

FIRST REGULAR SESSION

HOUSE BILL NO. 1338

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

2589H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 300.010, 300.348, 301.010, 301.707, and 304.013, RSMo, and to enact in lieu thereof five new sections relating to all-terrain vehicles, with penalty provisions.

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

Section A. Sections 300.010, 300.348, 301.010, 301.707, and 304.013, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 300.010, 300.348, 301.010, 301.707, and 304.013, to read as follows: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, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with either:

(a) A seat designed to be straddled by the operator, and handlebars for steering control, but excluding an electric bicycle; or

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

(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

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 stations and public buildings which occupy at least three hundred feet of frontage on one side
18 or three hundred feet collectively on both sides of the highway;

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

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

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

27 (8) "Crosswalk",

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

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

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

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

36 (11) "Electric bicycle", a bicycle equipped with fully operable pedals, a saddle or seat
37 for the rider, and an electric motor of less than 750 watts that meets the requirements of one of
38 the following three classes:

39 (a) "Class 1 electric bicycle", an electric bicycle equipped with a motor that provides
40 assistance only when the rider is pedaling and that ceases to provide assistance when the
41 bicycle reaches the speed of twenty miles per hour;

42 (b) "Class 2 electric bicycle", an electric bicycle equipped with a motor that may be
43 used exclusively to propel the bicycle and that is not capable of providing assistance when the
44 bicycle reaches the speed of twenty miles per hour; or

45 (c) "Class 3 electric bicycle", an electric bicycle equipped with a motor that provides
46 assistance only when the rider is pedaling and that ceases to provide assistance when the
47 bicycle reaches the speed of twenty-eight miles per hour;

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

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

53 (14) "Intersection",

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

58 (b) Where a highway includes two roadways thirty feet or more apart, then every
59 crossing of each roadway of such divided highway by an intersecting highway shall be
60 regarded as a separate intersection. In the event such intersecting highway also includes two
61 roadways thirty feet or more apart, then every crossing of two roadways of such highways
62 shall be regarded as a separate intersection;

63 (15) "Laned roadway", a roadway which is divided into two or more clearly marked
64 lanes for vehicular traffic;

65 (16) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
66 except farm tractors, electric bicycles, and motorized bicycles;

67 (17) "Motorcycle", every motor vehicle having a seat or saddle for the use of the rider
68 and designed to travel on not more than three wheels in contact with the ground, but
69 excluding an electric bicycle and a tractor;

70 (18) "Motorized bicycle", any two-wheeled or three-wheeled device having an
71 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic
72 centimeters, which produces less than three gross brake horsepower, and is capable of
73 propelling the device at a maximum speed of not more than thirty miles per hour on level
74 ground, but excluding an electric bicycle;

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

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

80 (21) "Park" or "parking", the standing of a vehicle, whether occupied or not,
81 otherwise than temporarily for the purpose of and while actually engaged in loading or
82 unloading merchandise or passengers;

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

85 (23) "Pedestrian", any person afoot;

86 (24) "Person", every natural person, firm, copartnership, association or corporation;

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

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

92 (27) "Railroad", a carrier of persons or property upon cars, other than streetcars,
93 operated upon stationary rails;

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

96 (29) "Residence district", the territory contiguous to and including a highway not
97 comprising a business district when the property on such highway for a distance of three
98 hundred feet or more is in the main improved with residences or residences and buildings in
99 use for business;

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

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

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

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

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

116 (35) "Stop", when required, complete cessation from movement;

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

120 (37) "Street" or "highway", the entire width between the lines of every way publicly
121 maintained when any part thereof is open to the uses of the public for purposes of vehicular
122 travel. "State highway", a highway maintained by the state of Missouri as a part of the state
123 highway system;

124 (38) "Through highway", every highway or portion thereof on which vehicular traffic
125 is given preferential rights-of-way, and at the entrances to which vehicular traffic from

126 intersecting highways is required by law to yield rights-of-way to vehicles on such through
127 highway in obedience to either a stop sign or a yield sign, when such signs are erected as
128 provided in this ordinance;

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

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

133 (41) "Traffic division", the traffic division of the police department of the city, or in
134 the event a traffic division is not established, then said term whenever used herein shall be
135 deemed to refer to the police department of the city;

136 (42) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
137 on highways, except motorized bicycles, electric bicycles, vehicles propelled or drawn by
138 horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or
139 motorized wheelchairs operated by handicapped persons.

