secondary in their order, and any compensation paid by those secondarily liable may be recovered from those primarily liable, with attorney's fees and expenses of the suit. Such recovery may be had on motion in the original proceedings. No such employer shall be liable as in this section provided, if the employee was insured by his immediate or any intermediate employer.

4. The provisions of this section shall not apply to the relationship between a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041 or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies, and an owner, as defined in ~~[subdivision (42)-of]~~ section 301.010, and operator of a motor vehicle.

288.035. Notwithstanding the provisions of section 288.034, in the case of an individual who is the owner, as defined in ~~[subdivision (42)-of]~~ section 301.010, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire common or contract motor vehicle carrier operating within a commercial zone as defined in section 390.020 or 390.041, or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation or any of its subagencies, such owner/operator shall not be deemed to be an employee, provided, however, such individual owner and operator shall be deemed to be in employment if the for-hire common or contract vehicle carrier is an organization described in Section 501(c)(3) of the Internal Revenue Code or any governmental entity.

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

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;

(2) "Automobile transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used [specifically] for the transport of assembled motor vehicles, including truck camper units;

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

(4) "Backhaul", the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route;

(5) "Boat transporter", any vehicle combination capable of carrying cargo on the power unit

1 and designed and used specifically to transport assembled boats and boat hulls. Boats may be  
 2 partially disassembled to facilitate transporting;

3 ~~[(5)]~~ (6) "Body shop", a business that repairs physical damage on motor vehicles that are  
 4 not owned by the shop or its officers or employees by mending, straightening, replacing body parts,  
 5 or painting;

6 ~~[(6)]~~ (7) "Bus", a motor vehicle primarily for the transportation of a driver and eight or  
 7 more passengers but not including shuttle buses;

8 ~~[(7)]~~ (8) "Commercial motor vehicle", a motor vehicle designed or regularly used for  
 9 carrying freight and merchandise, or more than eight passengers but not including vanpools or  
 10 shuttle buses;

11 ~~[(8)]~~ (9) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at  
 12 speeds less than forty miles per hour from field to field or from field to market and return;

13 ~~[(9)]~~ (10) "Dealer", any person, firm, corporation, association, agent or subagent engaged in  
 14 the sale or exchange of new, used or reconstructed motor vehicles or trailers;

15 ~~[(10)]~~ (11) "Director" or "director of revenue", the director of the department of revenue;

16 ~~[(11)]~~ (12) "Driveaway operation":

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

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

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

29 ~~[(12)]~~ (13) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the  
 30 fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck  
 31 tractor equipped with a dromedary may carry part of a load when operating independently or in a  
 32 combination with a semitrailer;

33 ~~[(13)]~~ (14) "Farm tractor", a tractor used exclusively for agricultural purposes;

34 ~~[(14)]~~ (15) "Fleet", any group of ten or more motor vehicles owned by the same owner;

35 ~~[(15)]~~ (16) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

36 ~~[(16)]~~ (17) "Fullmount", a vehicle mounted completely on the frame of either the first or  
 37 last vehicle in a saddlemount combination;

38 ~~[(17)]~~ (18) "Gross weight", the weight of vehicle and/or vehicle combination without load,  
 39 plus the weight of any load thereon;

40 ~~[(18)]~~ (19) "Hail-damaged vehicle", any vehicle, the body of which has become dented as  
 41 the result of the impact of hail;

42 ~~[(19)]~~ (20) "Highway", any public thoroughfare for vehicles, including state roads, county  
 43 roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

44 ~~[(20)]~~ (21) "Improved highway", a highway which has been paved with gravel, macadam,  
 45 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

46 ~~[(21)]~~ (22) "Intersecting highway", any highway which joins another, whether or not it  
 47 crosses the same;

48 ~~[(22)]~~ (23) "Junk vehicle", a vehicle which:

1 (a) Is incapable of operation or use upon the highways and has no resale value except as a  
2 source of parts or scrap; or

3 (b) Has been designated as junk or a substantially equivalent designation by this state or any  
4 other state;

5 ~~[(23)]~~ (24) "Kit vehicle", a motor vehicle assembled by a person other than a generally  
6 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an  
7 authorized manufacturer and accompanied by a manufacturer's statement of origin;

8 ~~[(24)]~~ (25) "Land improvement contractors' commercial motor vehicle", any not-for-hire  
9 commercial motor vehicle the operation of which is confined to:

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

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

19 ~~[(25)]~~ (26) "Local commercial motor vehicle", a commercial motor vehicle whose  
20 operations are confined solely to a municipality and that area extending not more than fifty miles  
21 therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to  
22 the transportation of property owned by any person who is the owner or operator of such vehicle to  
23 or from a farm owned by such person or under the person's control by virtue of a landlord and  
24 tenant lease; provided that any such property transported to any such farm is for use in the operation  
25 of such farm;

