

FIRST REGULAR SESSION

# HOUSE BILL NO. 92

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TAYLOR.

0788H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 301.010, RSMo, and to enact in lieu thereof one new section relating to autocycles.

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

Section A. Section 301.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.010, to read as follows:

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

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with either:

(a) A seat designed to be straddled by the operator, and handlebars for steering control;

or

(b) A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;

(2) "Autocycle", a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area~~], that is designed to be controlled with a steering wheel and pedals,~~ and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or federal motorcycle safety standards;

(3) "Automobile transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used for the transport of assembled motor vehicles, including truck camper units;

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 (4) "Axle load", the total load transmitted to the road by all wheels whose centers are  
19 included between two parallel transverse vertical planes forty inches apart, extending across the  
20 full width of the vehicle;

21 (5) "Backhaul", the return trip of a vehicle transporting cargo or general freight,  
22 especially when carrying goods back over all or part of the same route;

23 (6) "Boat transporter", any vehicle combination capable of carrying cargo on the power  
24 unit and designed and used specifically to transport assembled boats and boat hulls. Boats may  
25 be partially disassembled to facilitate transporting;

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

29 (8) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more  
30 passengers but not including shuttle buses;

31 (9) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying  
32 freight and merchandise, or more than eight passengers but not including vanpools or shuttle  
33 buses;

34 (10) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at  
35 speeds less than forty miles per hour from field to field or from field to market and return;

36 (11) "Dealer", any person, firm, corporation, association, agent or subagent engaged in  
37 the sale or exchange of new, used or reconstructed motor vehicles or trailers;

38 (12) "Director" or "director of revenue", the director of the department of revenue;

39 (13) "Driveaway operation":

40 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than  
41 a dealer over any public highway, under its own power singly, or in a fixed combination of two  
42 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

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

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

52 (14) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth  
53 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor

54 equipped with a dromedary may carry part of a load when operating independently or in a  
55 combination with a semitrailer;

56 (15) "Farm tractor", a tractor used exclusively for agricultural purposes;

57 (16) "Fleet", any group of ten or more motor vehicles owned by the same owner;

58 (17) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

59 (18) "Fullmount", a vehicle mounted completely on the frame of either the first or last  
60 vehicle in a saddlemount combination;

61 (19) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus  
62 the weight of any load thereon;

63 (20) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the  
64 result of the impact of hail;

65 (21) "Highway", any public thoroughfare for vehicles, including state roads, county roads  
66 and public streets, avenues, boulevards, parkways or alleys in any municipality;

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

69 (23) "Intersecting highway", any highway which joins another, whether or not it crosses  
70 the same;

71 (24) "Junk vehicle", a vehicle which:

72 (a) Is incapable of operation or use upon the highways and has no resale value except as  
73 a source of parts or scrap; or

74 (b) Has been designated as junk or a substantially equivalent designation by this state  
75 or any other state;

76 (25) "Kit vehicle", a motor vehicle assembled by a person other than a generally  
77 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from  
78 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

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

81 (a) An area that extends not more than a radius of one hundred miles from its home base  
82 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or  
83 from projects involving soil and water conservation, or to and from equipment dealers'  
84 maintenance facilities for maintenance purposes; or

85 (b) An area that extends not more than a radius of fifty miles from its home base of  
86 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from  
87 projects not involving soil and water conservation.

88

89 Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered  
90 as a commercial motor vehicle or local commercial motor vehicle;

91 (27) "Local commercial motor vehicle", a commercial motor vehicle whose operations  
92 are confined to a municipality and that area extending not more than fifty miles therefrom, or a  
93 commercial motor vehicle whose property-carrying operations are confined solely to the  
94 transportation of property owned by any person who is the owner or operator of such vehicle to  
95 or from a farm owned by such person or under the person's control by virtue of a landlord and  
96 tenant lease; provided that any such property transported to any such farm is for use in the  
97 operation of such farm;

98 (28) "Local log truck", a commercial motor vehicle which is registered pursuant to this  
99 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
100 state, used to transport harvested forest products, operated solely at a forested site and in an area  
101 extending not more than a one hundred mile radius from such site, carries a load with dimensions  
102 not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on  
103 the national system of interstate and defense highways described in 23 U.S.C. Section 103, as  
104 amended, or outside the one hundred mile radius from such site with an extended distance local  
105 log truck permit, such vehicle shall not exceed the weight limits of section 304.180, does not  
106 have more than four axles, and does not pull a trailer which has more than three axles.  
107 Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting,  
108 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local  
109 log truck. A local log truck may not exceed the limits required by law, however, if the truck does  
110 exceed such limits as determined by the inspecting officer, then notwithstanding any other  
111 provisions of law to the contrary, such truck shall be subject to the weight limits required by such  
112 sections as licensed for eighty thousand pounds;

