

FIRST REGULAR SESSION

HOUSE BILL NO. 375

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

0704L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 301.010, 304.180, 537.325, 537.345, and 537.348, RSMo, and sections 578.018 and 578.030 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 578.018 as enacted by senate bill no. 180, eighty-seventh general assembly, first regular session, and section 578.030 as enacted by house bill no. 1210, eighty-second general assembly, second regular session, and to enact in lieu thereof seven new sections relating to agriculture, with penalty provisions, and an effective date for a certain section.

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

Section A. Sections 301.010, 304.180, 537.325, 537.345, and 537.348, RSMo, and
2 sections 578.018 and 578.030 as enacted by senate bill no. 491, ninety-seventh general assembly,
3 second regular session, and section 578.018 as enacted by senate bill no. 180, eighty-seventh
4 general assembly, first regular session, and section 578.030 as enacted by house bill no. 1210,
5 eighty-second general assembly, second regular session, are repealed and seven new sections
6 enacted in lieu thereof, to be known as sections 301.010, 304.180, 537.325, 537.345, 537.348,
7 578.018, and 578.030, to read as follows:

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

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
5 thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;

6 (2) "Automobile transporter", any vehicle combination designed and used specifically
7 for the transport of assembled motor vehicles;

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.

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

11 (4) "Boat transporter", any vehicle combination designed and used specifically to
12 transport assembled boats and boat hulls;

13 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
14 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
15 or painting;

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

18 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
19 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
20 buses;

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

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

25 (10) "Director" or "director of revenue", the director of the department of revenue;

26 (11) "Driveaway operation":

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

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

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

39 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
40 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
41 equipped with a dromedary may carry part of a load when operating independently or in a
42 combination with a semitrailer;

43 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

- 44 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 45 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 46 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
47 vehicle in a saddlemount combination;
- 48 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
49 the weight of any load thereon;
- 50 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
51 result of the impact of hail;
- 52 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads
53 and public streets, avenues, boulevards, parkways or alleys in any municipality;
- 54 (20) "Improved highway", a highway which has been paved with gravel, macadam,
55 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;
- 56 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
57 the same;
- 58 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways
59 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;
- 60 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally
61 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
62 an authorized manufacturer and accompanied by a manufacturer's statement of origin;
- 63 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire
64 commercial motor vehicle the operation of which is confined to:
- 65 (a) An area that extends not more than a radius of one hundred miles from its home base
66 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
67 from projects involving soil and water conservation, or to and from equipment dealers'
68 maintenance facilities for maintenance purposes; or
- 69 (b) An area that extends not more than a radius of fifty miles from its home base of
70 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
71 projects not involving soil and water conservation. Nothing in this subdivision shall be
72 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
73 local commercial motor vehicle;
- 74 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
75 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
76 or a commercial motor vehicle whose property-carrying operations are confined solely to the
77 transportation of property owned by any person who is the owner or operator of such vehicle to
78 or from a farm owned by such person or under the person's control by virtue of a landlord and

79 tenant lease; provided that any such property transported to any such farm is for use in the
80 operation of such farm;

81 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
82 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
83 state, used to transport **any form or type of** harvested forest products, operated solely at a
84 forested site and in an area extending not more than a [one] **two** hundred-mile radius from such
85 site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with
86 dual wheels, and when operated on the national system of interstate and defense highways
87 described in Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed
88 the weight limits of section 304.180, does not have more than four axles, and does not pull a
89 trailer which has more than two axles. Harvesting equipment which is used specifically for
90 cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading, unloading, and
91 stacking may be transported on a local log truck. A local log truck may not exceed the limits
92 required by law, however, if the truck does exceed such limits as determined by the inspecting
93 officer, then notwithstanding any other provisions of law to the contrary, such truck shall be
94 subject to the weight limits required by such sections as licensed for eighty thousand pounds;

