

FIRST REGULAR SESSION

HOUSE BILL NO. 1270

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COPELAND.

2515H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 301.010 and 304.240, RSMo, and to enact in lieu thereof two new sections relating to log truck weight limitations, with penalty provisions.

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

Section A. Sections 301.010 and 304.240, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 301.010 and 304.240, to read as follows:

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

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use, with an unladen dry weight of one thousand five hundred pounds or less,
5 traveling on three, four or more nonhighway tires, with either:

6 (a) A seat designed to be straddled by the operator, and handlebars for steering control;
7 or

8 (b) A width of fifty inches or less, measured from outside of tire rim to outside of tire
9 rim, regardless of seating or steering arrangement;

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

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

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

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

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

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

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

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

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

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

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

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

39 (13) "Driveaway operation":

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

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

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

52 (14) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
53 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor

54 equipped with a dromedary may carry part of a load when operating independently or in a
55 combination with a semitrailer;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

88

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

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

98 (28) "Local log truck", a commercial motor vehicle which is registered pursuant to this
99 chapter to operate as a motor vehicle on the public highways of this state[;] ; used exclusively
100 in this state[;] ; used to transport harvested forest products, operated solely at a forested site and
101 in an area extending not more than a one hundred mile radius from such site[; ~~carries a load with~~
102 ~~dimensions not in excess of twenty-five cubic yards per two axles with dual wheels;~~] ; **operated**
103 **with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with**
104 **a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle,**
105 **except the front steering axle shall not exceed fifteen thousand pounds or the gross vehicle**
106 **rating set by the manufacturer, with a total weight not to exceed one hundred five**
107 **thousand pounds;** and when operated on the national system of interstate and defense highways
108 described in 23 U.S.C. Section 103, as amended, or outside the one hundred mile radius from
109 such site with an extended distance local log truck permit, such vehicle [shall] **does** not exceed
110 the weight limits of section 304.180, does not have more than four axles, and does not pull a
111 trailer which has more than three axles. Harvesting equipment which is used specifically for
112 cutting, felling, trimming, delimbing, debarking, chipping, skidding, loading, unloading, and
113 stacking may be transported on a local log truck. A local log truck [may] **shall** not exceed the
114 limits required by law, however, if the truck does exceed such limits as determined by the
115 inspecting officer, then notwithstanding any other provisions of law to the contrary, [such truck
116 ~~shall be subject to the weight limits required by such sections as licensed for eighty thousand~~
117 ~~pounds]~~ **violations of axle weight limitations shall be subject to the load limit penalty as**
118 **described in sections 304.180 to 304.220;**

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

front steering axle shall not exceed fifteen thousand pounds or the gross vehicle weight rating set by the manufacturer with a total weight not to exceed one hundred five thousand pounds; and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the one hundred mile radius from such site with an extended distance local log truck permit, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than three axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

(30) "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;

(31) "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;

(32) "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;

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

(34) "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;

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

(36) "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;

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

(38) "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;

161 (39) "Motortricycle", a motor vehicle upon which the operator straddles or sits astride
162 that is designed to be controlled by handle bars and is operated on three wheels, including a
163 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of
164 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;
165 (40) "Municipality", any city, town or village, whether incorporated or not;
166 (41) "Nonresident", a resident of a state or country other than the state of Missouri;
167 (42) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
168 compliance with United States emissions or safety standards;
169 (43) "Operator", any person who operates or drives a motor vehicle;
170 (44) "Owner", any person, firm, corporation or association, who holds the legal title to
171 a vehicle or who has executed a buyer's order or retail installment sales contract with a motor
172 vehicle dealer licensed under sections 301.550 to 301.580 for the purchase of a vehicle with an
173 immediate right of possession vested in the transferee, or in the event a vehicle is the subject of
174 an agreement for the conditional sale or lease thereof with the right of purchase upon
175 performance of the conditions stated in the agreement and with an immediate right of possession
176 vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to
177 possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner;
178 (45) "Public garage", a place of business where motor vehicles are housed, stored,
179 repaired, reconstructed or repainted for persons other than the owners or operators of such place
180 of business;
181 (46) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
182 rebuilder, but does not include certificated common or contract carriers of persons or property;
183 (47) "Reconstructed motor vehicle", a vehicle that is altered from its original
184 construction by the addition or substitution of two or more new or used major component parts,
185 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
186 (48) "Recreational motor vehicle", any motor vehicle designed, constructed or
187 substantially modified so that it may be used and is used for the purposes of temporary housing
188 quarters, including therein sleeping and eating facilities which are either permanently attached
189 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
190 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
191 vehicle if the motor vehicle could otherwise be so registered;
192 (49) "Recreational off-highway vehicle", any motorized vehicle manufactured and used
193 exclusively for off-highway use which is more than fifty inches but no more than eighty inches
194 in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of
195 three thousand five hundred pounds or less, traveling on four or more nonhighway tires and
196 which may have access to ATV trails;