26 ~~[(26)]~~ (27) "Local log truck", a commercial motor vehicle which is registered pursuant to  
27 this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in  
28 this state, used to transport harvested forest products, operated solely at a forested site and in an area  
29 extending not more than a one hundred-mile radius from such site, carries a load with dimensions  
30 not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the  
31 national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended,  
32 such vehicle shall not exceed the weight limits of section 304.180, does not have more than four  
33 axles, and does not pull a trailer which has more than two axles. Harvesting equipment which is  
34 used specifically for cutting, felling, trimming, delimbing, debarking, chipping, skidding, loading,  
35 unloading, and stacking may be transported on a local log truck. A local log truck may not exceed  
36 the limits required by law, however, if the truck does exceed such limits as determined by the  
37 inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall  
38 be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

39 ~~[(27)]~~ (28) "Local log truck tractor", a commercial motor vehicle which is registered under  
40 this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in  
41 this state, used to transport harvested forest products, operated solely at a forested site and in an area  
42 extending not more than a one hundred-mile radius from such site, operates with a weight not  
43 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding  
44 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national  
45 system of interstate and defense highways described in ~~[Title 23, Section 103(e) of the United States~~  
46 ~~Code]~~ 23 U.S.C. Section 103, as amended, such vehicle does not exceed the weight limits contained  
47 in section 304.180, and does not have more than three axles and does not pull a trailer which has  
48 more than two axles. Violations of axle weight limitations shall be subject to the load limit penalty

as described for in sections 304.180 to 304.220;

~~[(28)]~~ (29) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

~~[(29)]~~ (30) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

~~[(30)]~~ (31) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

~~[(31)]~~ (32) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

~~[(32)]~~ (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

~~[(33)]~~ (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

~~[(34)]~~ (35) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

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

~~[(35)]~~ (36) "Motorcycle", a motor vehicle operated on two wheels;

~~[(36)]~~ (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

~~[(37)]~~ (38) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

~~[(38)]~~ (39) "Municipality", any city, town or village, whether incorporated or not;

~~[(39)]~~ (40) "Nonresident", a resident of a state or country other than the state of Missouri;

~~[(40)]~~ (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

~~[(41)]~~ (42) "Operator", any person who operates or drives a motor vehicle;

~~[(42)]~~ (43) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner ~~[for the purpose of this law];~~

~~[(43)]~~ (44) "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

~~[(44)]~~ (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

1       ~~[(45)]~~ (46) "Reconstructed motor vehicle", a vehicle that is altered from its original  
 2 construction by the addition or substitution of two or more new or used major component parts,  
 3 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

4       ~~[(46)]~~ (47) "Recreational motor vehicle", any motor vehicle designed, constructed or  
 5 substantially modified so that it may be used and is used for the purposes of temporary housing  
 6 quarters, including therein sleeping and eating facilities which are either permanently attached to the  
 7 motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein  
 8 shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor  
 9 vehicle could otherwise be so registered;

10       ~~[(47)]~~ (48) "Recreational off-highway vehicle", any motorized vehicle manufactured and  
 11 used exclusively for off-highway use which is more than fifty inches but no more than sixty-seven  
 12 inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or  
 13 more nonhighway tires and which may have access to ATV trails;

14       ~~[(48)]~~ (49) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,  
 15 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker  
 16 or towing service;

17       ~~[(49)]~~ (50) "Saddlemount combination", a combination of vehicles in which a truck or truck  
 18 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth  
 19 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of the  
 20 towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel  
 21 kingpin connection. When two vehicles are towed in this manner the combination is called a  
 22 "double saddlemount combination". When three vehicles are towed in this manner, the combination  
 23 is called a "triple saddlemount combination";

24       ~~[(50)]~~ (51) "Salvage dealer and dismantler", a business that dismantles used motor vehicles  
 25 for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

26       ~~[(51)]~~ (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

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

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

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

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

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

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

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

1       [(52)] (53) "School bus", any motor vehicle used solely to transport students to or from  
2 school or to transport students to or from any place for educational purposes;

3       [(53)] (54) "Scrap processor", a business that, through the use of fixed or mobile equipment,  
4 flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or  
5 transportation to a shredder or scrap metal operator for recycling;

6       [(54)] (55) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or  
7 corporation as an incidental service to transport patrons or customers of the regular business of such  
8 person, firm, or corporation to and from the place of business of the person, firm, or corporation  
9 providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as  
10 commercial motor vehicles;

11       [(55)] (56) "Special mobile equipment", every self-propelled vehicle not designed or used  
12 primarily for the transportation of persons or property and incidentally operated or moved over the  
13 highways, including farm equipment, implements of husbandry, road construction or maintenance  
14 machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders,  
15 rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous  
16 mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers,  
17 scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and  
18 earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude  
19 other such vehicles which are within the general terms of this section;

20       [(56)] (57) "Specially constructed motor vehicle", a motor vehicle which shall not have  
21 been originally constructed under a distinctive name, make, model or type by a manufacturer of  
22 motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

23       [(57)] (58) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel  
24 is located on a drop frame located behind and below the rearmost axle of the power unit;