300.348. 1. No person shall operate an all-terrain vehicle, as defined in section
2 300.010, upon the streets and highways of this city, except as follows:

3 (1) **All-terrain vehicles licensed as motorcycles under subsection 4 of section**
4 **301.707;**

5 (2) All-terrain vehicles owned and operated by a governmental entity for official use;

6 ~~[(2)]~~ (3) All-terrain vehicles operated for agricultural purposes or industrial on-
7 premises purposes between the official sunrise and sunset on the day of operation;

8 ~~[(3)]~~ (4) All-terrain vehicles whose operators carry a special permit issued by this city
9 pursuant to section 304.013.

10 2. No person shall operate an off-road vehicle, as defined in section 304.001, within
11 any stream or river in this city, except that off-road vehicles may be operated within
12 waterways which flow within the boundaries of land which an off-road vehicle operator
13 owns, or for agricultural purposes within the boundaries of land which an off-road vehicle
14 operator owns or has permission to be upon, or for the purpose of fording such stream or river
15 of this state at such road crossings as are customary or part of the highway system. All law
16 enforcement officials or peace officers of this state and its political subdivisions shall enforce
17 the provisions of this subsection within the geographic area of their jurisdiction.

18 3. A person operating an all-terrain vehicle on a street or highway pursuant to an
19 exception covered in this section shall have a valid license issued by a state authorizing such
20 person to operate a motor vehicle, but shall not be required to have passed an examination for
21 the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty
22 miles per hour. When operated on a street or highway, ~~[an]~~ **any all-terrain vehicle that is not**
23 **licensed as a motorcycle under subsection 4 of section 301.707** shall have a bicycle safety

24 flag, which extends not less than seven feet above the ground, attached to the rear of the
25 vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty
26 square inches and shall be day-glow in color.

27 4. No person shall operate an all-terrain vehicle:

28 (1) In any careless way so as to endanger the person or property of another;

29 (2) While under the influence of alcohol or any controlled substance; or

30 (3) Without a securely fastened safety helmet on the head of an individual who
31 operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain
32 vehicle, unless the individual is at least eighteen years of age.

33 5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural
34 purposes.

35 6. A violation of this section shall be a class C misdemeanor.

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

3 (1) "All-terrain vehicle", any motorized vehicle manufactured [~~and used exclusively~~]
4 for 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
7 control, but excluding an electric bicycle; 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
12 controlled with a steering wheel and pedals, and that has met applicable Department of
13 Transportation National Highway Traffic Safety Administration requirements or federal
14 motorcycle safety standards;

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

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
20 the 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
24 power unit and designed and used specifically to transport assembled boats and boat hulls.
25 Boats may be partially disassembled to facilitate transporting;

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

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

31 (9) "Commercial motor vehicle", a motor vehicle designed or regularly used for
32 carrying freight and merchandise, or more than eight passengers but not including vanpools or
33 shuttle 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
37 in 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
41 than a dealer over any public highway, under its own power singly, or in a fixed combination
42 of two or more vehicles, for the purpose of delivery for sale or for delivery either before or
43 after sale;

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

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

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

57 (15) "Electric bicycle", a bicycle equipped with fully operable pedals, a saddle or seat
58 for the rider, and an electric motor of less than 750 watts that meets the requirements of one of
59 the following three classes:

60 (a) "Class 1 electric bicycle", an electric bicycle equipped with a motor that provides
61 assistance only when the rider is pedaling and that ceases to provide assistance when the
62 bicycle reaches the speed of twenty miles per hour;

63 (b) "Class 2 electric bicycle", an electric bicycle equipped with a motor that may be
64 used exclusively to propel the bicycle and that is not capable of providing assistance when the
65 bicycle reaches the speed of twenty miles per hour; or

66 (c) "Class 3 electric bicycle", an electric bicycle equipped with a motor that provides
67 assistance only when the rider is pedaling and that ceases to provide assistance when the
68 bicycle reaches the speed of twenty-eight miles per hour;

69 (16) "Farm tractor", a tractor used exclusively for agricultural purposes;

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

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

72 (19) "Fullmount", a vehicle mounted completely on the frame of either the first or last
73 vehicle in a saddlemount combination;

74 (20) "Gross weight", the weight of vehicle and/or vehicle combination without load,
75 plus the weight of any load thereon;

76 (21) "Hail-damaged vehicle", any vehicle, the body of which has become dented as
77 the result of the impact of hail;

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

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

83 (24) "Intersecting highway", any highway which joins another, whether or not it
84 crosses the same;

85 (25) "Junk vehicle", a vehicle which:

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

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

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

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

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

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

102

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

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

112 (29) "Local log truck", a commercial motor vehicle which is registered pursuant to
113 this chapter to operate as a motor vehicle on the public highways of this state; used
114 exclusively in this state; used to transport harvested forest products; operated solely at a
115 forested site and in an area extending not more than a one hundred fifty mile radius from such
116 site; and when operated on the national system of interstate and defense highways described
117 in 23 U.S.C. Section 103, as amended, or outside the one hundred fifty mile radius from such
118 site with an extended distance local log truck permit, does not have more than four axles, and
119 does not pull a trailer which has more than three axles. Harvesting equipment which is used
120 specifically for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading,
121 unloading, and stacking may be transported on a local log truck;

