

SECOND REGULAR SESSION

# HOUSE BILL NO. 2194

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RUTH.

4904H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal sections 300.010, 301.010, 407.815, 407.1025, and 577.001, RSMo, and to enact in lieu thereof five new sections relating to off-highway vehicles.

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

Section A. Sections 300.010, 301.010, 407.815, 407.1025, and 577.001, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 300.010, 301.010, 407.815, 407.1025, and 577.001, to read as follows:

300.010. The following words and phrases when used in this ordinance mean:

(1) "Alley" or "alleyway", any street with a roadway of less than twenty feet in width;

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

(3) "Authorized emergency vehicle", a vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or fire department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls;

(4) "Business district", the territory contiguous to and including a highway when within any six hundred feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (5) "Central business (or traffic) district", all streets and portions of streets within the  
18 area described by city ordinance as such;

19 (6) "Commercial vehicle", every vehicle designed, maintained, or used primarily for the  
20 transportation of property;

21 (7) "Controlled access highway", every highway, street or roadway in respect to which  
22 owners or occupants of abutting lands and other persons have no legal right of access to or from  
23 the same except at such points only and in such manner as may be determined by the public  
24 authority having jurisdiction over the highway, street or roadway;

25 (8) "Crosswalk",

26 (a) That part of a roadway at an intersection included within the connections of the  
27 lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the  
28 absence of curbs from the edges of the traversable roadway;

29 (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for  
30 pedestrian crossing by lines or other markings on the surface;

31 (9) "Curb loading zone", a space adjacent to a curb reserved for the exclusive use of  
32 vehicles during the loading or unloading of passengers or materials;

33 (10) "Driver", every person who drives or is in actual physical control of a vehicle;

34 (11) "Freight curb loading zone", a space adjacent to a curb for the exclusive use of  
35 vehicles during the loading or unloading of freight (or passengers);

36 (12) "Highway", the entire width between the boundary lines of every way publicly  
37 maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

38 (13) "Intersection",

39 (a) The area embraced within the prolongation or connection of the lateral curb lines, or,  
40 if none, then the lateral boundary lines of the roadways of two highways which join one another  
41 at, or approximately at, right angles, or the area within which vehicles traveling upon different  
42 highways joining at any other angle may come in conflict;

43 (b) Where a highway includes two roadways thirty feet or more apart, then every  
44 crossing of each roadway of such divided highway by an intersecting highway shall be regarded  
45 as a separate intersection. In the event such intersecting highway also includes two roadways  
46 thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded  
47 as a separate intersection;

48 (14) "Laned roadway", a roadway which is divided into two or more clearly marked lanes  
49 for vehicular traffic;

50 (15) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,  
51 except farm tractors and motorized bicycles;

52 (16) "Motorcycle", every motor vehicle having a seat or saddle for the use of the rider  
53 and designed to travel on not more than three wheels in contact with the ground, but excluding  
54 a tractor;

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

59 (18) "Official time standard", whenever certain hours are named herein they shall mean  
60 standard time or daylight-saving time as may be in current use in the city;

61 (19) "Official traffic control devices", all signs, signals, markings and devices not  
62 inconsistent with this ordinance placed or erected by authority of a public body or official having  
63 jurisdiction, for the purpose of regulating, warning or guiding traffic;

64 (20) "Park" or "parking", the standing of a vehicle, whether occupied or not, otherwise  
65 than temporarily for the purpose of and while actually engaged in loading or unloading  
66 merchandise or passengers;

67 (21) "Passenger curb loading zone", a place adjacent to a curb reserved for the exclusive  
68 use of vehicles during the loading or unloading of passengers;

69 (22) "Pedestrian", any person afoot;

70 (23) "Person", every natural person, firm, copartnership, association or corporation;

71 (24) "Police officer", every officer of the municipal police department or any officer  
72 authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

73 (25) "Private road" or "driveway", every way or place in private ownership and used for  
74 vehicular travel by the owner and those having express or implied permission from the owner,  
75 but not by other persons;

76 (26) "Railroad", a carrier of persons or property upon cars, other than streetcars, operated  
77 upon stationary rails;

78 (27) "Railroad train", a steam engine, electric or other motor, with or without cars  
79 coupled thereto, operated upon rails, except streetcars;

80 (28) "Residence district", the territory contiguous to and including a highway not  
81 comprising a business district when the property on such highway for a distance of three hundred  
82 feet or more is in the main improved with residences or residences and buildings in use for  
83 business;

