

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 707

AN ACT

To repeal sections 301.010 and 301.700, RSMo, and to enact in lieu thereof two new sections relating to off-highway motorized vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 301.010 and 301.700, RSMo, are repealed
2 and two new sections enacted in lieu thereof, to be known as
3 sections 301.010 and 301.700, to read as follows:

4 301.010. As used in this chapter and sections 304.010 to
5 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the
6 following terms mean:

7 (1) "All-terrain vehicle", any motorized vehicle
8 manufactured and used exclusively for off-highway use which is
9 fifty inches or less in width, with an unladen dry weight of one
10 thousand five hundred pounds or less, traveling on three, four or
11 more nonhighway tires[, with a seat designed to be straddled by
12 the operator, or with a seat designed to carry more than one
13 person, and handlebars for steering control];

14 (2) "Automobile transporter", any vehicle combination
15 designed and used specifically for the transport of assembled
16 motor vehicles;

17 (3) "Axle load", the total load transmitted to the road by

1 all wheels whose centers are included between two parallel
2 transverse vertical planes forty inches apart, extending across
3 the full width of the vehicle;

4 (4) "Boat transporter", any vehicle combination designed
5 and used specifically to transport assembled boats and boat
6 hulls;

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

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

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

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

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

24 (10) "Director" or "director of revenue", the director of
25 the department of revenue;

26 (11) "Driveaway operation":

27 (a) The movement of a motor vehicle or trailer by any
28 person or motor carrier other than a dealer over any public

1 highway, under its own power singly, or in a fixed combination of
2 two or more vehicles, for the purpose of delivery for sale or for
3 delivery either before or after sale;

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

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

17 (12) "Dromedary", a box, deck, or plate mounted behind the
18 cab and forward of the fifth wheel on the frame of the power unit
19 of a truck tractor-semitrailer combination. A truck tractor
20 equipped with a dromedary may carry part of a load when operating
21 independently or in a combination with a semitrailer;

22 (13) "Farm tractor", a tractor used exclusively for
23 agricultural purposes;

24 (14) "Fleet", any group of ten or more motor vehicles owned
25 by the same owner;

26 (15) "Fleet vehicle", a motor vehicle which is included as
27 part of a fleet;

28 (16) "Fullmount", a vehicle mounted completely on the frame

1 of either the first or last vehicle in a saddlemount combination;

2 (17) "Gross weight", the weight of vehicle and/or vehicle
3 combination without load, plus the weight of any load thereon;

4 (18) "Hail-damaged vehicle", any vehicle, the body of which
5 has become dented as the result of the impact of hail;

6 (19) "Highway", any public thoroughfare for vehicles,
7 including state roads, county roads and public streets, avenues,
8 boulevards, parkways or alleys in any municipality;

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

12 (21) "Intersecting highway", any highway which joins
13 another, whether or not it crosses the same;

14 (22) "Junk vehicle", a vehicle which is incapable of
15 operation or use upon the highways and has no resale value except
16 as a source of parts or scrap, and shall not be titled or
17 registered;

18 (23) "Kit vehicle", a motor vehicle assembled by a person
19 other than a generally recognized manufacturer of motor vehicles
20 by the use of a glider kit or replica purchased from an
21 authorized manufacturer and accompanied by a manufacturer's
22 statement of origin;

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

26 (a) An area that extends not more than a radius of one
27 hundred miles from its home base of operations when transporting
28 its owner's machinery, equipment, or auxiliary supplies to or

1 from projects involving soil and water conservation, or to and
2 from equipment dealers' maintenance facilities for maintenance
3 purposes; or

4 (b) An area that extends not more than a radius of fifty
5 miles from its home base of operations when transporting its
6 owner's machinery, equipment, or auxiliary supplies to or from
7 projects not involving soil and water conservation. Nothing in
8 this subdivision shall be construed to prevent any motor vehicle
9 from being registered as a commercial motor vehicle or local
10 commercial motor vehicle;

11 (25) "Local commercial motor vehicle", a commercial motor
12 vehicle whose operations are confined solely to a municipality
13 and that area extending not more than fifty miles therefrom, or a
14 commercial motor vehicle whose property-carrying operations are
15 confined solely to the transportation of property owned by any
16 person who is the owner or operator of such vehicle to or from a
17 farm owned by such person or under the person's control by virtue
18 of a landlord and tenant lease; provided that any such property
19 transported to any such farm is for use in the operation of such
20 farm;

