

SECOND REGULAR SESSION

HOUSE BILL NO. 2042

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN (30).

4699L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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) "Missouri off-highway vehicle public lands", any publicly owned area
3 specifically designated as open to use by off-highway vehicles, and may include land owned
4 by the National Forest Service, Missouri department of natural resources, Missouri
5 department of conservation, and counties or cities;
- 6 (2) "Motorcycle", a motor vehicle operated on two wheels;
- 7 (3) "Nonresident", a resident of a state or country other than the state of Missouri;
- 8 (4) "Off-highway vehicle", any vehicle designed for or capable of cross-country
9 travel on or immediately over land, water, ice, snow, marsh, swampland, or other natural
10 terrain without benefit of a road or trail:
- 11 (a) Including, without limitation, the following:
- 12 a. All-terrain vehicles;
- 13 b. Dune buggies;
- 14 c. Multiwheel drive or low-pressure tire vehicles;
- 15 d. Vehicles using an endless belt, or tread or treads, or a combination of tread and
16 low-pressure tires;

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 e. Motorcycles, trail bikes, minibikes, and related vehicles;
18 f. Any other means of transportation deriving power from any source other than
19 muscle or wind; and
- 20 (b) Excluding the following:
- 21 a. Registered motorboats;
22 b. Aircraft;
23 c. Any military, fire or law enforcement vehicle;
24 d. Farm-type tractors and other self-propelled equipment for harvesting and
25 transporting farm or forest products;
26 e. Any vehicle being used for farm purposes, earth moving, or construction while
27 being used for such purposes on the work site;
28 f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being
29 used exclusively for their designed purpose; and
30 g. Any vehicle being used for the purpose of transporting a handicapped person;
31 (5) "Off-highway vehicle public lands user permit", a permit issued by the
32 department of revenue which gives authorization for the permitted off-highway vehicle to
33 be operated on Missouri off-highway vehicle public lands and as indicated by a decal
34 issued by that 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 off-highway
3 vehicle, it shall be accompanied by an affidavit submitted by the owner explaining how the
4 off-highway vehicle was acquired and a photocopy of the bill of sale establishing ownership
5 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, on Missouri off-highway vehicle public lands,
3 Corps of Engineers lands, or on Missouri private for profit off-highway vehicle parks or
4 trail systems shall either purchase and display a Missouri off-highway vehicle public lands
5 user permit for that off-highway vehicle from the department of revenue, or have displayed
6 a valid highway license for such off-highway vehicle.

7 2. Beginning January 1, 2011, each nonresident owner of an off-highway vehicle
8 not licensed for highway use shall, for each vehicle used on Missouri off-highway vehicle
9 public lands, Corps of Engineers lands or on Missouri private for profit off-highway
10 vehicle parks or trail systems, annually apply for and purchase a Missouri off-highway
11 vehicle public lands user permit from the department of revenue. The application shall
12 state the name and address of the owner, the name of the applicant, and the make and
13 model of the off-highway vehicle.

14 **3. An off-highway vehicle public lands user permit is not required for the**
15 **following:**

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

18 **(2) Motorcycles, whether licensed or unlicensed; and**

19 **(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 on Missouri off-highway vehicle public lands under section 301.4017 shall upon**
3 **filing of a complete application pay to the department of revenue an annual user permit**
4 **fee of seventeen dollars and fifty cents and an administration fee of two dollars and fifty**
5 **cents.**

6 **2. Permit fees collected by the department of revenue under this section shall be**
7 **deposited by the director in the state treasury to the credit of the off-highway vehicle**
8 **public lands fund.**

301.4021. Upon receipt of user permit fees imposed under section 301.4019, the
2 **department of revenue shall issue a numbered decal which shall be prominently displayed**
3 **on the right front fork, frame, or fender of the off-highway vehicle.**

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

301.4025. Each decal issued under sections 301.4025 to 301.4029 shall expire on
2 **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 Public Lands Fund", which shall consist of all off-highway vehicle public lands**
3 **user fees, gifts, donations, transfers, and moneys appropriated by the general assembly,**
4 **and bequests to the fund. The state treasurer shall be custodian of the fund and may**
5 **approve disbursements from the fund in accordance with sections 30.170 and 30.180. The**
6 **fund 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 public lands 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 public lands 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.**

✓