84 (29) "Right-of-way", the right of one vehicle or pedestrian to proceed in a lawful manner  
85 in preference to another vehicle or pedestrian approaching under such circumstances of direction,  
86 speed and proximity as to give rise to danger of collision unless one grants precedence to the  
87 other;

88 (30) "Roadway", that portion of a highway improved, designed or ordinarily used for  
89 vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more  
90 separate roadways the term "roadway" as used herein shall refer to any such roadway separately  
91 but not to all such roadways collectively;

92 (31) "Safety zone", the area or space officially set apart within a roadway for the  
93 exclusive use of pedestrians and which is protected or is so marked or indicated by adequate  
94 signs as to be plainly visible at all times while set apart as a safety zone;

95 (32) "Sidewalk", that portion of a street between the curb lines, or the lateral lines of a  
96 roadway, and the adjacent property lines, intended for use of pedestrians;

97 (33) "Stand" or "standing", the halting of a vehicle, whether occupied or not, otherwise  
98 than for the purpose of and while actually engaged in receiving or discharging passengers;

99 (34) "Stop", when required, complete cessation from movement;

100 (35) "Stop" or "stopping", when prohibited, any halting even momentarily of a vehicle,  
101 whether occupied or not, except when necessary to avoid conflict with other traffic or in  
102 compliance with the directions of a police officer or traffic control sign or signal;

103 (36) "Street" or "highway", the entire width between the lines of every way publicly  
104 maintained when any part thereof is open to the uses of the public for purposes of vehicular  
105 travel. "State highway", a highway maintained by the state of Missouri as a part of the state  
106 highway system;

107 (37) "Through highway", every highway or portion thereof on which vehicular traffic is  
108 given preferential rights-of-way, and at the entrances to which vehicular traffic from intersecting  
109 highways is required by law to yield rights-of-way to vehicles on such through highway in  
110 obedience to either a stop sign or a yield sign, when such signs are erected as provided in this  
111 ordinance;

112 (38) "Traffic", pedestrians, ridden or herded animals, vehicles, streetcars and other  
113 conveyances either singly or together while using any highway for purposes of travel;

114 (39) "Traffic control signal", any device, whether manually, electrically or mechanically  
115 operated, by which traffic is alternately directed to stop and to proceed;

116 (40) "Traffic division", the traffic division of the police department of the city, or in the  
117 event a traffic division is not established, then said term whenever used herein shall be deemed  
118 to refer to the police department of the city;

119 (41) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,  
120 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,  
121 or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs  
122 operated by handicapped persons.

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~~ **fifty-five** inches or less in width **measured from outside of tire rim to outside of tire rim**, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;

(2) "Autocycle", a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or federal motorcycle safety standards;

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

(4) "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;

(5) "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;

(6) "Boat transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used specifically to transport assembled boats and boat hulls. Boats may be partially disassembled to facilitate transporting;

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

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

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

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

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

(12) "Director" or "director of revenue", the director of the department of revenue;

(13) "Driveaway operation":

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

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

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

49 (14) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth  
50 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor  
51 equipped with a dromedary may carry part of a load when operating independently or in a  
52 combination with a semitrailer;

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

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

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

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

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

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

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

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

66 (23) "Intersecting highway", any highway which joins another, whether or not it crosses  
67 the same;

68 (24) "Junk vehicle", a vehicle which:

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

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

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

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

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

82 (b) An area that extends not more than a radius of fifty miles from its home base of  
83 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from  
84 projects not involving soil and water conservation.

85

86 Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered  
87 as a commercial motor vehicle or local commercial motor vehicle;

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

95 (28) "Local log truck", a commercial motor vehicle which is registered pursuant to this  
96 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
97 state, used to transport harvested forest products, operated solely at a forested site and in an area  
98 extending not more than a one hundred mile radius from such site, carries a load with dimensions  
99 not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on  
100 the national system of interstate and defense highways described in 23 U.S.C. Section 103, as  
101 amended, or outside the one hundred mile radius from such site with an extended distance local  
102 log truck permit, such vehicle shall not exceed the weight limits of section 304.180, does not  
103 have more than four axles, and does not pull a trailer which has more than three axles.  
104 Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting,  
105 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local  
106 log truck. A local log truck may not exceed the limits required by law, however, if the truck does  
107 exceed such limits as determined by the inspecting officer, then notwithstanding any other