25       [(58)] (59) "Tandem axle", a group of two or more axles, arranged one behind another, the  
26 distance between the extremes of which is more than forty inches and not more than ninety-six  
27 inches apart;

28       (60) "Towaway trailer transporter combination", a combination of vehicles consisting of a  
29 trailer transporter towing unit and two trailers or semitrailers, with a total weight that does not  
30 exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry no property and  
31 constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers;

32       [(59)] (61) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle  
33 designed for drawing other vehicles, but not for the carriage of any load when operating  
34 independently. When attached to a semitrailer, it supports a part of the weight thereof;

35       [(60)] (62) "Trailer", any vehicle without motive power designed for carrying property or  
36 passengers on its own structure and for being drawn by a self-propelled vehicle, except those  
37 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and  
38 used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests  
39 upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers as  
40 defined in ~~[subdivision (8) of]~~ this section and shall not include manufactured homes as defined in  
41 section 700.010;

42       (63) "Trailer transporter towing unit", a power unit that is not used to carry property when  
43 operating in a towaway trailer transporter combination;

44       [(61)] (64) "Truck", a motor vehicle designed, used, or maintained for the transportation of  
45 property;

46       [(62)] (65) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two  
47 trailing units are connected with a B-train assembly which is a rigid frame extension attached to the  
48 rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second



1 semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor  
2 semitrailer-trailer combination;

3 [(63)] (66) "Truck-trailer boat transporter combination", a boat transporter combination  
4 consisting of a straight truck towing a trailer using typically a ball and socket connection with the  
5 trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but  
6 so as to maintain a downward force on the trailer tongue;

7 [(64)] (67) "Used parts dealer", a business that buys and sells used motor vehicle parts or  
8 accessories, but not including a business that sells only new, remanufactured or rebuilt parts.  
9 Business does not include isolated sales at a swap meet of less than three days;

10 [(65)] (68) "Utility vehicle", any motorized vehicle manufactured and used exclusively for  
11 off-highway use which is more than fifty inches but no more than sixty-seven inches in width, with  
12 an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to be used  
13 primarily for landscaping, lawn care, or maintenance purposes;

14 [(66)] (69) "Vanpool", any van or other motor vehicle used or maintained by any person,  
15 group, firm, corporation, association, city, county or state agency, or any member thereof, for the  
16 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and  
17 from their place of employment; however, a vanpool shall not be included in the definition of the  
18 term bus or commercial motor vehicle as defined [by subdivisions (6) and (7) of] in this section, nor  
19 shall a vanpool driver be deemed a chauffeur as that term is defined by section 303.020; nor shall  
20 use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses  
21 constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use  
22 in a ride-sharing arrangement;

23 [(67)] (70) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,  
24 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or  
25 vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs  
26 operated by handicapped persons;

27 [(68)] (71) "Wrecker" or "tow truck", any emergency commercial vehicle equipped,  
28 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a  
29 highway, road, street or highway rights-of-way to a point of storage or repair, including towing a  
30 replacement vehicle to replace a disabled or wrecked vehicle;

31 [(69)] (72) "Wrecker or towing service", the act of transporting, towing or recovering with a  
32 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,  
33 tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation  
34 or other personal gain.

35 301.031. Notwithstanding the twenty-five mile operations limit imposed in [subdivision  
36 (24) of] section 301.010 upon local commercial motor vehicles, a local commercial motor vehicle  
37 licensed for forty-eight thousand pounds gross weight and above may be used to haul solid waste as  
38 defined in section 260.200 up to sixty miles from the municipality in which its operations are  
39 otherwise confined and still be eligible to register as a local commercial motor vehicle.

40 301.227. 1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser  
41 shall forward to the director of revenue within ten days the certificate of ownership or salvage  
42 certificate of title and the proper application and fee of eight dollars and fifty cents, and the director  
43 shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On  
44 vehicles purchased during a year that is no more than six years after the manufacturer's model year  
45 designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title. On  
46 vehicles purchased during a year that is more than six years after the manufacturer's model year  
47 designation for such vehicle, then application for a salvage title shall be optional on the part of the  
48 purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking

1 certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217 to  
 2 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of  
 3 the date sold for destruction and the name of the purchaser clearly shown on the face of the  
 4 certificate.

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

16 3. For any vehicle issued a junking certificate or such similar document or classification  
 17 pursuant to the laws of another state, regardless of whether such designation has been subsequently  
 18 changed by law in any other state, the department shall only issue a junking certificate, and a  
 19 salvage certificate of title or original certificate of ownership shall not thereafter be issued for such  
 20 vehicle. Notwithstanding the provisions of this subsection, if the vehicle has not previously been  
 21 classified as a junk vehicle, the applicant making the original junking certification application shall,  
 22 within ninety days, be allowed to rescind his application for a junking certificate by surrendering the  
 23 junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for  
 24 which a junking certificate has been applied for or issued shall disclose such fact in writing to any  
 25 prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of  
 26 the buyer.