21 (26) "Local log truck", a commercial motor vehicle which is
22 registered pursuant to this chapter to operate as a motor vehicle
23 on the public highways of this state, used exclusively in this
24 state, used to transport harvested forest products, operated
25 solely at a forested site and in an area extending not more than
26 a one hundred-mile radius from such site, carries a load with
27 dimensions not in excess of twenty-five cubic yards per two axles
28 with dual wheels, and when operated on the national system of

1 interstate and defense highways described in Title 23, Section
2 103(e) of the United States Code, such vehicle shall not exceed
3 the weight limits of section 304.180, does not have more than
4 four axles, and does not pull a trailer which has more than two
5 axles. Harvesting equipment which is used specifically for
6 cutting, felling, trimming, delimiting, debarking, chipping,
7 skidding, loading, unloading, and stacking may be transported on
8 a local log truck. A local log truck may not exceed the limits
9 required by law, however, if the truck does exceed such limits as
10 determined by the inspecting officer, then notwithstanding any
11 other provisions of law to the contrary, such truck shall be
12 subject to the weight limits required by such sections as
13 licensed for eighty thousand pounds;

14 (27) "Local log truck tractor", a commercial motor vehicle
15 which is registered under this chapter to operate as a motor
16 vehicle on the public highways of this state, used exclusively in
17 this state, used to transport harvested forest products, operated
18 solely at a forested site and in an area extending not more than
19 a one hundred-mile radius from such site, operates with a weight
20 not exceeding twenty-two thousand four hundred pounds on one axle
21 or with a weight not exceeding forty-four thousand eight hundred
22 pounds on any tandem axle, and when operated on the national
23 system of interstate and defense highways described in Title 23,
24 Section 103(e) of the United States Code, such vehicle does not
25 exceed the weight limits contained in section 304.180, and does
26 not have more than three axles and does not pull a trailer which
27 has more than two axles. Violations of axle weight limitations
28 shall be subject to the load limit penalty as described for in

1 sections 304.180 to 304.220;

2 (28) "Local transit bus", a bus whose operations are
3 confined wholly within a municipal corporation, or wholly within
4 a municipal corporation and a commercial zone, as defined in
5 section 390.020, adjacent thereto, forming a part of a public
6 transportation system within such municipal corporation and such
7 municipal corporation and adjacent commercial zone;

8 (29) "Log truck", a vehicle which is not a local log truck
9 or local log truck tractor and is used exclusively to transport
10 harvested forest products to and from forested sites which is
11 registered pursuant to this chapter to operate as a motor vehicle
12 on the public highways of this state for the transportation of
13 harvested forest products;

14 (30) "Major component parts", the rear clip, cowl, frame,
15 body, cab, front-end assembly, and front clip, as those terms are
16 defined by the director of revenue pursuant to rules and
17 regulations or by illustrations;

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

21 (32) "Motor change vehicle", a vehicle manufactured prior
22 to August, 1957, which receives a new, rebuilt or used engine,
23 and which used the number stamped on the original engine as the
24 vehicle identification number;

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

27 (34) "Motor vehicle primarily for business use", any
28 vehicle other than a recreational motor vehicle, motorcycle,

1 motorcycle, or any commercial motor vehicle licensed for over
2 twelve thousand pounds:

3 (a) Offered for hire or lease; or

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

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

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

13 (37) "Motortricycle", a motor vehicle operated on three
14 wheels, including a motorcycle while operated with any
15 conveyance, temporary or otherwise, requiring the use of a third
16 wheel. A motortricycle shall not be included in the definition
17 of all-terrain vehicle;

18 (38) "Municipality", any city, town or village, whether
19 incorporated or not;

20 (39) "Nonresident", a resident of a state or country other
21 than the state of Missouri;

22 (40) "Non-USA-std motor vehicle", a motor vehicle not
23 originally manufactured in compliance with United States
24 emissions or safety standards;

25 (41) "Operator", any person who operates or drives a motor
26 vehicle;

27 (42) "Owner", any person, firm, corporation or association,
28 who holds the legal title to a vehicle or in the event a vehicle

1 is the subject of an agreement for the conditional sale or lease
2 thereof with the right of purchase upon performance of the
3 conditions stated in the agreement and with an immediate right of
4 possession vested in the conditional vendee or lessee, or in the
5 event a mortgagor of a vehicle is entitled to possession, then
6 such conditional vendee or lessee or mortgagor shall be deemed
7 the owner for the purpose of this law;

8 (43) "Public garage", a place of business where motor
9 vehicles are housed, stored, repaired, reconstructed or repainted
10 for persons other than the owners or operators of such place of
11 business;