108 provisions of law to the contrary, such truck shall be subject to the weight limits required by such  
109 sections as licensed for eighty thousand pounds;

110 (29) "Local log truck tractor", a commercial motor vehicle which is registered under this  
111 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
112 state, used to transport harvested forest products, operated at a forested site and in an area  
113 extending not more than a one hundred mile radius from such site, operates with a weight not  
114 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding  
115 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national  
116 system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or  
117 outside the one hundred mile radius from such site with an extended distance local log truck  
118 permit, such vehicle does not exceed the weight limits contained in section 304.180, and does  
119 not have more than three axles and does not pull a trailer which has more than three axles.  
120 Violations of axle weight limitations shall be subject to the load limit penalty as described for  
121 in sections 304.180 to 304.220;

122 (30) "Local transit bus", a bus whose operations are confined wholly within a municipal  
123 corporation, or wholly within a municipal corporation and a commercial zone, as defined in  
124 section 390.020, adjacent thereto, forming a part of a public transportation system within such  
125 municipal corporation and such municipal corporation and adjacent commercial zone;

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

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

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

135 (34) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which  
136 receives a new, rebuilt or used engine, and which used the number stamped on the original  
137 engine as the vehicle identification number;

138 (35) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,  
139 except farm tractors;

140 (36) "Motor vehicle primarily for business use", any vehicle other than a recreational  
141 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over  
142 twelve thousand pounds:

143 (a) Offered for hire or lease; or

- 144 (b) The owner of which also owns ten or more such motor vehicles;
- 145 (37) "Motorcycle", a motor vehicle operated on two wheels;
- 146 (38) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic  
147 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which  
148 produces less than three gross brake horsepower, and is capable of propelling the device at a  
149 maximum speed of not more than thirty miles per hour on level ground;
- 150 (39) "Motortricycle", a motor vehicle upon which the operator straddles or sits astride  
151 that is designed to be controlled by handle bars and is operated on three wheels, including a  
152 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of  
153 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;
- 154 (40) "Municipality", any city, town or village, whether incorporated or not;
- 155 (41) "Nonresident", a resident of a state or country other than the state of Missouri;
- 156 (42) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in  
157 compliance with United States emissions or safety standards;
- 158 (43) "Operator", any person who operates or drives a motor vehicle;
- 159 (44) "Owner", any person, firm, corporation or association, who holds the legal title to  
160 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease  
161 thereof with the right of purchase upon performance of the conditions stated in the agreement  
162 and with an immediate right of possession vested in the conditional vendee or lessee, or in the  
163 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee  
164 or mortgagor shall be deemed the owner;
- 165 (45) "Public garage", a place of business where motor vehicles are housed, stored,  
166 repaired, reconstructed or repainted for persons other than the owners or operators of such place  
167 of business;
- 168 (46) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the  
169 rebuilder, but does not include certificated common or contract carriers of persons or property;
- 170 (47) "Reconstructed motor vehicle", a vehicle that is altered from its original  
171 construction by the addition or substitution of two or more new or used major component parts,  
172 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
- 173 (48) "Recreational motor vehicle", any motor vehicle designed, constructed or  
174 substantially modified so that it may be used and is used for the purposes of temporary housing  
175 quarters, including therein sleeping and eating facilities which are either permanently attached  
176 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.  
177 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor  
178 vehicle if the motor vehicle could otherwise be so registered;

179 (49) "Recreational off-highway vehicle", any motorized vehicle manufactured and used  
180 exclusively for off-highway use which is more than ~~[fifty]~~ **fifty-five** inches but no more than  
181 ~~[sixty-seven]~~ **eighty** inches in width **measured from outside of tire rim to outside of tire rim**,  
182 with an unladen dry weight of two thousand **five hundred** pounds or less, traveling on four or  
183 more nonhighway tires and which may have access to ATV trails;

184 (50) "Recreational trailer", any trailer designed, constructed, or substantially modified  
185 so that it may be used and is used for the purpose of temporary housing quarters, including  
186 therein sleeping or eating facilities, which can be temporarily attached to a motor vehicle or  
187 attached to a unit which is securely attached to a motor vehicle;

188 (51) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,  
189 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a  
190 wrecker or towing service;

191 (52) "Saddlemount combination", a combination of vehicles in which a truck or truck  
192 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth  
193 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of  
194 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth  
195 wheel kingpin connection. When two vehicles are towed in this manner the combination is  
196 called a "double saddlemount combination". When three vehicles are towed in this manner, the  
197 combination is called a "triple saddlemount combination";

