

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2042
95TH GENERAL ASSEMBLY

4699L.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 301, RSMo, by adding thereto nine new sections relating to off-highway vehicles, with penalty provisions.

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

Section A. Chapter 301, RSMo, is amended by adding thereto nine new sections, to be
2 known as sections 301.4015, 301.4016, 301.4017, 301.4019, 301.4021, 301.4023, 301.4025,
3 301.4027, and 301.4029, to read as follows:

301.4015. As used in sections 301.4015 to 301.4029, the following terms shall mean:
2 (1) "Motorcycle", a motor vehicle operated on two wheels;
3 (2) "Nonresident", a resident of a state or country other than the state of Missouri;
4 (3) "Off-highway vehicle", an all-terrain vehicle, as defined in section 301.010, or
5 a recreational off-highway vehicle, as defined in section 301.010;
6 (4) "Off-highway vehicle user permit", a permit issued by the department of
7 natural resources to a nonresident which gives authorization for the permitted off-highway
8 vehicle to be operated in Missouri and as indicated by a printed certificate issued by that
9 department.

**301.4016. Notwithstanding the provisions of section 301.190 or any other law, when
2 an application is made for an original Missouri certificate of ownership for an all-terrain
3 vehicle, as defined in section 301.010, or a recreational off-highway vehicle, as defined in
4 section 301.010, which has not been issued a prior Missouri certificate of ownership, the
5 application shall be accompanied by an affidavit submitted by the owner explaining how
6 the all-terrain vehicle or recreational off-highway vehicle was acquired, an inspection
7 performed by law enforcement verifying the all-terrain vehicle or recreational off-highway
8 vehicle has not been reported stolen in the national crime information center and any**

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.

9 appropriate statewide law enforcement computer, and a photocopy of the bill of sale
10 establishing ownership of such vehicle.

301.4017. 1. A nonresident wishing to operate an off-highway vehicle, other than
2 an off-highway vehicle owned by a resident, in Missouri shall either purchase a user permit
3 for that off-highway vehicle from the department of natural resources or the department's
4 designee and carry a Missouri off-highway vehicle public lands user certificate on his or
5 her person, or have displayed a valid highway license for such off-highway vehicle.

6 2. Beginning January 1, 2011, each nonresident owner of an off-highway vehicle
7 not licensed for highway use shall annually apply for and purchase a Missouri off-highway
8 vehicle user permit from the department of natural resources or the department's designee.
9 The application shall state the name and address of the owner, the name of the applicant,
10 and the make and model of the off-highway vehicle.

11 3. An off-highway vehicle user permit is not required for the following:

12 (1) Off-highway vehicles owned and operated by the United States, another state
13 or a political subdivision thereof;

14 (2) Motorcycles, whether licensed or unlicensed; and

15 (3) Off-highway vehicles participating in officially sanctioned race events.

301.4019. 1. The nonresident owner of an off-highway vehicle which will be
2 operated in Missouri under section 301.4017 shall upon filing of a complete application pay
3 to the department of natural resources or the department's designee an annual user permit
4 fee of twenty dollars. Such permits shall be available for purchase on the department of
5 natural resources' webpage and sold by the department of natural resources or its designee
6 at the point of entry to parks containing trails and areas designated for off-highway vehicle
7 use.

8 2. Permit fees collected by the department of natural resources or the department's
9 designee under this section shall be deposited by the director in the state treasury to the
10 credit of the off-highway vehicle public lands fund.

301.4021. Upon receipt of user permit fees imposed under section 301.4019, the
2 department of natural resources shall issue a printed user certificate which shall be carried
3 by the person operating the off-highway vehicle at all times.

301.4023. In the event of loss, mutilation, or destruction of any certificate, the
2 nonresident owner of an off-highway vehicle may obtain a duplicate certificate from the
3 department of natural resources upon filing an affidavit explaining the loss, mutilation, or
4 destruction of the original certificate and paying a replacement fee of eight dollars. Eight
5 dollars of each replacement fee collected under this section shall be deposited in the fund
6 created under section 301.4029.