95 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
96 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
97 state, used to transport **any form or type of** harvested forest products, operated solely at a
98 forested site and in an area extending not more than a [one] **two** hundred-mile radius from such
99 site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle
100 or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle,
101 and when operated on the national system of interstate and defense highways described in Title
102 23, Section 103(e) of the United States Code, such vehicle does not exceed the weight limits
103 contained in section 304.180, and does not have more than three axles and does not pull a trailer
104 which has more than two axles. Violations of axle weight limitations shall be subject to the load
105 limit penalty as described for in sections 304.180 to 304.220;

106 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal
107 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
108 section 390.020, adjacent thereto, forming a part of a public transportation system within such
109 municipal corporation and such municipal corporation and adjacent commercial zone;

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

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

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

119 (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
120 receives a new, rebuilt or used engine, and which used the number stamped on the original
121 engine as the vehicle identification number;

122 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
123 except farm tractors;

124 (34) "Motor vehicle primarily for business use", any vehicle other than a recreational
125 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
126 twelve thousand pounds:

127 (a) Offered for hire or lease; or

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

129 (35) "Motorcycle", a motor vehicle operated on two wheels;

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

134 (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
135 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
136 A motortricycle shall not be included in the definition of all-terrain vehicle;

137 (38) "Municipality", any city, town or village, whether incorporated or not;

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

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

141 (41) "Operator", any person who operates or drives a motor vehicle;

142 (42) "Owner", any person, firm, corporation or association, who holds the legal title to
143 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
144 thereof with the right of purchase upon performance of the conditions stated in the agreement
145 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
146 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
147 or mortgagor shall be deemed the owner for the purpose of this law;

148 (43) "Public garage", a place of business where motor vehicles are housed, stored,
149 repaired, reconstructed or repainted for persons other than the owners or operators of such place
150 of business;

151 (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
152 rebuilder, but does not include certificated common or contract carriers of persons or property;

153 (45) "Reconstructed motor vehicle", a vehicle that is altered from its original
154 construction by the addition or substitution of two or more new or used major component parts,
155 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

156 (46) "Recreational motor vehicle", any motor vehicle designed, constructed or
157 substantially modified so that it may be used and is used for the purposes of temporary housing
158 quarters, including therein sleeping and eating facilities which are either permanently attached
159 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
160 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
161 vehicle if the motor vehicle could otherwise be so registered;

162 (47) "Recreational off-highway vehicle", any motorized vehicle manufactured and used
163 exclusively for off-highway use which is more than fifty inches but no more than sixty-seven
164 inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four
165 or more nonhighway tires and which may have access to ATV trails;

166 (48) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
167 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
168 wrecker or towing service;

169 (49) "Saddlemount combination", a combination of vehicles in which a truck or truck
170 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth
171 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of
172 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth
173 wheel kingpin connection. When two vehicles are towed in this manner the combination is
174 called a "double saddlemount combination". When three vehicles are towed in this manner, the
175 combination is called a "triple saddlemount combination";

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

178 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

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

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

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

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

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

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

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

204 (52) "School bus", any motor vehicle used solely to transport students to or from school
205 or to transport students to or from any place for educational purposes;

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

209 (54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
210 corporation as an incidental service to transport patrons or customers of the regular business of
211 such person, firm, or corporation to and from the place of business of the person, firm, or
212 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
213 buses or as commercial motor vehicles;

214 (55) "Special mobile equipment", every self-propelled vehicle not designed or used
215 primarily for the transportation of persons or property and incidentally operated or moved over
216 the highways, including farm equipment, implements of husbandry, road construction or
217 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
218 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
219 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,

220 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
221 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
222 shall not operate to exclude other such vehicles which are within the general terms of this
223 section;

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

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

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

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

235 (60) "Trailer", any vehicle without motive power designed for carrying property or
236 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
237 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
238 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
239 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
240 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
241 as defined in section 700.010;

242 (61) "Truck", a motor vehicle designed, used, or maintained for the transportation of
243 property;