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

200 (54) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

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

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

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

212 (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157  
213 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild  
214 or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling

215 inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on  
216 parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair  
217 market value" means the retail value of a motor vehicle as:

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

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

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

226       (55) "School bus", any motor vehicle used solely to transport students to or from school  
227 or to transport students to or from any place for educational purposes;

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

231       (57) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or  
232 corporation as an incidental service to transport patrons or customers of the regular business of  
233 such person, firm, or corporation to and from the place of business of the person, firm, or  
234 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as  
235 buses or as commercial motor vehicles;

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

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

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

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

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

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

262 (64) "Trailer", any vehicle without motive power designed for carrying property or  
263 passengers on its own structure and for being drawn by a self-propelled vehicle, except those  
264 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed  
265 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight  
266 rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers  
267 as defined in this section and shall not include manufactured homes as defined in section  
268 700.010;

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

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

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

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

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

285 (70) "Utility vehicle", any motorized vehicle manufactured and used exclusively for  
286 off-highway use which is more than ~~[fifty]~~ **fifty-five** inches but no more than ~~[sixty-seven]~~

287 **eighty** inches in width **measured from outside of tire rim to outside of tire rim**, with an  
 288 unladen dry weight of two thousand **five hundred** pounds or less, traveling on four or six  
 289 wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

290 (71) "Vanpool", any van or other motor vehicle used or maintained by any person, group,  
 291 firm, corporation, association, city, county or state agency, or any member thereof, for the  
 292 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to  
 293 and from their place of employment; however, a vanpool shall not be included in the definition  
 294 of the term bus or commercial motor vehicle as defined in this section, nor shall a vanpool driver  
 295 be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool  
 296 vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an  
 297 unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a  
 298 ride-sharing arrangement;

299 (72) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,  
 300 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,  
 301 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs  
 302 operated by handicapped persons;

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

307 (74) "Wrecker or towing service", the act of transporting, towing or recovering with a  
 308 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,  
 309 tow truck, rollback or car carrier for which the operator directly or indirectly receives  
 310 compensation or other personal gain.

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

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

5 (2) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for  
 6 off-highway use which is ~~[fifty]~~ **fifty-five** inches or less in width **measured from outside of tire**  
 7 **rim to outside of tire rim**, with an unladen dry weight of ~~[six]~~ **one thousand five** hundred  
 8 pounds or less, traveling on three, four or more ~~[low pressure tires, with a seat designed to be~~  
 9 ~~straddled by the operator, and handlebars for steering control]~~ **nonhighway tires**;

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

- 13 (a) Good faith recommendations, exposition, argument, persuasion or attempts at  
14 persuasion without unreasonable conditions;
- 15 (b) Notice given in good faith to any franchisee of such franchisee's violation of terms  
16 or provisions of such franchise or contractual agreement; or
- 17 (c) Any conduct set forth in sections 407.810 to 407.835 that is permitted of the  
18 franchisor;
- 19 (4) "Common entity", a person:
- 20 (a) Who is either controlled or owned, beneficially or of record, by one or more persons  
21 who also control or own more than forty percent of the voting equity interest of a franchisor; or  
22 (b) Who shares directors or officers or partners with a franchisor;
- 23 (5) "Control", to possess, directly or indirectly, the power to direct or cause the direction  
24 of the management or policies of a person, whether through the ownership of voting securities,  
25 by contract, or otherwise; except that "control" does not include the relationship between a  
26 franchisor and a franchisee under a franchise agreement;
- 27 (6) "Dealer-operator", the individual who works at the established place of business of  
28 a dealer and who is responsible for and in charge of day-to-day operations of that place of  
29 business;
- 30 (7) "Distributor", a person, resident or nonresident, who, in whole or in part, sells or  
31 distributes new motor vehicles to motor vehicle dealers in this state;
- 32 (8) "Franchise" or "franchise agreement", a written arrangement or contract for a definite  
33 or indefinite period, in which a person grants to another person a license to use, or the right to  
34 grant to others a license to use, a trade name, trademark, service mark, or related characteristics,  
35 in which there is a community of interest in the marketing of goods or services, or both, at  
36 wholesale or retail, by agreement, lease or otherwise, and in which the operation of the  
37 franchisee's business with respect to such franchise is substantially reliant on the franchisor for  
38 the continued supply of franchised new motor vehicles, parts and accessories for sale at  
39 wholesale or retail. The franchise includes all portions of all agreements between a franchisor  
40 and a franchisee, including but not limited to a contract, new motor vehicle franchise, sales and  
41 service agreement, or dealer agreement, regardless of the terminology used to describe the  
42 agreement or relationship between the franchisor and franchisee, and also includes all provisions,  
43 schedules, attachments, exhibits and agreements incorporated by reference therein;
- 44 (9) "Franchisee", a person to whom a franchise is granted;
- 45 (10) "Franchisor", a person who grants a franchise to another person;
- 46 (11) "Good faith", the duty of each party to any franchise and all officers, employees, or  
47 agents thereof, to act in a fair and equitable manner toward each other so as to guarantee the one