27 4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof  
 28 without, at the time of such acquisition, receiving the original certificate of ownership or salvage  
 29 certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a  
 30 licensee under sections 301.219 to 301.221.

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

34 6. The scrap metal operator shall keep a record, for three years, of the seller's name and  
 35 address, the salvage business license number of the licensee, date of purchase, and any vehicle or  
 36 parts identification numbers open for inspection as provided in section 301.225.

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

40 8. Notwithstanding the provisions of subsection 1 of this section, an insurance company  
 41 which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage  
 42 certificate of title without the payment of any fee upon proper application within thirty days after  
 43 settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery  
 44 of a stolen vehicle determines that the stolen vehicle has not sustained damage to the extent that the  
 45 vehicle would have otherwise been declared a salvage vehicle pursuant to [subdivision (51) of]  
 46 section 301.010, then the insurance company may have the vehicle inspected by the Missouri state  
 47 highway patrol, or other law enforcement agency authorized by the director of revenue, in  
 48 accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title

1 application, applicable fee, the completed inspection, and the return of any previously issued  
 2 negotiable salvage certificate, the director shall issue an original title with no salvage or prior  
 3 salvage designation. Upon the issuance of an original title the director shall remove any indication  
 4 of the negotiable salvage title previously issued to the insurance company from the department's  
 5 electronic records.

6 9. Notwithstanding subsection 4 of this section or any other provision of the law to the  
 7 contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from a  
 8 motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may  
 9 purchase or acquire such motor vehicle or parts without receiving the original certificate of  
 10 ownership, salvage certificate of title, or junking certificate from the seller of the vehicle or parts,  
 11 provided the scrap metal operator verifies with the department of revenue, via the department's  
 12 online record access, that the motor vehicle is not subject to any recorded security interest or lien  
 13 and the scrap metal operator complies with the requirements of this subsection. In lieu of  
 14 forwarding certificates of title or ownership for such motor vehicles as required by subsection 5 of  
 15 this section, the scrap metal operator shall forward a copy of the seller's state identification card  
 16 along with a bill of sale to the department of revenue. The bill of sale form shall be designed by the  
 17 director and such form shall include, but not be limited to, a certification that the motor vehicle is at  
 18 least ten model years old, is inoperable, is not subject to any recorded security interest or lien, and a  
 19 certification by the seller that the seller has the legal authority to sell or otherwise transfer the  
 20 seller's interest in the motor vehicle or parts. Upon receipt of the information required by this  
 21 subsection, the department of revenue shall cancel any certificate of title or ownership and  
 22 registration for the motor vehicle. If the motor vehicle is inoperable and at least twenty model years  
 23 old, then the scrap metal operator shall not be required to verify with the department of revenue  
 24 whether the motor vehicle is subject to any recorded security interests or liens. As used in this  
 25 subsection, the term "inoperable" means a motor vehicle that is in a rusted, wrecked, discarded,  
 26 worn out, extensively damaged, dismantled, and mechanically inoperative condition and the  
 27 vehicle's highest and best use is for scrap purposes. The director of the department of revenue is  
 28 directed to promulgate rules and regulations to implement and administer the provisions of this  
 29 section, including but not limited to, the development of a uniform bill of sale. Any rule or portion  
 30 of a rule, as that term is defined in section 536.010, that is created under the authority delegated in  
 31 this section shall become effective only if it complies with and is subject to all of the provisions of  
 32 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and  
 33 if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
 34 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
 35 grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be  
 36 invalid and void.

37 301.550. 1. The definitions contained in section 301.010 shall apply to sections 301.550 to  
 38 301.573, and in addition as used in sections 301.550 to 301.573, the following terms mean:

39 (1) "Boat dealer", any natural person, partnership, or corporation who, for a commission or  
 40 with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges,  
 41 leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any  
 42 vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such person. The sale  
 43 of six or more vessels or vessel trailers or both in any calendar year shall be required as evidence  
 44 that such person is eligible for licensure as a boat dealer under sections 301.550 to 301.573. The  
 45 boat dealer shall demonstrate eligibility for renewal of his license by selling six or more vessels or  
 46 vessel trailers or both in the prior calendar year while licensed as a boat dealer pursuant to sections  
 47 301.550 to 301.573;

48 (2) "Boat manufacturer", any person engaged in the manufacturing, assembling or

1 modification of new vessels or vessel trailers as a regular business, including a person, partnership  
 2 or corporation which acts for and is under the control of a manufacturer or assembly in connection  
 3 with the distribution of vessels or vessel trailers;

4 (3) "Department", the Missouri department of revenue;

5 (4) "Director", the director of the Missouri department of revenue;

6 (5) "Emergency vehicles", motor vehicles used as ambulances, law enforcement vehicles,  
 7 and fire fighting and assistance vehicles;