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

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

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

256 (65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for
257 off-highway use which is more than fifty inches but no more than sixty-seven inches in width,
258 with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to
259 be used primarily for landscaping, lawn care, or maintenance purposes;

260 (66) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
261 firm, corporation, association, city, county or state agency, or any member thereof, for the
262 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
263 and from their place of employment; however, a vanpool shall not be included in the definition
264 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this
265 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
266 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal,
267 or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary
268 profit other than for use in a ride-sharing arrangement;

269 (67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
270 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
271 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
272 operated by handicapped persons;

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

277 (69) "Wrecker or towing service", the act of transporting, towing or recovering with a
278 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
279 tow truck, rollback or car carrier for which the operator directly or indirectly receives
280 compensation or other personal gain.

304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any
2 highway in this state having a greater weight than twenty thousand pounds on one axle, no
3 combination of vehicles operated by transporters of general freight over regular routes as defined
4 in section 390.020 shall be moved or operated on any highway of this state having a greater
5 weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not
6 to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated
7 on any state highway of this state having a greater weight than thirty-four thousand pounds on
8 any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one
9 behind another, the distance between the extremes of which is more than forty inches and not
10 more than ninety-six inches apart.

11 2. An "axle load" is defined as the total load transmitted to the road by all wheels whose
 12 centers are included between two parallel transverse vertical planes forty inches apart, extending
 13 across the full width of the vehicle.

14 3. Subject to the limit upon the weight imposed upon a highway of this state through any
 15 one axle or on any tandem axle, the total gross weight with load imposed by any group of two
 16 or more consecutive axles of any vehicle or combination of vehicles shall not exceed the
 17 maximum load in pounds as set forth in the following table:

18 Distance in feet between the extremes
 19 of any group of two or more consecutive
 20 axles, measured to the nearest foot,

21 except where indicated otherwise Maximum load in pounds

22 feet	2 axles	3 axles	4 axles	5 axles	6 axles
23 4	34,000				
24 5	34,000				
25 6	34,000				
26 7	34,000				
27 8	34,000	34,000			
28 More than 8	38,000	42,000			
29 9	39,000	42,500			
30 10	40,000	43,500			
31 11	40,000	44,000			
32 12	40,000	45,000	50,000		
33 13	40,000	45,500	50,500		
34 14	40,000	46,500	51,500		
35 15	40,000	47,000	52,000		
36 16	40,000	48,000	52,500	58,000	
37 17	40,000	48,500	53,500	58,500	
38 18	40,000	49,500	54,000	59,000	
39 19	40,000	50,000	54,500	60,000	
40 20	40,000	51,000	55,500	60,500	66,000
41 21	40,000	51,500	56,000	61,000	66,500
42 22	40,000	52,500	56,500	61,500	67,000
43 23	40,000	53,000	57,500	62,500	68,000
44 24	40,000	54,000	58,000	63,000	68,500
45 25	40,000	54,500	58,500	63,500	69,000
46 26	40,000	55,500	59,500	64,000	69,500

47	27	40,000	56,000	60,000	65,000	70,000
48	28	40,000	57,000	60,500	65,500	71,000
49	29	40,000	57,500	61,500	66,000	71,500
50	30	40,000	58,500	62,000	66,500	72,000
51	31	40,000	59,000	62,500	67,500	72,500
52	32	40,000	60,000	63,500	68,000	73,000
53	33	40,000	60,000	64,000	68,500	74,000
54	34	40,000	60,000	64,500	69,000	74,500
55	35	40,000	60,000	65,500	70,000	75,000
56	36		60,000	66,000	70,500	75,500
57	37		60,000	66,500	71,000	76,000
58	38		60,000	67,500	72,000	77,000
59	39		60,000	68,000	72,500	77,500
60	40		60,000	68,500	73,000	78,000
61	41		60,000	69,500	73,500	78,500
62	42		60,000	70,000	74,000	79,000
63	43		60,000	70,500	75,000	80,000
64	44		60,000	71,500	75,500	80,000
65	45		60,000	72,000	76,000	80,000
66	46		60,000	72,500	76,500	80,000
67	47		60,000	73,500	77,500	80,000
68	48		60,000	74,000	78,000	80,000
69	49		60,000	74,500	78,500	80,000
70	50		60,000	75,500	79,000	80,000
71	51		60,000	76,000	80,000	80,000
72	52		60,000	76,500	80,000	80,000
73	53		60,000	77,500	80,000	80,000
74	54		60,000	78,000	80,000	80,000
75	55		60,000	78,500	80,000	80,000
76	56		60,000	79,500	80,000	80,000
77	57		60,000	80,000	80,000	80,000