122 (30) "Local log truck tractor", a commercial motor vehicle which is registered under
123 this chapter to operate as a motor vehicle on the public highways of this state; used
124 exclusively in this state; used to transport harvested forest products, operated at a forested site
125 and in an area extending not more than a one hundred fifty mile radius from such site; and
126 when operated on the national system of interstate and defense highways described in 23
127 U.S.C. Section 103, as amended, or outside the one hundred fifty mile radius from such site
128 with an extended distance local log truck permit, does not have more than three axles and
129 does not pull a trailer which has more than three axles;

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

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

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

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

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

147 (36) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
148 except farm tractors and electric bicycles;

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

152 (a) Offered for hire or lease; or

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

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

155 (39) "Motorized bicycle", any two-wheeled or three-wheeled device having an
156 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic
157 centimeters, which produces less than three gross brake horsepower, and is capable of
158 propelling the device at a maximum speed of not more than thirty miles per hour on level
159 ground, but excluding an electric bicycle;

160 (40) "Motortricycle", a motor vehicle upon which the operator straddles or sits astride
161 that is designed to be controlled by handle bars and is operated on three wheels, including a
162 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of
163 a third wheel, but excluding an electric bicycle. A motortricycle shall not be included in the
164 definition of all-terrain vehicle;

165 (41) "Municipality", any city, town or village, whether incorporated or not;

166 (42) "Nonresident", a resident of a state or country other than the state of Missouri;

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

169 (44) "Operator", any person who operates or drives a motor vehicle;

170 (45) "Owner", any person, firm, corporation or association, who holds the legal title
171 to a vehicle or who has executed a buyer's order or retail installment sales contract with a

172 motor vehicle dealer licensed under sections 301.550 to 301.580 for the purchase of a vehicle
173 with an immediate right of possession vested in the transferee, or in the event a vehicle is the
174 subject of an agreement for the conditional sale or lease thereof with the right of purchase
175 upon performance of the conditions stated in the agreement and with an immediate right of
176 possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle
177 is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed
178 the owner;

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

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

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

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

195 (50) "Recreational off-highway vehicle", any motorized vehicle manufactured and
196 used exclusively for off-highway use which is more than fifty inches but no more than eighty
197 inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry
198 weight of three thousand five hundred pounds or less, traveling on four or more nonhighway
199 tires and which may have access to ATV trails;

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

204 (52) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
205 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
206 wrecker or towing service;

207 (53) "Saddlemount combination", a combination of vehicles in which a truck or truck
208 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or

209 fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front
210 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like
211 a fifth wheel kingpin connection. When two vehicles are towed in this manner the
212 combination is called a "double saddlemount combination". When three vehicles are towed
213 in this manner, the combination is called a "triple saddlemount combination";

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

216 (55) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

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

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

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

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

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

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

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

242 (56) "School bus", any motor vehicle used solely to transport students to or from
243 school or to transport students to or from any place for educational purposes;

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

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

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

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

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

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

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

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

278 (65) "Trailer", any vehicle without motive power designed for carrying property or
279 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
280 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed

281 and used in conjunction with a self-propelled vehicle that a considerable part of its own
282 weight rests upon and is carried by the towing vehicle. The term trailer shall not include
283 cotton trailers as defined in this section and shall not include manufactured homes as defined
284 in section 700.010;

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

287 (67) "Truck", a motor vehicle designed, used, or maintained for the transportation of
288 property;

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

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

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

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

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

315 (73) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
316 on highways, except motorized bicycles, electric bicycles, vehicles propelled or drawn by

317 horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers
318 or motorized wheelchairs operated by handicapped persons;

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

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

301.707. 1. No person shall operate an all-terrain vehicle within the state unless the
2 all-terrain vehicle has been registered with the department of revenue.

3 2. A registration is not required for the following:

4 (1) All-terrain vehicles owned and operated by the United States, another state, or a
5 political subdivision thereof;

6 (2) All-terrain vehicles owned and operated by this state or by any municipality or
7 political subdivision thereof;

8 (3) All-terrain vehicles covered by a valid registration of another state or country that
9 have not been within this state for more than thirty days.

10 3. No person under sixteen years of age shall be allowed to register an all-terrain
11 vehicle.