8 (6) "Manufacturer", any person engaged in the manufacturing, assembling or modification  
 9 of new motor vehicles or trailers as a regular business, including a person, partnership or  
 10 corporation which acts for and is under the control of a manufacturer or assembly in connection  
 11 with the distribution of motor vehicles or accessories for motor vehicles;

12 (7) "Motor vehicle broker", a person who holds himself out through solicitation,  
 13 advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale of a  
 14 motor vehicle, and who is not:

15 (a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;

16 (b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf of a  
 17 manufacturer;

18 (c) The owner of the vehicle involved in the transaction; or

19 (d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are  
 20 licensed dealers in this or any other jurisdiction;

21 (8) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent to  
 22 make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with  
 23 the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or  
 24 trailers whether or not the motor vehicles or trailers are owned by such person; provided, however,  
 25 an individual auctioneer or auction conducted by an auctioneer licensed pursuant to chapter 343  
 26 shall not be included within the definition of a motor vehicle dealer. The sale of six or more motor  
 27 vehicles or trailers in any calendar year shall be required as evidence that such person is engaged in  
 28 the motor vehicle business and is eligible for licensure as a motor vehicle dealer under sections  
 29 301.550 to 301.573. Any motor vehicle dealer licensed before August 28, 2007, shall be required to  
 30 meet the minimum calendar year sales of six or more motor vehicles provided the dealer can prove  
 31 the business achieved, cumulatively, six or more sales per year for the preceding twenty-four  
 32 months in business; or if the dealer has not been in business for twenty-four months, the cumulative  
 33 equivalent of one sale every two months for the months the dealer has been in business before  
 34 August 28, 2007. Any licensed motor vehicle dealer failing to meet the minimum vehicle sales  
 35 requirements as referenced in this subsection shall not be qualified to renew his or her license for  
 36 one year. Applicants who reapply after the one-year period shall meet the requirement of six sales  
 37 per year;

38 (9) "New motor vehicle", any motor vehicle being transferred for the first time from a  
 39 manufacturer, distributor or new vehicle dealer which has not been registered or titled in this state or  
 40 any other state and which is offered for sale, barter or exchange by a dealer who is franchised to  
 41 sell, barter or exchange that particular make of motor vehicle. The term "new motor vehicle" shall  
 42 not include manufactured homes, as defined in section 700.010;

43 (10) "New motor vehicle franchise dealer", any motor vehicle dealer who has been  
 44 franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that make  
 45 and motor vehicle and who may, in line with conducting his business as a franchise dealer, sell,  
 46 barter or exchange used motor vehicles;

47 (11) "Person" includes an individual, a partnership, corporation, an unincorporated society  
 48 or association, joint venture or any other entity;

(12) "Powersport dealer", any motor vehicle dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this chapter and chapter 306;

(13) "Public motor vehicle auction", any person, firm or corporation who takes possession of a motor vehicle whether by consignment, bailment or any other arrangement, except by title, for the purpose of selling motor vehicles at a public auction by a licensed auctioneer;

(14) "Recreational motor vehicle dealer", a dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle;

(15) "Storage lot", an area within the same city or county where a dealer may store excess vehicle inventory;

(16) "Trailer dealer", any person selling, either exclusively or otherwise, trailers as defined in ~~[subdivision (60) of]~~ section 301.010. A trailer dealer may acquire a motor vehicle for resale only as a trade-in for a trailer. Notwithstanding the provisions of ~~[subdivision (11) of]~~ section 301.010 and section 301.069, trailer dealers may purchase one driveaway license plate to display such motor vehicle for demonstration purposes. The sale of six or more trailers in any calendar year shall be required as evidence that such person is engaged in the trailer business and is eligible for licensure as a trailer dealer under sections 301.550 to 301.573. Any trailer dealer licensed before August 28, 2007, shall be required to meet the minimum calendar year sales of six or more trailers provided the dealer can prove the business achieved, cumulatively, six or more sales per year for the preceding twenty-four months in business; or if the dealer has not been in business for twenty-four months, the cumulative equivalent of one sale every two months for the months the dealer has been in business before August 28, 2007. Any licensed trailer dealer failing to meet the minimum trailer and vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(17) "Used motor vehicle", any motor vehicle which is not a new motor vehicle, as defined in sections 301.550 to 301.573, and which has been sold, bartered, exchanged or given away or which may have had a title issued in this state or any other state, or a motor vehicle so used as to be what is commonly known as a secondhand motor vehicle. In the event of an assignment of the statement of origin from an original franchise dealer to any individual or other motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership shall be obtained in the assignee's name. The term "used motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(18) "Used motor vehicle dealer", any motor vehicle dealer who is not a new motor vehicle franchise dealer;

(19) "Vessel", every boat and watercraft defined as a vessel in section 306.010;

(20) "Vessel trailer", any trailer, as defined by section 301.010 which is designed and manufactured for the purposes of transporting vessels;

(21) "Wholesale motor vehicle auction", any person, firm or corporation in the business of providing auction services solely in wholesale transactions at its established place of business in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary course of its business. Except as required by law with regard to the auction sale of a government-owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection with the retail sale of a motor vehicle;

(22) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via auctions limited to other dealers of any class.