113 (29) "Local log truck tractor", a commercial motor vehicle which is registered under this  
114 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
115 state, used to transport harvested forest products, operated at a forested site and in an area  
116 extending not more than a one hundred mile radius from such site, operates with a weight not  
117 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding  
118 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national  
119 system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or  
120 outside the one hundred mile radius from such site with an extended distance local log truck  
121 permit, such vehicle does not exceed the weight limits contained in section 304.180, and does  
122 not have more than three axles and does not pull a trailer which has more than three axles.  
123 Violations of axle weight limitations shall be subject to the load limit penalty as described for  
124 in sections 304.180 to 304.220;

125 (30) "Local transit bus", a bus whose operations are confined wholly within a municipal  
126 corporation, or wholly within a municipal corporation and a commercial zone, as defined in  
127 section 390.020, adjacent thereto, forming a part of a public transportation system within such  
128 municipal corporation and such municipal corporation and adjacent commercial zone;

129 (31) "Log truck", a vehicle which is not a local log truck or local log truck tractor and  
130 is used exclusively to transport harvested forest products to and from forested sites which is  
131 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this  
132 state for the transportation of harvested forest products;

133 (32) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly,  
134 and front clip, as those terms are defined by the director of revenue pursuant to rules and  
135 regulations or by illustrations;

136 (33) "Manufacturer", any person, firm, corporation or association engaged in the  
137 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

138 (34) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which  
139 receives a new, rebuilt or used engine, and which used the number stamped on the original  
140 engine as the vehicle identification number;

141 (35) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,  
142 except farm tractors;

143 (36) "Motor vehicle primarily for business use", any vehicle other than a recreational  
144 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over  
145 twelve thousand pounds:

146 (a) Offered for hire or lease; or

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

148 (37) "Motorcycle", a motor vehicle operated on two wheels;

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

153 (39) "Motortricycle", a motor vehicle upon which the operator straddles or sits astride  
154 that is designed to be controlled by handle bars and is operated on three wheels, including a  
155 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of  
156 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

157 (40) "Municipality", any city, town or village, whether incorporated or not;

158 (41) "Nonresident", a resident of a state or country other than the state of Missouri;

159 (42) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in  
160 compliance with United States emissions or safety standards;

- 161 (43) "Operator", any person who operates or drives a motor vehicle;
- 162 (44) "Owner", any person, firm, corporation or association, who holds the legal title to  
163 a vehicle or who has executed a buyer's order or retail installment sales contract with a motor  
164 vehicle dealer licensed under sections 301.550 to 301.580 for the purchase of a vehicle with an  
165 immediate right of possession vested in the transferee, or in the event a vehicle is the subject of  
166 an agreement for the conditional sale or lease thereof with the right of purchase upon  
167 performance of the conditions stated in the agreement and with an immediate right of possession  
168 vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to  
169 possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner;
- 170 (45) "Public garage", a place of business where motor vehicles are housed, stored,  
171 repaired, reconstructed or repainted for persons other than the owners or operators of such place  
172 of business;
- 173 (46) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the  
174 rebuilder, but does not include certificated common or contract carriers of persons or property;
- 175 (47) "Reconstructed motor vehicle", a vehicle that is altered from its original  
176 construction by the addition or substitution of two or more new or used major component parts,  
177 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
- 178 (48) "Recreational motor vehicle", any motor vehicle designed, constructed or  
179 substantially modified so that it may be used and is used for the purposes of temporary housing  
180 quarters, including therein sleeping and eating facilities which are either permanently attached  
181 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.  
182 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor  
183 vehicle if the motor vehicle could otherwise be so registered;
- 184 (49) "Recreational off-highway vehicle", any motorized vehicle manufactured and used  
185 exclusively for off-highway use which is more than fifty inches but no more than eighty inches  
186 in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of  
187 three thousand five hundred pounds or less, traveling on four or more nonhighway tires and  
188 which may have access to ATV trails;
- 189 (50) "Recreational trailer", any trailer designed, constructed, or substantially modified  
190 so that it may be used and is used for the purpose of temporary housing quarters, including  
191 therein sleeping or eating facilities, which can be temporarily attached to a motor vehicle or  
192 attached to a unit which is securely attached to a motor vehicle;
- 193 (51) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,  
194 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a  
195 wrecker or towing service;