78

79 Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load
 80 of thirty-four thousand pounds each if the overall distance between the first and last axles of such
 81 consecutive sets of tandem axles is thirty-six feet or more.

82 4. Whenever the state highways and transportation commission finds that any state
83 highway bridge in the state is in such a condition that use of such bridge by vehicles of the
84 weights specified in subsection 3 of this section will endanger the bridge, or the users of the
85 bridge, the commission may establish maximum weight limits and speed limits for vehicles using
86 such bridge. The governing body of any city or county may grant authority by act or ordinance
87 to the state highways and transportation commission to enact the limitations established in this
88 section on those roadways within the purview of such city or county. Notice of the weight limits
89 and speed limits established by the commission shall be given by posting signs at a conspicuous
90 place at each end of any such bridge.

91 5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle
92 loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23
93 of the United States Code.

94 6. Notwithstanding the weight limitations contained in this section, any vehicle or
95 combination of vehicles operating on highways other than the interstate highway system may
96 exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two
97 thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except
98 as provided in subsections 9 and 10 of this section.

99 7. Notwithstanding any provision of this section to the contrary, the department of
100 transportation shall issue a single-use special permit, or upon request of the owner of the truck
101 or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or
102 well-drillers' equipment. The department of transportation shall set fees for the issuance of
103 permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete
104 pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways
105 at any time on any day.

106 8. Notwithstanding the provision of this section to the contrary, the maximum gross
107 vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an
108 idle reduction technology may be increased by a quantity necessary to compensate for the
109 additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as
110 amended. In no case shall the additional weight increase allowed by this subsection be greater
111 than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the
112 vehicle operator shall provide proof that the idle reduction technology is fully functional at all
113 times and that the gross weight increase is not used for any purpose other than for the use of idle
114 reduction technology.

115 9. **(1)** Notwithstanding subsection 3 of this section or any other provision of law to the
116 contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock **or**
117 **agricultural products not including local log trucks as defined in section 301.010** may be

118 as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on
119 U.S. Highway 36 from St. Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state
120 line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway 36,
121 and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The provisions of this
122 subsection shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate
123 and Defense Highways. **As used in this section, "agricultural product" means an**
124 **agricultural, horticultural, viticultural, or vegetable product, growing of grapes that will**
125 **be processed into wine, bees, honey, fish or other aquacultural product, planting seed,**
126 **livestock, a livestock product, a forestry product, poultry or a poultry product, either in**
127 **its natural or processed state, that has been produced, processed, or otherwise had value**
128 **added to it in this state.**

129 **(2) Any business operating any vehicles hauling greater than eighty thousand**
130 **pounds under the provisions of this subsection shall apply yearly to the department of**
131 **transportation for a permit and upon payment of a twenty-five dollar fee, the department**
132 **shall grant the applicant a permit. Upon renewal of the permit, an applicant shall submit**
133 **to the department a list of roads traveled and the number of miles traveled on each road**
134 **during the year.**

135 10. Notwithstanding any provision of this section or any other law to the contrary, the
136 total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a
137 processing facility may be as much as, but shall not exceed, eighty-five thousand five hundred
138 pounds while operating on highways other than the interstate highway system. The provisions
139 of this subsection shall not apply to vehicles operated and operating on the Dwight D.
140 Eisenhower System of Interstate and Defense Highways.