2. For purposes of sections 301.550 to 301.573, neither the term motor vehicle nor the term trailer shall include manufactured homes, as defined in section 700.010.

3. Dealers shall be divided into classes as follows:

- (1) Boat dealers;
- (2) Franchised new motor vehicle dealers;
- (3) Used motor vehicle dealers;
- (4) Wholesale motor vehicle dealers;
- (5) Recreational motor vehicle dealers;
- (6) Historic motor vehicle dealers;
- (7) Classic motor vehicle dealers;
- (8) Powersport dealers; and
- (9) Trailer dealers."; and

Further amend said amendment, Page 1, Section 304.170, Lines 11 to 16, by deleting all of said lines and inserting in lieu thereof the following:

"2. No vehicle operated upon the interstate highway system or upon any route designated by the ~~[chief engineer of the state transportation department]~~ state highways and transportation commission shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet."; and

Further amend said amendment, Page 2, Section 304.170, Line 12 to Page 3, Line 32, by deleting all of said lines and inserting in lieu thereof the following:

"highways not designated by the state highways and transportation commission as provided in subsection ~~[40]~~ 11 of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the ~~[state highways and transportation]~~ commission may designate additional routes for such sixty-five foot combinations.

7. Automobile transporters, boat transporters, truck-trailer boat transporter combinations, ~~[stinger-steered combination automobile transporters]~~ and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the ~~[highways and transportation]~~ commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered ~~[combinations]~~ combination boat transporters shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

(1) Stinger-steered combination automobile transporters having a length not in excess of eighty feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding stinger-steered

1 automobile combination transporters are exclusive of front and rear overhang, which shall be no  
 2 greater than a four-foot front overhang and no greater than a six-foot rear overhang.

3 (2) Automobile transporters may transport cargo or general freight on a backhaul, as long as  
 4 in compliance with weight limitations for a truck-tractor and semitrailer combination as outlined in  
 5 section 304.180.

6 8. Driveaway saddlemount combinations having a length not in excess of ninety-seven feet  
 7 may be operated on the interstate highways of this state and such other highways as may be  
 8 designated by the ~~[highways and transportation]~~ commission for the operation of such vehicles plus  
 9 a distance not to exceed ten miles from such interstate or designated highway. Saddlemount  
 10 combinations must comply with the safety requirements of Section 393.71 of Title 49 of the Code of  
 11 Federal Regulations and may contain no more than three saddlemounted vehicles and one  
 12 fullmount.

13 9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate  
 14 and designated primary highway system of this state shall have a semitrailer length in excess of  
 15 twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful  
 16 operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer  
 17 combination. The B-train assembly is excluded from the measurement of semitrailer length when  
 18 used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer combination,  
 19 except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the  
 20 length measurement of the semitrailer.

21 10. No towaway trailer transporter combination vehicles operated upon the interstate and  
 22 designated primary highway system of this state shall have an overall length of more than eighty-  
 23 two feet.

24 11. The ~~[highways and transportation]~~ commission is authorized to designate routes on the  
 25 state highway system other than the interstate system over which those combinations of vehicles of  
 26 the lengths specified in subsections 5, 6, 7, 8, ~~[and] 9, and 10~~ of this section may be operated.  
 27 Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8, ~~[and] 9, and 10~~ of  
 28 this section may be operated at a distance not to exceed ten miles from the interstate system and  
 29 such routes as designated under the provisions of this subsection.

30 ~~[41:] 12. Except as provided in subsections 5, 6, 7, 8, 9, ~~[and] 10, and 11~~ of this section, no~~  
 31 ~~other combination of vehicles operated upon the primary or interstate highways of this state plus a~~  
 32 ~~distance of ten miles from a primary or interstate highway shall have an overall length, unladen or~~  
 33 ~~with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway[, except~~  
 34 ~~the state highways and transportation commission may designate additional routes for use by sixty-~~  
 35 ~~five foot combinations, seventy-five foot stinger-steered or seventy-five foot saddlemount~~  
 36 ~~combinations. Any vehicle or combination of vehicles transporting automobiles, boats or other~~  
 37 ~~motor vehicles may carry a load which extends no more than three feet beyond the front and four~~  
 38 ~~feet beyond the rear of the transporting vehicle or combination of vehicles].~~

39 ~~[42:] 13. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural~~  
 40 ~~implements operating occasionally on the highways for short distances including tractor parades for~~  
 41 ~~fund-raising activities or special events, provided the tractors are driven by licensed drivers during~~  
 42 ~~daylight hours only and with the approval of the superintendent of the Missouri state highway~~  
 43 ~~patrol; or to self-propelled hay-hauling equipment or to implements of husbandry, or to the~~  
 44 ~~movement of farm products as defined in section 400.9-102 or to vehicles temporarily transporting~~  
 45 ~~agricultural implements or implements of husbandry or road-making machinery, or road materials or~~  
 46 ~~towing for repair purposes vehicles that have become disabled upon the highways; or to implement~~  
 47 ~~dealers delivering or moving farm machinery for repairs on any state highway other than the~~  
 48 ~~interstate system.~~

(2) Implements of husbandry and vehicles transporting such machinery or equipment and the movement of farm products as defined in section 400.9-102 may be operated occasionally for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.