48 party freedom from coercion, intimidation, or threat of coercion or intimidation from the other  
49 party;

50 (12) "Importer", a person who has written authorization from a foreign manufacturer of  
51 a line-make of motor vehicles to grant a franchise to a motor vehicle dealer in this state with  
52 respect to that line-make;

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

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

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

63 (14) "Manufacturer", any person, whether a resident or nonresident of this state, who  
64 manufactures or assembles motor vehicles or who manufactures or installs on previously  
65 assembled truck chassis special bodies or equipment which, when installed, form an integral part  
66 of the motor vehicle and which constitute a major manufacturing alteration. The term  
67 "manufacturer" includes a central or principal sales corporation or other entity, other than a  
68 franchisee, through which, by contractual agreement or otherwise, it distributes its products;

69 (15) "Motor vehicle", for the purposes of sections 407.810 to 407.835, any motor-driven  
70 vehicle required to be registered pursuant to the provisions of chapter 301, except that,  
71 motorcycles and all-terrain vehicles as defined in section 301.010 shall not be included. The  
72 term "motor vehicle" shall also include any engine, transmission, or rear axle, regardless of  
73 whether attached to a vehicle chassis, that is manufactured for the installation in any  
74 motor-driven vehicle with a gross vehicle weight rating of more than sixteen thousand pounds  
75 that is registered for the operations on the highways of this state under chapter 301;

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

79 (17) "Person", a natural person, sole proprietor, partnership, corporation, or any other  
80 form of business entity or organization;

81 (18) "Principal investor", the owner of the majority interest of any franchisee;

82 (19) "Reasonable", shall be based on the circumstances of a franchisee in the market  
83 served by the franchisee;

84 (20) "Require", to impose upon a franchisee a provision not required by law or  
85 previously agreed to by a franchisee in a franchise agreement;

86 (21) "Successor manufacturer", any manufacturer that succeeds, or assumes any part of  
87 the business of, another manufacturer, referred to as the "predecessor manufacturer", as the result  
88 of:

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

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

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

95 (d) A change in distribution system by the predecessor manufacturer, whether through  
96 a change in distributor or the predecessor manufacturer's decision to cease conducting business  
97 through a distributor altogether.

407.1025. As used in sections 407.1025 to 407.1049, unless the context otherwise  
2 requires, the following terms mean:

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

5 (2) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for  
6 off-highway use which is ~~[fifty]~~ **fifty-five** inches or less in width **measured from outside of tire**  
7 **rim to outside of tire rim**, with an unladen dry weight of ~~[six]~~ **one thousand five** hundred  
8 pounds or less, traveling on three, four or more ~~[low pressure tires, with a seat designed to be~~  
9 ~~straddled by the operator, and handlebars for steering control]~~ **nonhighway tires**;

10 (3) "Coerce", to force a person to act in a given manner or to compel by pressure or  
11 threat but shall not be construed to include the following:

12 (a) Good faith recommendations, exposition, argument, persuasion or attempts at  
13 persuasion;

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

16 (c) Any other conduct set forth in section 407.1043 as a defense to an action brought  
17 pursuant to sections 407.1025 to 407.1049; or

18 (d) Any other conduct set forth in sections 407.1025 to 407.1049 that is permitted of the  
19 franchisor or is expressly excluded from coercion or a violation of sections 407.1025 to  
20 407.1049;

21 (4) "Franchise", a written arrangement or contract for a definite or indefinite period, in  
22 which a person grants to another person a license to use, or the right to grant to others a license