12 **4. (1) Notwithstanding any provision of law to the contrary, any all-terrain**
13 **vehicle with four or more wheels and with a combustion engine having a piston or rotor**
14 **displacement of two hundred cubic centimeters or more; any off-road vehicle with two**
15 **wheels and with a combustion engine having a piston or rotor displacement of one**
16 **hundred twenty cubic centimeters or more; or any all-terrain vehicle with four or more**
17 **wheels and propelled by an electric motor that draws power from a battery that is**
18 **capable of being recharged may be licensed as a motorcycle under this chapter to be**
19 **used on a public highway.**

20 **(2) Prior to being licensed, the all-terrain vehicle shall meet the necessary light,**
21 **brake, and other vehicle accessory requirements provided under this chapter and**
22 **chapters 304 and 307 applicable to motorcycles.**

23 **(3) The provisions of this subsection shall not apply to a golf cart as defined in**
24 **section 304.034, a low-speed vehicle as defined in section 304.029, or to a toy or youth**
25 **off-road vehicle.**

26 **(4) Any vehicle licensed under this subsection shall not be operated on the**
27 **interstate highway system. A person who operates any vehicle licensed under this**
28 **subsection on the interstate highway system is guilty of a class B misdemeanor.**

 304.013. 1. No person shall operate an all-terrain vehicle, as defined in section
2 301.010, upon the highways of this state, except as follows:

3 **(1) All-terrain vehicles licensed as motorcycles under subsection 4 of section**
4 **301.707;**

5 **(2)** All-terrain vehicles owned and operated by a governmental entity for official use;

6 ~~[(2)]~~ **(3)** All-terrain vehicles operated for agricultural purposes or industrial on-
7 premises purposes between the official sunrise and sunset on the day of operation;

8 ~~[(3)]~~ **(4)** All-terrain vehicles operated by handicapped persons for short distances
9 occasionally only on the state's secondary roads when operated between the hours of sunrise
10 and sunset;

11 ~~[(4)]~~ **(5)** Governing bodies of cities may issue special permits to licensed drivers for
12 special uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars
13 may be collected and retained by cities for such permits;

14 ~~[(5)]~~ **(6)** Governing bodies of counties may issue special permits to licensed drivers
15 for special uses of all-terrain vehicles on county roads within the county. Fees of fifteen
16 dollars may be collected and retained by the counties for such permits;

17 ~~[(6)]~~ **(7)** Municipalities may by resolution or ordinance allow all-terrain vehicle
18 operation on streets or highways under the governing body's jurisdiction. Any person
19 operating an all-terrain vehicle pursuant to a municipal resolution or ordinance shall maintain
20 proof of financial responsibility in accordance with section 303.160 or maintain any other
21 insurance policy providing equivalent liability coverage for an all-terrain vehicle.

22 2. No person shall operate an off-road vehicle within any stream or river in this state,
23 except that off-road vehicles may be operated within waterways which flow within the
24 boundaries of land which an off-road vehicle operator owns, or for agricultural purposes
25 within the boundaries of land which an off-road vehicle operator owns or has permission to be
26 upon, or for the purpose of fording such stream or river of this state at such road crossings as
27 are customary or part of the highway system. All law enforcement officials or peace officers
28 of this state and its political subdivisions or department of conservation agents or department
29 of natural resources park rangers shall enforce the provisions of this subsection within the
30 geographic area of their jurisdiction.

31 3. A person operating an all-terrain vehicle on a highway pursuant to an exception
32 covered in this section shall have a valid operator's or chauffeur's license, except that a
33 handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this
34 section, but shall not be required to have passed an examination for the operation of a

35 motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour.
36 When operated on a highway, ~~any~~ **any** all-terrain vehicle **that is not licensed as a**
37 **motorcycle under subsection 4 of section 301.707** shall have a bicycle safety flag, which
38 extends not less than seven feet above the ground, attached to the rear of the vehicle. The
39 bicycle safety flag shall be triangular in shape with an area of not less than thirty square
40 inches and shall be day-glow in color.

41 4. No persons shall operate an all-terrain vehicle:

42 (1) In any careless way so as to endanger the person or property of another;

43 (2) While under the influence of alcohol or any controlled substance;

44 (3) Without a securely fastened safety helmet on the head of an individual who
45 operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain
46 vehicle, unless the individual is at least eighteen years of age.

47 5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural
48 purposes. The provisions of this subsection shall not apply to any all-terrain vehicle in which
49 the seat of such vehicle is designed to carry more than one person.

50 6. A violation of this section shall be a class C misdemeanor. In addition to other
51 legal remedies, the attorney general or county prosecuting attorney may institute a civil action
52 in a court of competent jurisdiction for injunctive relief to prevent such violation or future
53 violations and for the assessment of a civil penalty not to exceed one thousand dollars per day
54 of violation.

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