

HCS SCS SB 714 -- ROAD USE

SPONSOR: Lager (Denison)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 12 to 0.

This substitute changes the laws regarding road use. The substitute:

(1) Revises the definition of "recreational off-highway vehicle." The width of a recreational off-highway vehicle is increased from 60 inches to 64 inches and the unladen dry weight of the vehicle is increased from 1,850 pounds to 2,000 pounds;

(2) Allows the following recreational off-highway vehicles to be operated upon the highways of this state:

(a) Vehicles owned and operated by a governmental entity for official use;

(b) Vehicles operated for agricultural purposes or industrial on-premise purposes between sunrise and sunset;

(c) Vehicles operated within three miles of the operator's primary residence; and

(d) Vehicles operated occasionally by handicapped persons for short distances only on the state's secondary roads between the hours of sunrise and sunset;

(3) Prohibits a person from operating a recreational off-highway vehicle within any stream or river except by an operator who owns the property or has permission to be on the property on which the waterway flows through or when fording it at a low-water crossing;

(4) Requires a person operating a recreational off-highway vehicle on a highway to have a valid operator's or chauffeur's license with certain specified exceptions, to display a lighted headlamp and a lighted tail lamp, to wear a seat belt, and the vehicle to be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover. A violation of these provisions will be a class C misdemeanor. In addition to other legal remedies, the Attorney General or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief and for the assessment of a civil penalty of up to \$1,000 per day of violation;

(5) Prohibits a person from operating a recreational off-highway vehicle in a careless way so as to endanger the person or property of another or while under the influence of alcohol or a controlled substance;

(6) Changes the laws regarding towing companies operating tow trucks by:

(a) Requiring a company to be licensed by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration;

(b) Requiring a company to have and occupy a verifiable business address with the address displayed in a location visible from the street. Currently, it is only required to have and occupy a verifiable business address;

(c) Requiring the total area for storing vehicles, either inside or outside, to be at least 2,000 square feet with fencing a minimum of six feet high;

(d) Requiring the business office to maintain regular business hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, for customers or their authorized agent to view and retrieve vehicles at no additional charge during these business hours;

(e) Requiring the company to have and maintain a phone number which is published in the local phone book and accessible through directory assistance;

(f) Requiring the company to maintain liability insurance of garage coverage liability of \$1 million per occurrence with an aggregate amount of at least \$2 million, a garage keeper policy with a \$50,000 minimum, and hook and cargo insurance with a \$150,000 minimum;

(g) Requiring the company to provide a \$25,000 surety bond from a licensed Missouri business or an irrevocable letter of credit from a licensed Missouri financial institution;

(h) Requiring tow drivers to be certified by the Towing and Recovery Association of America (TRAA) or any state or federally funded program. Beginning August 28, 2013, light-duty operators must have at least TRAA Level 1 Certification or equivalent. Beginning March 1, 2014, medium-duty operators must have at least TRAA Level 2 Certification or equivalent. Beginning August 28, 2014, heavy-duty operators must have at least TRAA Level 3 Certification or equivalent; and

(i) Repealing the provision exempting a towing company located

in a second, third, or fourth classification from the provisions of Section 304.154, RSMo; and

(7) Changes the highways on which a vehicle or combination of vehicles hauling livestock with a total gross weight of over 85,500 pounds may operate. Currently, these vehicles cannot operate on U. S. Highway 36 from St. Joseph to U. S. Highway 65 and on U. S. Highway 65 from the Iowa state line to U. S. Highway 36. The substitute specifies that these vehicles cannot also operate on U. S. Highway 36 from St. Joseph to U. S. Highway 63 and on U. S. Highway 63 to the Iowa state line.

FISCAL NOTE: No impact on General Revenue Fund in FY 2013, FY 2014, and FY 2015. Estimated Net Cost on Other State Funds of Unknown in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that the bill is necessary for the safe operation of recreational off-highway vehicles.

Testifying for the bill were Senator Lager; and Tony Sheperd, ABATE for Missouri.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that it would remove confusion.

Testifying on the bill was Missouri Republican Attorneys for Civil Justice.