23 to use, a trade name, trademark, service mark, or related characteristics, in which there is a  
 24 community of interest in the marketing of goods or services, or both, at wholesale or retail, by  
 25 agreement, lease or otherwise, and in which the operation of the franchisee's business with  
 26 respect to such franchise is substantially reliant on the franchisor for the continued supply of  
 27 franchised new motorcycles or all-terrain vehicles, parts and accessories for sale at wholesale or  
 28 retail;

29 (5) "Franchisee", a person to whom a franchise is granted;

30 (6) "Franchisor", a person who grants a franchise to another person;

31 (7) "Motorcycle", a motor vehicle operated on two wheels;

32 (8) "New", when referring to motorcycles or all-terrain vehicles or parts, means those  
 33 motorcycles or all-terrain vehicles or parts which have not been held except as inventory, as that  
 34 term is defined in subdivision (4) of section 400.9-109;

35 (9) "Person", a sole proprietor, partnership, corporation, or any other form of business  
 36 organization.

577.001. As used in this chapter, the following terms mean:

2 (1) "Aggravated offender", a person who has been found guilty of:

3 (a) Three or more intoxication-related traffic offenses committed on separate occasions;  
 4 or

5 (b) Two or more intoxication-related traffic offenses committed on separate occasions  
 6 where at least one of the intoxication-related traffic offenses is an offense committed in violation  
 7 of any state law, county or municipal ordinance, any federal offense, or any military offense in  
 8 which the defendant was operating a vehicle while intoxicated and another person was injured  
 9 or killed;

10 (2) "Aggravated boating offender", a person who has been found guilty of:

11 (a) Three or more intoxication-related boating offenses; or

12 (b) Two or more intoxication-related boating offenses committed on separate occasions  
 13 where at least one of the intoxication-related boating offenses is an offense committed in  
 14 violation of any state law, county or municipal ordinance, any federal offense, or any military  
 15 offense in which the defendant was operating a vessel while intoxicated and another person was  
 16 injured or killed;

17 (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for  
 18 off-highway use which is ~~[fifty]~~ **fifty-five** inches or less in width **measured from outside of tire**  
 19 **rim to outside of tire rim**, with an unladen dry weight of one thousand **five hundred** pounds  
 20 or less, traveling on three, four or more ~~[low pressure tires, with a seat designed to be straddled~~  
 21 ~~by the operator, or with a seat designed to carry more than one person, and handlebars for~~  
 22 ~~steering control]~~ **nonhighway tires**;

23 (4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but  
24 not any juvenile court or treatment court;

25 (5) "Chronic offender", a person who has been found guilty of:

26 (a) Four or more intoxication-related traffic offenses committed on separate occasions;  
27 or

28 (b) Three or more intoxication-related traffic offenses committed on separate occasions  
29 where at least one of the intoxication-related traffic offenses is an offense committed in violation  
30 of any state law, county or municipal ordinance, any federal offense, or any military offense in  
31 which the defendant was operating a vehicle while intoxicated and another person was injured  
32 or killed; or

33 (c) Two or more intoxication-related traffic offenses committed on separate occasions  
34 where both intoxication-related traffic offenses were offenses committed in violation of any state  
35 law, county or municipal ordinance, any federal offense, or any military offense in which the  
36 defendant was operating a vehicle while intoxicated and another person was injured or killed;

37 (6) "Chronic boating offender", a person who has been found guilty of:

38 (a) Four or more intoxication-related boating offenses; or

39 (b) Three or more intoxication-related boating offenses committed on separate occasions  
40 where at least one of the intoxication-related boating offenses is an offense committed in  
41 violation of any state law, county or municipal ordinance, any federal offense, or any military  
42 offense in which the defendant was operating a vessel while intoxicated and another person was  
43 injured or killed; or

44 (c) Two or more intoxication-related boating offenses committed on separate occasions  
45 where both intoxication-related boating offenses were offenses committed in violation of any  
46 state law, county or municipal ordinance, any federal offense, or any military offense in which  
47 the defendant was operating a vessel while intoxicated and another person was injured or killed;

48 (7) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal  
49 alcohol concentration levels and tampering attempts at least once every hour, regardless of the  
50 location of the person who is being monitored, and regularly transmitting the data. Continuous  
51 alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of  
52 section 217.690;

53 (8) "Controlled substance", a drug, substance, or immediate precursor in schedules I to  
54 V listed in section 195.017;

55 (9) "Drive", "driving", "operates" or "operating", physically driving or operating a  
56 vehicle or vessel;