[13-] 14. As used in this chapter the term "implements of husbandry" means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials.

[14-] 15. Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The ~~chief engineer of the state transportation department~~ commission shall issue special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours.

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

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

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

|  |                        |
|--|------------------------|
| Distance in feet between the extremes<br>of any group of two or more consecutive<br>axles, measured to the nearest foot,<br>except where indicated otherwise | Maximum load in pounds |
| feet 2 axles 3 axles 4 axles 5 axles 6 axles   |                        |

|   |        |
|---|--------|
| 4 | 34,000 |
|---|--------|

|   |        |
|---|--------|
| 5 | 34,000 |
|---|--------|

|   |        |
|---|--------|
| 6 | 34,000 |
|---|--------|

|   |        |
|---|--------|
| 7 | 34,000 |
|---|--------|

|   |        |        |
|---|--------|--------|
| 8 | 34,000 | 34,000 |
|---|--------|--------|

|             |        |        |
|-------------|--------|--------|
| More than 8 | 38,000 | 42,000 |
|-------------|--------|--------|

|   |        |        |
|---|--------|--------|
| 9 | 39,000 | 42,500 |
|---|--------|--------|

|    |        |        |
|----|--------|--------|
| 10 | 40,000 | 43,500 |
|----|--------|--------|

|    |        |        |
|----|--------|--------|
| 11 | 40,000 | 44,000 |
|----|--------|--------|



|    |    |        |        |        |               |
|----|----|--------|--------|--------|---------------|
| 1  | 12 | 40,000 | 45,000 | 50,000 |               |
| 2  | 13 | 40,000 | 45,500 | 50,500 |               |
| 3  | 14 | 40,000 | 46,500 | 51,500 |               |
| 4  | 15 | 40,000 | 47,000 | 52,000 |               |
| 5  | 16 | 40,000 | 48,000 | 52,500 | 58,000        |
| 6  | 17 | 40,000 | 48,500 | 53,500 | 58,500        |
| 7  | 18 | 40,000 | 49,500 | 54,000 | 59,000        |
| 8  | 19 | 40,000 | 50,000 | 54,500 | 60,000        |
| 9  | 20 | 40,000 | 51,000 | 55,500 | 60,500 66,000 |
| 10 | 21 | 40,000 | 51,500 | 56,000 | 61,000 66,500 |
| 11 | 22 | 40,000 | 52,500 | 56,500 | 61,500 67,000 |
| 12 | 23 | 40,000 | 53,000 | 57,500 | 62,500 68,000 |
| 13 | 24 | 40,000 | 54,000 | 58,000 | 63,000 68,500 |
| 14 | 25 | 40,000 | 54,500 | 58,500 | 63,500 69,000 |
| 15 | 26 | 40,000 | 55,500 | 59,500 | 64,000 69,500 |
| 16 | 27 | 40,000 | 56,000 | 60,000 | 65,000 70,000 |
| 17 | 28 | 40,000 | 57,000 | 60,500 | 65,500 71,000 |
| 18 | 29 | 40,000 | 57,500 | 61,500 | 66,000 71,500 |
| 19 | 30 | 40,000 | 58,500 | 62,000 | 66,500 72,000 |
| 20 | 31 | 40,000 | 59,000 | 62,500 | 67,500 72,500 |
| 21 | 32 | 40,000 | 60,000 | 63,500 | 68,000 73,000 |
| 22 | 33 | 40,000 | 60,000 | 64,000 | 68,500 74,000 |
| 23 | 34 | 40,000 | 60,000 | 64,500 | 69,000 74,500 |
| 24 | 35 | 40,000 | 60,000 | 65,500 | 70,000 75,000 |
| 25 | 36 |        | 60,000 | 66,000 | 70,500 75,500 |
| 26 | 37 |        | 60,000 | 66,500 | 71,000 76,000 |
| 27 | 38 |        | 60,000 | 67,500 | 72,000 77,000 |
| 28 | 39 |        | 60,000 | 68,000 | 72,500 77,500 |
| 29 | 40 |        | 60,000 | 68,500 | 73,000 78,000 |
| 30 | 41 |        | 60,000 | 69,500 | 73,500 78,500 |
| 31 | 42 |        | 60,000 | 70,000 | 74,000 79,000 |
| 32 | 43 |        | 60,000 | 70,500 | 75,000 80,000 |
| 33 | 44 |        | 60,000 | 71,500 | 75,500 80,000 |
| 34 | 45 |        | 60,000 | 72,000 | 76,000 80,000 |
| 35 | 46 |        | 60,000 | 72,500 | 76,500 80,000 |
| 36 | 47 |        | 60,000 | 73,500 | 77,500 80,000 |
| 37 | 48 |        | 60,000 | 74,000 | 78,000 80,000 |
| 38 | 49 |        | 60,000 | 74,500 | 78,500 80,000 |
| 39 | 50 |        | 60,000 | 75,500 | 79,000 80,000 |
| 40 | 51 |        | 60,000 | 76,000 | 80,000 80,000 |
| 41 | 52 |        | 60,000 | 76,500 | 80,000 80,000 |
| 42 | 53 |        | 60,000 | 77,500 | 80,000 80,000 |
| 43 | 54 |        | 60,000 | 78,000 | 80,000 80,000 |
| 44 | 55 |        | 60,000 | 78,500 | 80,000 80,000 |
| 45 | 56 |        | 60,000 | 79,500 | 80,000 80,000 |
| 46 | 57 |        | 60,000 | 80,000 | 80,000 80,000 |