12 (44) "Rebuilder", a business that repairs or rebuilds motor
13 vehicles owned by the rebuilder, but does not include
14 certificated common or contract carriers of persons or property;

15 (45) "Reconstructed motor vehicle", a vehicle that is
16 altered from its original construction by the addition or
17 substitution of two or more new or used major component parts,
18 excluding motor vehicles made from all new parts, and new
19 multistage manufactured vehicles;

20 (46) "Recreational motor vehicle", any motor vehicle
21 designed, constructed or substantially modified so that it may be
22 used and is used for the purposes of temporary housing quarters,
23 including therein sleeping and eating facilities which are either
24 permanently attached to the motor vehicle or attached to a unit
25 which is securely attached to the motor vehicle. Nothing herein
26 shall prevent any motor vehicle from being registered as a
27 commercial motor vehicle if the motor vehicle could otherwise be
28 so registered;

1 (47) "Recreational off-highway vehicle", any motorized
2 vehicle manufactured and used exclusively for off-highway use
3 which is [~~sixty-four~~] more than fifty inches [~~or less~~] but no
4 more than sixty-seven inches in width, with an unladen dry weight
5 of two thousand pounds or less, traveling on four or more
6 nonhighway tires[, with a nonstraddle seat, and steering wheel,]
7 and which may have access to ATV trails;

8 (48) "Rollback or car carrier", any vehicle specifically
9 designed to transport wrecked, disabled or otherwise inoperable
10 vehicles, when the transportation is directly connected to a
11 wrecker or towing service;

12 (49) "Saddlemount combination", a combination of vehicles
13 in which a truck or truck tractor tows one or more trucks or
14 truck tractors, each connected by a saddle to the frame or fifth
15 wheel of the vehicle in front of it. The "saddle" is a mechanism
16 that connects the front axle of the towed vehicle to the frame or
17 fifth wheel of the vehicle in front and functions like a fifth
18 wheel kingpin connection. When two vehicles are towed in this
19 manner the combination is called a "double saddlemount
20 combination". When three vehicles are towed in this manner, the
21 combination is called a "triple saddlemount combination";

22 (50) "Salvage dealer and dismantler", a business that
23 dismantles used motor vehicles for the sale of the parts thereof,
24 and buys and sells used motor vehicle parts and accessories;

25 (51) "Salvage vehicle", a motor vehicle, semitrailer, or
26 house trailer which:

27 (a) Was damaged during a year that is no more than six
28 years after the manufacturer's model year designation for such

1 vehicle to the extent that the total cost of repairs to rebuild
2 or reconstruct the vehicle to its condition immediately before it
3 was damaged for legal operation on the roads or highways exceeds
4 eighty percent of the fair market value of the vehicle
5 immediately preceding the time it was damaged;

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

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

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

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

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

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

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

4 (52) "School bus", any motor vehicle used solely to
5 transport students to or from school or to transport students to
6 or from any place for educational purposes;

7 (53) "Scrap processor", a business that, through the use of
8 fixed or mobile equipment, flattens, crushes, or otherwise
9 accepts motor vehicles and vehicle parts for processing or
10 transportation to a shredder or scrap metal operator for
11 recycling;

12 (54) "Shuttle bus", a motor vehicle used or maintained by
13 any person, firm, or corporation as an incidental service to
14 transport patrons or customers of the regular business of such
15 person, firm, or corporation to and from the place of business of
16 the person, firm, or corporation providing the service at no fee
17 or charge. Shuttle buses shall not be registered as buses or as
18 commercial motor vehicles;

19 (55) "Special mobile equipment", every self-propelled
20 vehicle not designed or used primarily for the transportation of
21 persons or property and incidentally operated or moved over the
22 highways, including farm equipment, implements of husbandry, road
23 construction or maintenance machinery, ditch-digging apparatus,
24 stone crushers, air compressors, power shovels, cranes, graders,
25 rollers, well-drillers and wood-sawing equipment used for hire,
26 asphalt spreaders, bituminous mixers, bucket loaders, ditchers,
27 leveling graders, finished machines, motor graders, road rollers,
28 scarifiers, earth-moving carryalls, scrapers, drag lines,

1 concrete pump trucks, rock-drilling and earth-moving equipment.
2 This enumeration shall be deemed partial and shall not operate to
3 exclude other such vehicles which are within the general terms of
4 this section;