141 11. Notwithstanding any provision of this section or any other law to the contrary, the
142 department of transportation shall issue emergency utility response permits for the transporting
143 of utility wires or cables, poles, and equipment needed for repair work immediately following
144 a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval
145 of such operation may be made either by the motor carrier compliance supervisor or other
146 designated motor carrier services representative. Utility vehicles and equipment used to assist
147 utility companies granted special permits under this subsection may be operated and transported
148 on state-maintained roads and highways at any time on any day. The department of
149 transportation shall promulgate all necessary rules and regulations for the administration of this
150 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
151 under the authority delegated in this section shall become effective only if it complies with and
152 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
153 and chapter 536 are nonseverable and if any of the powers vested with the general assembly

154 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
155 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
156 proposed or adopted after August 28, 2014, shall be invalid and void.

537.325. 1. As used in this section, unless the context otherwise requires, the following

2 words and phrases shall mean:

3 (1) "Engages in an equine activity", riding, training, assisting in medical treatment of,
4 driving or being a passenger upon an equine, whether mounted or unmounted, or any person
5 assisting a participant or any person involved in show management. The term "engages in an
6 equine activity" does not include being a spectator at an equine activity, except in cases where
7 the spectator places himself in an unauthorized area;

8 (2) "Equine", a horse, pony, mule, donkey or hinny;

9 (3) "Equine activity":

10 (a) Equine shows, fairs, competitions, performances or parades that involve any or all
11 breeds of equines and any of the equine disciplines, including, but not limited to, dressage,
12 hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos,
13 driving, pulling, cutting, polo, steeplechasing, English and western performance riding,
14 endurance trail riding and western games and hunting;

15 (b) Equine training or teaching activities or both;

16 (c) Boarding equines;

17 (d) Riding, inspecting or evaluating an equine belonging to another, whether or not the
18 owner has received [some] **or currently receives** monetary consideration or other thing of value
19 for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect
20 or evaluate the equine;

21 (e) Rides, trips, hunts or other equine activities [of any type] however informal or
22 impromptu that are sponsored by an equine activity sponsor; and

23 (f) Placing or replacing horseshoes on an equine;

24 (4) "Equine activity sponsor", an individual, group, club, partnership or corporation,
25 whether or not operating for profit or nonprofit, **legal entity**, or any employee thereof, which
26 sponsors, organizes or provides the facilities for, an equine activity, including but not limited to
27 pony clubs, 4-H clubs, hunt clubs, riding clubs, school- and college-sponsored classes, programs
28 and activities, therapeutic riding programs and operators, instructors and promoters of equine
29 facilities, including but not limited to stables, clubhouses, pony ride strings, fairs and arenas at
30 which the activity is held;

31 (5) "Equine professional", a person engaged for compensation, or an employee of such
32 a person engaged:

33 (a) In instructing a participant or renting to a participant an equine for the purpose of
34 riding, driving or being a passenger upon the equine; or

35 (b) In renting equipment or tack to a participant;

36 (6) "Inherent risks of equine **or livestock** activities", those dangers or conditions which
37 are an integral part of equine **or livestock** activities, including but not limited to:

38 (a) The propensity of any equine **or livestock** to behave in ways that may result in injury,
39 harm or death to persons on or around it;

40 (b) The unpredictability of any equine's **or livestock's** reaction to such things as sounds,
41 sudden movement and unfamiliar objects, persons or other animals;

42 (c) Certain hazards such as surface and subsurface conditions;

43 (d) Collisions with other equines, **livestock**, or objects;

44 (e) The potential of a participant to act in a negligent manner that may contribute to
45 injury to the participant or others, such as failing to maintain control over the animal or not
46 acting within his ability;

47 (7) "**Livestock**", the same as used in section 277.020;

48 (8) "**Livestock activity**":

49 (a) **Grazing, herding, feeding, branding, milking, or other activity that involves the**
50 **care or maintenance of livestock;**