47

48 Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of

thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

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

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of ~~[Section 127 of Title 23 of the United States Code]~~ P.L. 97-424 codified in Title 23 of the United States Code (23 U.S.C. Section 101, et al.), as amended.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9, ~~[and]~~ 10, 12, and 13 of this section.

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

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

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

10. Notwithstanding any provision of this section or any other law to the contrary, any vehicle or combination of vehicles hauling grain or grain coproducts during times of harvest may be as much as, but not exceeding, ten percent over the maximum weight limitation allowable under subsection 3 of this section while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

11. Notwithstanding any provision of this section or any other law to the contrary, the

1 ~~[department of transportation]~~ commission shall issue emergency utility response permits for the  
 2 transporting of utility wires or cables, poles, and equipment needed for repair work immediately  
 3 following a disaster where utility service has been disrupted. Under exigent circumstances, verbal  
 4 approval of such operation may be made either by the ~~department of transportation~~ motor carrier  
 5 compliance supervisor or other designated motor carrier services representative. Utility vehicles  
 6 and equipment used to assist utility companies granted special permits under this subsection may be  
 7 operated and transported on state-maintained roads and highways at any time on any day. The  
 8 ~~[department of transportation]~~ commission shall promulgate all necessary rules and regulations for  
 9 the administration of this section. Any rule or portion of a rule, as that term is defined in section  
 10 536.010, that is created under the authority delegated in this section shall become effective only if it  
 11 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
 12 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
 13 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
 14 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any  
 15 rule proposed or adopted after August 28, 2014, shall be invalid and void.

16 12. Notwithstanding any provision of this section or any other law to the contrary,  
 17 emergency vehicles designed to be used under emergency conditions to transport personnel and  
 18 equipment and to mitigate hazardous situations may have a maximum gross vehicle weight of  
 19 eighty-six thousand pounds inclusive of twenty-four thousand pounds on a single steering axle;  
 20 thirty-three thousand five hundred pounds on a single drive axle; sixty-two thousand pounds on a  
 21 tandem axle; or fifty-two thousand pounds on a tandem rear drive steer axle.

22 13. Notwithstanding any provision of this section or any other law to the contrary, a vehicle  
 23 operated by an engine fueled primarily by natural gas may operate upon the public highways of this  
 24 state in excess of the vehicle weight limits set forth in this section by an amount that is equal to the  
 25 difference between the weight of the vehicle attributable to the natural gas tank and fueling system  
 26 carried by that vehicle and the weight of a comparable diesel tank and fueling system. In no event  
 27 shall the maximum gross vehicle weight of the vehicle operating with a natural gas engine exceed  
 28 eighty-two thousand pounds."; and  
 29

30 Further amend said bill, Page 2, Section 307.175, Line 23, by inserting after all of said  
 31 section and line the following:  
 32

33 "407.816. 1. As used in subdivision (7) of section 407.815, the term "motor vehicle" shall  
 34 not include "trailer" as such term is defined in ~~[subdivision (60) of]~~ section 301.010.

35 2. Prior to August 1, 2002, the provisions of section 407.817, subdivisions (13), (17) and  
 36 (18) of section 407.825 and section 407.826 shall not apply to recreational vehicle dealers or  
 37 manufacturers.

38 3. As of August 1, 2002, the term "motor vehicle" as used in sections 407.810 to 407.835  
 39 shall not apply to recreational vehicles as defined in section 407.1320."; and  
 40

41 Further amend said bill, Page 2, Section B, Line 2, by deleting the phrase "section A" and inserting  
 42 in lieu thereof the phrase "the repeal and reenactment of section 307.175 of this act"; and  
 43

44 Further amend said bill, page, and section, Line 4, by deleting the phrase "section A" and inserting  
 45 in lieu thereof the phrase "the repeal and reenactment of section 307.175 of this act"; and"; and  
 46

1 Further amend said bill by amending the title, enacting clause, and intersectional references  
2 accordingly.  
3

4  
5 THIS AMENDMENT AMENDS NO. 101S01.06H