

HOUSE BILL NO. 959

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOKSON.

1457H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 304.013 and 304.032, RSMo, and to enact in lieu thereof two new sections relating to traffic regulations.

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

Section A. Sections 304.013 and 304.032, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 304.013 and 304.032, to read as follows:

304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010, upon the highways of this state, except as follows:

- 3 (1) All-terrain vehicles owned and operated by a governmental entity for official use;
- 4 (2) All-terrain vehicles operated for agricultural purposes **within a twenty-mile radius**
- 5 **of the agricultural property** or for industrial on-premises purposes between the official sunrise
- 6 and sunset on the day of operation;
- 7 (3) All-terrain vehicles operated by handicapped persons for short distances occasionally
- 8 only on the state's secondary roads when operated between the hours of sunrise and sunset;
- 9 (4) **All-terrain vehicles operated for any purpose on any Missouri two-lane**
- 10 **highway, when such vehicle has the capability of traveling at least forty-five miles per**
- 11 **hour.**

12 **2.** Governing bodies of cities may issue special permits to licensed drivers for special

13 uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be

14 collected and retained by cities for such permits[;] .

15 [~~5~~] **3.** Governing bodies of counties may issue special permits to licensed drivers for

16 special uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may

17 be collected and retained by the counties for such permits[;] .

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 ~~[(6)]~~ 4. Municipalities may by resolution or ordinance allow all-terrain vehicle operation
19 on streets or highways under the governing body's jurisdiction. Any person operating an
20 all-terrain vehicle pursuant to a municipal resolution or ordinance shall maintain proof of
21 financial responsibility in accordance with section 303.160 or maintain any other insurance
22 policy providing equivalent liability coverage for an all-terrain vehicle.

23 ~~[2-]~~ 5. No person shall operate an off-road vehicle within any stream or river in this state,
24 except that off-road vehicles may be operated within waterways which flow within the
25 boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within
26 the boundaries of land which an off-road vehicle operator owns or has permission to be upon,
27 or for the purpose of fording such stream or river of this state at such road crossings as are
28 customary or part of the highway system. All law enforcement officials or peace officers of this
29 state and its political subdivisions or department of conservation agents or department of natural
30 resources park rangers shall enforce the provisions of this subsection within the geographic area
31 of their jurisdiction.

32 ~~[3-]~~ 6. A person operating an all-terrain vehicle on a highway pursuant to an exception
33 covered in this section shall have a valid operator's or chauffeur's license, except ~~[that]~~ for a
34 handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this
35 section, but shall not be required to have passed an examination for the operation of a
36 motorcycle~~[-and the vehicle]~~. **All-terrain vehicles operated under subdivisions (1), (2), and**
37 **(3) of subsection 1 of this section** shall be operated at speeds of less than thirty miles per hour.
38 When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which
39 extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle
40 safety flag shall be triangular in shape with an area of not less than thirty square inches and shall
41 be day-glow in color.

42 ~~[4-]~~ 7. No persons shall operate an all-terrain vehicle:

- 43 (1) In any careless way so as to endanger the person or property of another;
44 (2) While under the influence of alcohol or any controlled substance;
45 (3) Without a securely fastened safety helmet on the head of an individual who operates
46 an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle,
47 unless the individual is at least eighteen years of age.

48 ~~[5-]~~ 8. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural
49 purposes. The provisions of this subsection shall not apply to any all-terrain vehicle in which
50 the seat of such vehicle is designed to carry more than one person.

51 ~~[6-]~~ 9. A violation of this section shall be a class C misdemeanor. In addition to other
52 legal remedies, the attorney general or county prosecuting attorney may institute a civil action
53 in a court of competent jurisdiction for injunctive relief to prevent such violation or future

54 violations and for the assessment of a civil penalty not to exceed one thousand dollars per day
55 of violation.

304.032. 1. No person shall operate a utility vehicle, as defined in section 301.010, upon
2 the highways of this state, except as follows:

3 (1) Utility vehicles owned and operated by a governmental entity for official use;

4 (2) Utility vehicles operated for agricultural purposes **within a twenty-mile radius of**
5 **the agricultural property** or for industrial on-premises purposes between the official sunrise
6 and sunset on the day of operation, unless equipped with proper lighting;

7 (3) Utility vehicles operated by handicapped persons for short distances occasionally
8 only on the state's secondary roads when operated between the hours of sunrise and sunset;

9 (4) **Utility vehicles operated for any purpose on any Missouri two-lane highway,**
10 **when such vehicle has the capability of traveling at least forty-five miles per hour.**

11 2. Governing bodies of cities may issue special permits for utility vehicles to be used on
12 highways within the city limits by licensed drivers. Fees of fifteen dollars may be collected and
13 retained by cities for such permits[;] .

14 [~~5~~] 3. Governing bodies of counties may issue special permits for utility vehicles to be
15 used on county roads within the county by licensed drivers. Fees of fifteen dollars may be
16 collected and retained by the counties for such permits[;] .

17 [~~6~~] 4. Municipalities may by resolution or ordinance allow utility vehicle operation on
18 streets or highways under the governing body's jurisdiction. Any person operating a utility
19 vehicle pursuant to a municipal resolution or ordinance shall maintain proof of financial
20 responsibility in accordance with section 303.160 or maintain any other insurance policy
21 providing equivalent liability coverage for a utility vehicle.

22 [~~2~~] 5. No person shall operate a utility vehicle within any stream or river in this state,
23 except that utility vehicles may be operated within waterways which flow within the boundaries
24 of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries
25 of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of
26 fording such stream or river of this state at such road crossings as are customary or part of the
27 highway system. All law enforcement officials or peace officers of this state and its political
28 subdivisions or department of conservation agents or department of natural resources park
29 rangers shall enforce the provisions of this subsection within the geographic area of their
30 jurisdiction.

31 [~~3~~] 6. A person operating a utility vehicle on a highway pursuant to an exception
32 covered in this section shall have a valid operator's or chauffeur's license, except [~~that~~] for a
33 handicapped person operating such vehicle under subdivision (3) of subsection 1 of this section,
34 but shall not be required to have passed an examination for the operation of a motorcycle[~~and~~

35 ~~the vehicle~~ . **Utility vehicles operated under subdivisions (1), (2), and (3) of subsection 1**
36 **of this section** shall be operated at speeds of less than forty-five miles per hour.

37 ~~[4-]~~ **7.** No persons shall operate a utility vehicle:

38 (1) In any careless way so as to endanger the person or property of another; or

39 (2) While under the influence of alcohol or any controlled substance.

40 ~~[5-]~~ **8.** No operator of a utility vehicle shall carry a passenger, except for agricultural
41 purposes. The provisions of this subsection shall not apply to any utility vehicle in which the
42 seat of such vehicle is designed to carry more than one person.

43 ~~[6-]~~ **9.** A violation of this section shall be a class C misdemeanor. In addition to other
44 legal remedies, the attorney general or county prosecuting attorney may institute a civil action
45 in a court of competent jurisdiction for injunctive relief to prevent such violation or future
46 violations and for the assessment of a civil penalty not to exceed one thousand dollars per day
47 of violation.

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