5 (56) "Specially constructed motor vehicle", a motor vehicle
6 which shall not have been originally constructed under a
7 distinctive name, make, model or type by a manufacturer of motor
8 vehicles. The term specially constructed motor vehicle includes
9 kit vehicles;

10 (57) "Stinger-steered combination", a truck
11 tractor-semitrailer wherein the fifth wheel is located on a drop
12 frame located behind and below the rearmost axle of the power
13 unit;

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

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

22 (60) "Trailer", any vehicle without motive power designed
23 for carrying property or passengers on its own structure and for
24 being drawn by a self-propelled vehicle, except those running
25 exclusively on tracks, including a semitrailer or vehicle of the
26 trailer type so designed and used in conjunction with a
27 self-propelled vehicle that a considerable part of its own weight
28 rests upon and is carried by the towing vehicle. The term

1 "trailer" shall not include cotton trailers as defined in
2 subdivision (8) of this section and shall not include
3 manufactured homes as defined in section 700.010;

4 (61) "Truck", a motor vehicle designed, used, or maintained
5 for the transportation of property;

6 (62) "Truck-tractor semitrailer-semitrailer", a combination
7 vehicle in which the two trailing units are connected with a
8 B-train assembly which is a rigid frame extension attached to the
9 rear frame of a first semitrailer which allows for a fifth-wheel
10 connection point for the second semitrailer and has one less
11 articulation point than the conventional A-dolly connected
12 truck-tractor semitrailer-trailer combination;

13 (63) "Truck-trailer boat transporter combination", a boat
14 transporter combination consisting of a straight truck towing a
15 trailer using typically a ball and socket connection with the
16 trailer axle located substantially at the trailer center of
17 gravity rather than the rear of the trailer but so as to maintain
18 a downward force on the trailer tongue;

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

24 (65) "Utility vehicle", any motorized vehicle manufactured
25 and used exclusively for off-highway use which is [sixty-three]
26 more than fifty inches [or less] but no more than sixty-seven
27 inches in width, with an unladen dry weight of [one] two thousand
28 [eight hundred fifty] pounds or less, traveling on four or six

1 wheels, to be used primarily for landscaping, lawn care, or
2 maintenance purposes;

3 (66) "Vanpool", any van or other motor vehicle used or
4 maintained by any person, group, firm, corporation, association,
5 city, county or state agency, or any member thereof, for the
6 transportation of not less than eight nor more than forty-eight
7 employees, per motor vehicle, to and from their place of
8 employment; however, a vanpool shall not be included in the
9 definition of the term bus or commercial motor vehicle as defined
10 by subdivisions (6) and (7) of this section, nor shall a vanpool
11 driver be deemed a chauffeur as that term is defined by section
12 303.020; nor shall use of a vanpool vehicle for ride-sharing
13 arrangements, recreational, personal, or maintenance uses
14 constitute an unlicensed use of the motor vehicle, unless used
15 for monetary profit other than for use in a ride-sharing
16 arrangement;

17 (67) "Vehicle", any mechanical device on wheels, designed
18 primarily for use, or used, on highways, except motorized
19 bicycles, vehicles propelled or drawn by horses or human power,
20 or vehicles used exclusively on fixed rails or tracks, or cotton
21 trailers or motorized wheelchairs operated by handicapped
22 persons;

23 (68) "Wrecker" or "tow truck", any emergency commercial
24 vehicle equipped, designed and used to assist or render aid and
25 transport or tow disabled or wrecked vehicles from a highway,
26 road, street or highway rights-of-way to a point of storage or
27 repair, including towing a replacement vehicle to replace a
28 disabled or wrecked vehicle;

1 (69) "Wrecker or towing service", the act of transporting,
2 towing or recovering with a wrecker, tow truck, rollback or car
3 carrier any vehicle not owned by the operator of the wrecker, tow
4 truck, rollback or car carrier for which the operator directly or
5 indirectly receives compensation or other personal gain.

6 301.700. All-terrain vehicles shall be treated in the same
7 manner as motor vehicles, pursuant to this chapter, for the
8 purposes of transfer, titling, perfection of liens and
9 encumbrances, and the collection of all taxes, fees and other
10 charges. Funds collected by the department of revenue pursuant
11 to sections 301.700 to 301.714 shall be deposited by the director
12 in the state treasury to the credit of the general revenue fund.
13 An applicant that purchases a used all-terrain vehicle after
14 August 28, 2014, that was defined as a utility or recreation off-
15 highway vehicle prior to August 28, 2014, may present a notarized
16 bill of sale as evidence of lawful ownership.