196 (52) "Saddlemount combination", a combination of vehicles in which a truck or truck  
197 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth  
198 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of  
199 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth  
200 wheel kingpin connection. When two vehicles are towed in this manner the combination is  
201 called a "double saddlemount combination". When three vehicles are towed in this manner, the  
202 combination is called a "triple saddlemount combination";

203 (53) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for  
204 the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

205 (54) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

206 (a) Was damaged during a year that is no more than six years after the manufacturer's  
207 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or  
208 reconstruct the vehicle to its condition immediately before it was damaged for legal operation  
209 on the roads or highways exceeds eighty percent of the fair market value of the vehicle  
210 immediately preceding the time it was damaged;

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

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

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

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

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

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

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

231 (55) "School bus", any motor vehicle used solely to transport students to or from school  
232 or to transport students to or from any place for educational purposes;

233 (56) "Scrap processor", a business that, through the use of fixed or mobile equipment,  
234 flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or  
235 transportation to a shredder or scrap metal operator for recycling;

236 (57) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or  
237 corporation as an incidental service to transport patrons or customers of the regular business of  
238 such person, firm, or corporation to and from the place of business of the person, firm, or  
239 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as  
240 buses or as commercial motor vehicles;

241 (58) "Special mobile equipment", every self-propelled vehicle not designed or used  
242 primarily for the transportation of persons or property and incidentally operated or moved over  
243 the highways, including farm equipment, implements of husbandry, road construction or  
244 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,  
245 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt  
246 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,  
247 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump  
248 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and  
249 shall not operate to exclude other such vehicles which are within the general terms of this  
250 section;

251 (59) "Specially constructed motor vehicle", a motor vehicle which shall not have been  
252 originally constructed under a distinctive name, make, model or type by a manufacturer of motor  
253 vehicles. The term specially constructed motor vehicle includes kit vehicles;

254 (60) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel  
255 is located on a drop frame located behind and below the rearmost axle of the power unit;

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

259 (62) "Towaway trailer transporter combination", a combination of vehicles consisting  
260 of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does  
261 not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry no  
262 property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers  
263 or semitrailers;

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



267 (64) "Trailer", any vehicle without motive power designed for carrying property or  
268 passengers on its own structure and for being drawn by a self-propelled vehicle, except those  
269 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed  
270 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight  
271 rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers  
272 as defined in this section and shall not include manufactured homes as defined in section  
273 700.010;

274 (65) "Trailer transporter towing unit", a power unit that is not used to carry property  
275 when operating in a towaway trailer transporter combination;

276 (66) "Truck", a motor vehicle designed, used, or maintained for the transportation of  
277 property;

278 (67) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two  
279 trailing units are connected with a B-train assembly which is a rigid frame extension attached to  
280 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second  
281 semitrailer and has one less articulation point than the conventional A-dolly connected  
282 truck-tractor semitrailer-trailer combination;

283 (68) "Truck-trailer boat transporter combination", a boat transporter combination  
284 consisting of a straight truck towing a trailer using typically a ball and socket connection with  
285 the trailer axle located substantially at the trailer center of gravity rather than the rear of the  
286 trailer but so as to maintain a downward force on the trailer tongue;

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

290 (70) "Utility vehicle", any motorized vehicle manufactured and used exclusively for  
291 off-highway use which is more than fifty inches but no more than eighty inches in width,  
292 measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three  
293 thousand five hundred pounds or less, traveling on four or six wheels, to be used primarily for  
294 landscaping, lawn care, or maintenance purposes;

295 (71) "Vanpool", any van or other motor vehicle used or maintained by any person, group,  
296 firm, corporation, association, city, county or state agency, or any member thereof, for the  
297 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to  
298 and from their place of employment; however, a vanpool shall not be included in the definition  
299 of the term bus or commercial motor vehicle as defined in this section, nor shall a vanpool driver  
300 be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool  
301 vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an

302 unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a  
303 ride-sharing arrangement;

304 (72) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,  
305 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,  
306 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs  
307 operated by handicapped persons;

308 (73) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed  
309 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a  
310 highway, road, street or highway rights-of-way to a point of storage or repair, including towing  
311 a replacement vehicle to replace a disabled or wrecked vehicle;

312 (74) "Wrecker or towing service", the act of transporting, towing or recovering with a  
313 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,  
314 tow truck, rollback or car carrier for which the operator directly or indirectly receives  
315 compensation or other personal gain.

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