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

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

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

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

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

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

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

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

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

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

- 231 a. Set forth in a current edition of any nationally recognized compilation of retail values,
232 including automated databases, or from publications commonly used by the automotive and
233 insurance industries to establish the values of motor vehicles;
- 234 b. Determined pursuant to a market survey of comparable vehicles with regard to
235 condition and equipment; and
- 236 c. Determined by an insurance company using any other procedure recognized by the
237 insurance industry, including market surveys, that is applied by the company in a uniform
238 manner;
- 239 (55) "School bus", any motor vehicle used solely to transport students to or from school
240 or to transport students to or from any place for educational purposes;
- 241 (56) "Scrap processor", a business that, through the use of fixed or mobile equipment,
242 flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or
243 transportation to a shredder or scrap metal operator for recycling;
- 244 (57) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
245 corporation as an incidental service to transport patrons or customers of the regular business of
246 such person, firm, or corporation to and from the place of business of the person, firm, or
247 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
248 buses or as commercial motor vehicles;
- 249 (58) "Special mobile equipment", every self-propelled vehicle not designed or used
250 primarily for the transportation of persons or property and incidentally operated or moved over
251 the highways, including farm equipment, implements of husbandry, road construction or
252 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
253 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
254 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
255 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
256 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
257 shall not operate to exclude other such vehicles which are within the general terms of this
258 section;
- 259 (59) "Specially constructed motor vehicle", a motor vehicle which shall not have been
260 originally constructed under a distinctive name, make, model or type by a manufacturer of motor
261 vehicles. The term specially constructed motor vehicle includes kit vehicles;
- 262 (60) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel
263 is located on a drop frame located behind and below the rearmost axle of the power unit;
- 264 (61) "Tandem axle", a group of two or more axles, arranged one behind another, the
265 distance between the extremes of which is more than forty inches and not more than ninety-six
266 inches apart;

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

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

275 (64) "Trailer", any vehicle without motive power designed for carrying property or
276 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
277 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
278 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
279 rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers
280 as defined in this section and shall not include manufactured homes as defined in section
281 700.010;

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

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

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

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

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

298 (70) "Utility vehicle", any motorized vehicle manufactured and used exclusively for
299 off-highway use which is more than fifty inches but no more than eighty inches in width,
300 measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three
301 thousand five hundred pounds or less, traveling on four or six wheels, to be used primarily for
302 landscaping, lawn care, or maintenance purposes;

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

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

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

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

304.240. 1. Any person, firm, corporation, partnership or association violating any of
2 the provisions of sections 304.170 to 304.230 shall be deemed guilty of a misdemeanor and upon
3 conviction thereof shall be punished by a fine of not less than five dollars or by confinement in
4 a county jail for not more than twelve months, or by both the fine and confinement; provided,
5 however, that where load limits as defined in sections 304.180 to 304.220 have been violated,
6 the fine shall be two cents for each pound of excess weight up to and including five hundred, and
7 five cents for each pound of excess weight above five hundred and not exceeding one thousand,
8 and ten cents for each pound in excess weight above one thousand; provided that, when any
9 vehicle is being operated under a special permit as provided in section 304.200, the term "excess
10 weight" means only weight in excess of the amount permitted in the permit as issued. The court
11 may, in its discretion, cause to be impounded the motor vehicle operated by any person violating
12 the provisions of this section until such time as the fine and cost assessed by the court under this
13 section is paid.

14 **2. Notwithstanding subsection 1 of this section, the fine for a load-limit violation**
15 **under sections 304.180 to 304.220 involving a local log truck or a local log truck tractor,**
16 **as such terms are defined in section 301.010, shall be as follows:**

17 **(1) If the weight exceeds the limit by one pound to four thousand ninety-nine**
18 **pounds, the fine shall be ten cents for each pound of excess weight;**

19 **(2) If the weight exceeds the limit by five thousand pounds to nine thousand ninety-**
20 **nine pounds, the fine shall be twenty cents for each pound of excess weight; and**

21 **(3) If the weight exceeds the limit by ten thousand pounds or more, the fine shall**
22 **be fifty cents for each pound of excess weight.**

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