

FIRST REGULAR SESSION

# HOUSE BILL NO. 169

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BROWN (149).

0443H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 301.010 and 307.010, RSMo, and to enact in lieu thereof two new sections relating to cotton trailers.

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

Section A. Sections 301.010 and 307.010, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 301.010 and 307.010, to read as follows:

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;

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  
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  
35 at speeds less than [~~forty~~] **sixty-five** miles per hour from field to field or from field to market  
36 and return;

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

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

40 (13) "Driveaway operation":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

103

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

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

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

123 (30) "Local log truck tractor", a commercial motor vehicle which is registered under  
124 this chapter to operate as a motor vehicle on the public highways of this state; used  
125 exclusively in this state; used to transport harvested forest products, operated at a forested site  
126 and in an area extending not more than a one hundred fifty mile radius from such site; and  
127 when operated on the national system of interstate and defense highways described in 23

128 U.S.C. Section 103, as amended, or outside the one hundred fifty mile radius from such site  
129 with an extended distance local log truck permit, does not have more than three axles and  
130 does not pull a trailer which has more than three axles;

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

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

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

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

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

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

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

153 (a) Offered for hire or lease; or

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

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

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

161 (40) "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, but excluding an electric bicycle. A motortricycle shall not be included in the  
165 definition of all-terrain vehicle;

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

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

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

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

171 (45) "Owner", any person, firm, corporation or association, who holds the legal title  
172 to a vehicle or who has executed a buyer's order or retail installment sales contract with a  
173 motor vehicle dealer licensed under sections 301.550 to 301.580 for the purchase of a vehicle  
174 with an immediate right of possession vested in the transferee, or in the event a vehicle is the  
175 subject of an agreement for the conditional sale or lease thereof with the right of purchase  
176 upon performance of the conditions stated in the agreement and with an immediate right of  
177 possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle  
178 is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed  
179 the owner;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



274 property and constitute inventory property of a manufacturer, distributor, or dealer of such  
275 trailers or semitrailers;

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

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

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

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

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

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

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

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

307 (72) "Vanpool", any van or other motor vehicle used or maintained by any person,  
308 group, firm, corporation, association, city, county or state agency, or any member thereof, for  
309 the transportation of not less than eight nor more than forty-eight employees, per motor  
310 vehicle, to and from their place of employment; however, a vanpool shall not be included in

311 the definition of the term bus or commercial motor vehicle as defined in this section, nor shall  
312 a vanpool driver be deemed a chauffeur as that term is defined by section 303.020; nor shall  
313 use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance  
314 uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other  
315 than for use in a ride-sharing arrangement;

316 (73) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,  
317 on highways, except motorized bicycles, electric bicycles, vehicles propelled or drawn by  
318 horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers  
319 or motorized wheelchairs operated by handicapped persons;

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

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

307.010. 1. All motor vehicles, and every trailer and semitrailer operating upon the  
2 public highways of this state and carrying goods or material or farm products which may  
3 reasonably be expected to become dislodged and fall from the vehicle, trailer or semitrailer as  
4 a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or  
5 semitrailer shall have a protective cover or be sufficiently secured so that no portion of such  
6 goods or material can become dislodged and fall from the vehicle, trailer or semitrailer while  
7 being transported or carried.

8 2. **A cotton trailer, as defined in section 301.010, shall not be in violation of this**  
9 **section, provided it is traveling at speeds less than sixty-five miles per hour from field to**  
10 **field or from field to market and return, and no portion of such goods or material**  
11 **becomes dislodged and falls from the cotton trailer.**

12 3. Operation of a motor vehicle, trailer or semitrailer in violation of this section shall  
13 be a class C misdemeanor, and any person convicted thereof shall be punished as provided by  
14 law.

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