

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

1 AMEND House Amendment No. _____ to Senate Substitute for Senate Bill No. 1298, Page 1, Line 4, by
2 deleting all of said line and inserting in lieu thereof the following:
3

4 ""304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010, upon the
5 highways of this state, except as follows:

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

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

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

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

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

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

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

Action Taken _____ Date _____

1 3. A person operating an all-terrain vehicle on a highway pursuant to an exception covered in this
2 section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such
3 vehicle pursuant to subdivision (3) of subsection 1 of this section, but shall not be required to have passed an
4 examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty
5 miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which
6 extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag
7 shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

8 4. A person operating an all-terrain vehicle on a highway pursuant to an exception covered in this
9 section shall maintain proof of financial responsibility in accordance with section 303.160 or maintain any
10 other insurance policy providing equivalent liability coverage.

11 5. No persons shall operate an all-terrain vehicle:

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

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

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

17 ~~5.]~~ 6. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.
18 The provisions of this subsection shall not apply to any all-terrain vehicle in which the seat of such vehicle is
19 designed to carry more than one person.

20 ~~[6.]~~ 7. A violation of this section shall be a class C misdemeanor. In addition to other legal
21 remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of
22 competent jurisdiction for injunctive relief to prevent such violation or future violations and for the
23 assessment of a civil penalty not to exceed one thousand dollars per day of violation.

24 304.029. 1. Notwithstanding any other law to the contrary, a low-speed vehicle may be operated
25 upon a highway in the state if it meets the requirements of this section. Every person operating a low-speed
26 vehicle shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other
27 motor vehicle except as to the special regulations in this section and except as to those provisions which by
28 their nature can have no application.

29 2. The operator of a low-speed vehicle shall observe all traffic laws and local ordinances regarding
30 the rules of the road. A low-speed vehicle shall not be operated on a street or a highway with a posted speed
31 limit greater than thirty-five miles per hour. The provisions of this subsection shall not prohibit a low-speed
32 vehicle from crossing a street or highway with a posted speed limit greater than thirty-five miles per hour.

33 3. No person shall operate a low-speed vehicle upon a highway in the state without displaying a
34 lighted head lamp and a lighted tail lamp.

35 4. The operator and passengers in a low-speed vehicle shall be required to wear seat belts.

36 5. A low-speed vehicle shall be exempt from the requirements of sections 307.350 to 307.402 for
37 purposes of titling and registration. Low-speed vehicles shall comply with the standards in 49 CFR 571.500,
38 as amended.

1 [4.] 6. Every operator of a low-speed vehicle shall maintain financial responsibility on such low-
2 speed vehicle as required by chapter 303 if the low-speed vehicle is to be operated upon the highways of this
3 state.

4 [5.] 7. Each person operating a low-speed vehicle on a highway in this state shall possess a valid
5 driver's license issued pursuant to chapter 302.

6 [6.] 8. For purposes of this section a "low-speed vehicle" shall have the meaning ascribed to it in 49
7 CFR, section 571.3, as amended.

8 [7.] 9. All low-speed vehicles shall be manufactured in compliance with the National Highway
9 Traffic Safety Administration standards for low-speed vehicles in 49 CFR 571.500, as amended.

10 [8.] 10. Nothing in this section shall prevent county or municipal governments from adopting more
11 stringent local ordinances governing low-speed vehicle operation if the governing body of the county or
12 municipality determines that such ordinances are necessary in the interest of public safety. The department of
13 transportation may prohibit the operation of low-speed vehicles on any highway under its jurisdiction if it
14 determines that the prohibition is necessary in the interest of public safety.

15 304.032. 1. No person shall operate a utility vehicle, as defined in section 301.010, upon the
16 highways of this state, except as follows:

17 (1) Utility vehicles owned and operated by a governmental entity for official use;

18 (2) Utility vehicles operated for agricultural purposes or industrial on-premises purposes [~~between~~
19 ~~the official sunrise and sunset on the day of operation, unless equipped with proper lighting~~];

20 (3) Utility vehicles operated by handicapped persons for short distances occasionally only on the
21 state's secondary roads when operated between the hours of sunrise and sunset;

22 (4) Governing bodies of cities may issue special permits for utility vehicles to be used on highways
23 within the city limits by licensed drivers. Fees of fifteen dollars may be collected and retained by cities for
24 such permits;

25 (5) Governing bodies of counties may issue special permits for utility vehicles to be used on county
26 roads within the county by licensed drivers. Fees of fifteen dollars may be collected and retained by the
27 counties for such permits;

28 (6) Municipalities may by resolution or ordinance allow utility vehicle operation on streets or
29 highways under the governing body's jurisdiction. [~~Any person operating a utility vehicle pursuant to a~~
30 ~~municipal resolution or ordinance shall maintain proof of financial responsibility in accordance with section~~
31 ~~303.160 or maintain any other insurance policy providing equivalent liability coverage for a utility vehicle.]~~

32 2. No person shall operate a utility vehicle within any stream or river in this state, except that utility
33 vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle
34 operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator
35 owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road
36 crossings as are customary or part of the highway system. All law enforcement officials or peace officers of
37 this state and its political subdivisions or department of conservation agents or department of natural
38 resources park rangers shall enforce the provisions of this subsection within the geographic area of their
39 jurisdiction.