57 (10) "Flight crew member", the pilot in command, copilots, flight engineers, and flight  
58 navigators;

59 (11) "Habitual offender", a person who has been found guilty of:

60 (a) Five or more intoxication-related traffic offenses committed on separate occasions;

61 or

62 (b) Four or more intoxication-related traffic offenses committed on separate occasions  
63 where at least one of the intoxication-related traffic offenses is an offense committed in violation  
64 of any state law, county or municipal ordinance, any federal offense, or any military offense in  
65 which the defendant was operating a vehicle while intoxicated and another person was injured  
66 or killed; or

67 (c) Three or more intoxication-related traffic offenses committed on separate occasions  
68 where at least two of the intoxication-related traffic offenses were offenses committed in  
69 violation of any state law, county or municipal ordinance, any federal offense, or any military  
70 offense in which the defendant was operating a vehicle while intoxicated and another person was  
71 injured or killed;

72 (12) "Habitual boating offender", a person who has been found guilty of:

73 (a) Five or more intoxication-related boating offenses; or

74 (b) Four or more intoxication-related boating offenses committed on separate occasions  
75 where at least one of the intoxication-related boating offenses is an offense committed in  
76 violation of any state law, county or municipal ordinance, any federal offense, or any military  
77 offense in which the defendant was operating a vessel while intoxicated and another person was  
78 injured or killed; or

79 (c) Three or more intoxication-related boating offenses committed on separate occasions  
80 where at least two of the intoxication-related boating offenses were offenses committed in  
81 violation of any state law, county or municipal ordinance, any federal offense, or any military  
82 offense in which the defendant was operating a vessel while intoxicated and another person was  
83 injured or killed; or

84 (d) While boating while intoxicated, the defendant acted with criminal negligence to:

85 a. Cause the death of any person not a passenger in the vessel operated by the defendant,  
86 including the death of an individual that results from the defendant's vessel leaving the water;  
87 or

88 b. Cause the death of two or more persons; or

89 c. Cause the death of any person while he or she has a blood alcohol content of at least  
90 eighteen-hundredths of one percent by weight of alcohol in such person's blood;

91 (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of  
92 alcohol, a controlled substance, or drug, or any combination thereof;

93 (14) "Intoxication-related boating offense", operating a vessel while intoxicated; boating  
94 while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which

95 the defendant was operating a vessel while intoxicated and another person was injured or killed  
96 in violation of any state law, county or municipal ordinance, any federal offense, or any military  
97 offense;

98 (15) "Intoxication-related traffic offense", driving while intoxicated, driving with  
99 excessive blood alcohol content, driving under the influence of alcohol or drugs in violation of  
100 a state law, county or municipal ordinance, any federal offense, or any military offense, or an  
101 offense in which the defendant was operating a vehicle while intoxicated and another person was  
102 injured or killed in violation of any state law, county or municipal ordinance, any federal offense,  
103 or any military offense;

104 (16) "Law enforcement officer" or "arresting officer", includes the definition of law  
105 enforcement officer in section 556.061 and military policemen conducting traffic enforcement  
106 operations on a federal military installation under military jurisdiction in the state of Missouri;

107 (17) "Operate a vessel", to physically control the movement of a vessel in motion under  
108 mechanical or sail power in water;

109 (18) "Persistent offender", a person who has been found guilty of:

110 (a) Two or more intoxication-related traffic offenses committed on separate occasions;  
111 or

112 (b) One intoxication-related traffic offense committed in violation of any state law,  
113 county or municipal ordinance, federal offense, or military offense in which the defendant was  
114 operating a vehicle while intoxicated and another person was injured or killed;

115 (19) "Persistent boating offender", a person who has been found guilty of:

116 (a) Two or more intoxication-related boating offenses committed on separate occasions;  
117 or

118 (b) One intoxication-related boating offense committed in violation of any state law,  
119 county or municipal ordinance, federal offense, or military offense in which the defendant was  
120 operating a vessel while intoxicated and another person was injured or killed;

121 (20) "Prior offender", a person who has been found guilty of one intoxication-related  
122 traffic offense, where such prior offense occurred within five years of the occurrence of the  
123 intoxication-related traffic offense for which the person is charged;

124 (21) "Prior boating offender", a person who has been found guilty of one  
125 intoxication-related boating offense, where such prior offense occurred within five years of the  
126 occurrence of the intoxication-related boating offense for which the person is charged.

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