301.4025. Each certificate issued under sections 301.4025 to 301.4029 shall expire
2 on December thirty-first of the registration year.

301.4027. 1. Any violation of the provisions of sections 301.4015 to 301.4029 shall
2 be an infraction. An arrest or service of summons for violations of the provisions of
3 sections 301.4015 to 301.4029, and section 577.065 or any other provision of this chapter,
4 chapter 304 or 307, as such provisions relate to off-highway vehicles, may be made by the
5 duly authorized law enforcement officer of any political subdivision of the state, the
6 highway patrol, the state water patrol and state park rangers.

7 2. Violations of the provisions of sections 301.4015 to 301.4029, and section 577.065
8 or any other provision of this chapter, chapter 304 or 307, as such provisions relate to
9 off-highway vehicles, or any rule or order hereunder, may be referred to the proper
10 prosecuting attorney or circuit attorney who may, with or without such reference, institute
11 appropriate proceedings.

12 3. Nothing in sections 301.4015 to 301.4029, and section 577.065 or any other
13 provision of this chapter, chapter 304 or 307, as such provisions relate to off-highway
14 vehicles, limits the power of the state to punish any person for any conduct which
15 constitutes a crime by statute or at common law.

301.4029. 1. There is hereby created in the state treasury the "Off-Highway
2 Vehicle User Permit Fund", which shall consist of all off-highway vehicle user fees, gifts,
3 donations, transfers, and moneys appropriated by the general assembly, and bequests to
4 the fund. The state treasurer shall be custodian of the fund and may approve
5 disbursements from the fund in accordance with sections 30.170 and 30.180. The fund
6 shall be administered by the department of natural resources in accordance with the
7 provisions of this section unless otherwise specified by the general assembly.

8 2. Notwithstanding the provisions of section 33.080, to the contrary, any moneys
9 remaining in the fund at the end of the biennium shall not revert to the credit of the
10 general revenue fund.

11 3. The state treasurer shall invest moneys in the fund in the same manner as other
12 funds are invested. Any interest and moneys earned on such investments shall be credited
13 to the fund.

14 4. Moneys in the off-highway vehicle user permit fund shall be spent as follows:

15 (1) Thirty-five percent for informational and educational programs relating to
16 safety, the environment, and responsible use with respect to off-highway vehicle recreation;

17 (2) Sixty-five percent for:

18 (a) Costs associated with the designation, construction, maintenance, renovation,
19 or repair of off-highway vehicle routes and trails, and the designation, management, and

20 acquisition of land for access roads, off-highway vehicle recreation facilities, and
21 off-highway vehicle use areas;

22 (b) Enforcement of off-highway vehicle laws;

23 (c) Off-highway vehicle-related informational and environmental programs,
24 information, signage, maps, and responsible use programs;

25 (d) Mitigation of damages to land, revegetation, and the prevention and restoration
26 of damages to natural and cultural resources; and

27 (e) Environmental, historical, and cultural clearance or compliance activities.

28 5. Moneys in the off-highway vehicle user permit fund shall not be used to
29 construct new off-highway vehicle trails or routes on environmentally or culturally
30 sensitive land unless the appropriate land management agency determines that certain new
31 trail construction would benefit or protect cultural or sensitive sites. For the purposes of
32 this subsection, "environmentally or culturally sensitive land" may include areas of land
33 that are either:

34 (1) A national monument;

35 (2) An area of critical environmental concern; or

36 (3) A National Register eligible archeological or historic place.

37 6. The department of natural resources shall promulgate rules setting forth the
38 procedures and methods for implementing the provisions of this section and establish
39 additional criteria for the disbursement of funds under this section. Any rule or portion
40 of a rule, as that term is defined in section 536.010, that is created under the authority
41 delegated in this section shall become effective only if it complies with and is subject to all
42 of the provisions of chapter 536 and, if applicable, section 536.028. This section and
43 chapter 536 are nonseverable and if any of the powers vested with the general assembly
44 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
45 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
46 any rule proposed or adopted after August 28, 2010, shall be invalid and void.

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