1 3. A person operating a utility vehicle on a highway pursuant to an exception covered in this section
2 shall have a valid operator's or chauffeur's license, except ~~that~~ a handicapped person operating such vehicle
3 under subdivision (3) of subsection 1 of this section, but shall not be required to have passed an examination
4 for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than forty-five miles per
5 hour.

6 4. A person operating a utility vehicle on a highway pursuant to an exception covered in this section
7 shall maintain proof of financial responsibility in accordance with section 303.160 or maintain any other
8 insurance policy providing equivalent liability coverage for a utility vehicle.

9 5. No person shall operate a utility vehicle on a highway pursuant to an exception covered in this
10 section unless the utility vehicle is equipped with an equilateral triangular emblem, to be mounted in the rear
11 of such vehicle at least two feet above the roadway. The emblem shall be constructed of substantial material
12 with a fluorescent yellow-orange finish and a reflective red border at least one inch in width. Each side of the
13 emblem shall measure at least ten inches.

14 6. No persons shall operate a utility vehicle:

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

16 (2) While under the influence of alcohol or any controlled substance.

17 ~~[5.]~~ 7. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The
18 provisions of this subsection shall not apply to any utility vehicle in which the seat of such vehicle is
19 designed to carry more than one person. The operator and passengers in a utility vehicle shall be required to
20 wear seat belts, and no passengers shall ride in an unenclosed bed or other area not designated for seating.

21 ~~[6.]~~ 8. A violation of this section shall be a class C misdemeanor. In addition to other legal
22 remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of
23 competent jurisdiction for injunctive relief to prevent such violation or future violations and for the
24 assessment of a civil penalty not to exceed one thousand dollars per day of violation.

25 304.033. 1. No person shall operate a recreational off-highway vehicle, as defined in section
26 301.010, upon the highways of this state, except as follows:

27 (1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;

28 (2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises
29 purposes;

30 (3) Recreational off-highway vehicles operated within three miles of the operator's primary
31 residence. The provisions of this subdivision shall not authorize the operation of a recreational off-highway
32 vehicle in a municipality unless such operation is authorized by such municipality as provided for in
33 subdivision (5) of this subsection;

34 (4) Recreational off-highway vehicles operated by handicapped persons for short distances
35 occasionally only on the state's secondary roads;

36 (5) Governing bodies of cities may issue special permits to licensed drivers for special uses of
37 recreational off-highway vehicles on highways within the city limits. Fees of fifteen dollars may be collected
38 and retained by cities for such permits;

1 (6) Governing bodies of counties may issue special permits to licensed drivers for special uses of
 2 recreational off-highway vehicles on county roads within the county. Fees of fifteen dollars may be collected
 3 and retained by the counties for such permits.

4 2. No person shall operate a recreational off-highway vehicle within any stream or river in this state,
 5 except that recreational off-highway vehicles may be operated within waterways which flow within the
 6 boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes
 7 within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be
 8 upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary
 9 or part of the highway system. All law enforcement officials or peace officers of this state and its political
 10 subdivisions or department of conservation agents or department of natural resources park rangers shall
 11 enforce the provisions of this subsection within the geographic area of their jurisdiction.

12 3. A person operating a recreational off-highway vehicle on a highway pursuant to an exception
 13 covered in this section shall have a valid operator's or chauffeur's license, except ~~that~~ a handicapped person
 14 operating such vehicle pursuant to subdivision (4) of subsection 1 of this section, but shall not be required to
 15 have passed an examination for the operation of a motorcycle. Any person operating a recreational, off-
 16 highway vehicle upon a highway of this state shall maintain proof of financial responsibility in accordance
 17 with section 303.160 or maintain any other insurance policy providing equivalent liability coverage. An
 18 individual shall not operate a recreational off-highway vehicle upon a highway in this state without
 19 displaying a lighted headlamp and a lighted tail lamp. A person ~~may~~ shall not operate a recreational off-
 20 highway vehicle upon a highway of this state unless such person wears a seat belt. Passengers in a
 21 recreational, off-highway vehicle shall be required to wear seat belts, and no passengers shall ride in an
 22 unenclosed bed or other area not designated for seating. When operated on a highway, a recreational off-
 23 highway vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an
 24 occupant of the vehicle in case of the vehicle's rollover.

25 304.822. 1. This section shall be known as the "Siddens Bening Hands Free Law".; and

26
 27 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

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 29 THIS AMENDS AMENDMENT .12H