51 (b) **A livestock show, fair, competition, or auction;**

52 (c) **A livestock training or teaching activity;**

53 (d) **Boarding livestock; and**

54 (e) **Inspecting or evaluating livestock;**

55 (9) "**Livestock activity sponsor**", an individual, group, club, partnership or
56 corporation, whether or not operating for profit or nonprofit, legal entity, or any employee
57 thereof, which sponsors, organizes, or provides the facilities for, a livestock activity;

58 (10) "**Livestock facility**", a property or facility at which a livestock activity is held;

59 (11) "**Livestock owner**", a person who owns livestock that is involved in livestock
60 activity;

61 (12) "**Participant**", any person, whether amateur or professional, who engages in an
62 equine activity **or a livestock activity**, whether or not a fee is paid to participate in the equine
63 activity **or livestock activity**.

64 2. Except as provided in subsection 4 of this section, an equine activity sponsor, an
65 equine professional, **a livestock activity sponsor, a livestock owner, a livestock facility, a**
66 **livestock auction market, any employee thereof**, or any other person or corporation shall not
67 be liable for an injury to or the death of a participant resulting from the inherent risks of equine
68 **or livestock** activities and, except as provided in subsection 4 of this section, no participant or

69 a participant's representative shall make any claim against, maintain an action against, or recover
70 from an equine activity sponsor, [an] equine professional, **livestock activity sponsor, livestock**
71 **owner, livestock facility, livestock auction market, any employee thereof**, or any other person
72 from injury, loss, damage or death of the participant resulting from any of the inherent risks of
73 equine **or livestock** activities.

74 3. This section shall not apply to the horse racing industry as regulated in sections
75 313.050 to 313.720. This section shall not apply to any employer-employee relationship
76 governed by the provisions of, and for which liability is established pursuant to, chapter 287.

77 4. The provisions of subsection 2 of this section shall not prevent or limit the liability
78 of an equine activity sponsor, [an] equine professional, **livestock activity sponsor, livestock**
79 **owner, livestock facility, livestock auction market, any employee thereof**, or any other person
80 if the equine activity sponsor, equine professional, **livestock activity sponsor, livestock owner,**
81 **livestock facility, livestock auction market, any employee thereof**, or person:

82 (1) Provided the equipment or tack and knew or should have known that the equipment
83 or tack was faulty and such equipment or tack was faulty to the extent that [it did cause] **the**
84 **equipment or tack caused** the injury; or

85 (2) Provided the equine **or livestock** and failed to make reasonable and prudent efforts
86 to determine the ability of the participant to engage safely in the equine activity **or livestock**
87 **activity** and determine the ability of the participant to safely manage the particular equine **or**
88 **livestock** based on the participant's age, obvious physical condition or the participant's
89 representations of his **or her** ability;

90 (3) Owns, leases, rents or otherwise is in lawful possession and control of the land or
91 facilities upon which the participant sustained injuries because of a dangerous latent condition
92 which was known to the equine activity sponsor, equine professional, **livestock activity sponsor,**
93 **livestock owner, livestock facility, livestock auction market, any employee thereof**, or person
94 and for which warning signs have not been conspicuously posted;

95 (4) Commits an act or omission that constitutes willful or wanton disregard for the safety
96 of the participant and that act or omission caused the injury;

97 (5) Intentionally injures the participant;

98 (6) Fails to use that degree of care that an ordinarily careful and prudent person would
99 use under the same or similar circumstances.

100 5. The provisions of subsection 2 of this section shall not prevent or limit the liability
101 of an equine activity sponsor [or an] , equine professional, **livestock activity sponsor, livestock**
102 **owner, livestock facility, livestock auction market, or any employee thereof** under liability
103 provisions as set forth in any other section of law.

139 similar activities undertaken for recreation, exercise, education, relaxation, or pleasure on land
 140 owned by another;

141 (5) "Trespasser", any person who enters on the property of another without permission
 142 and without an invitation, express or implied regardless of whether actual notice of trespass was
 143 given or the land was posted in accordance with the provisions of sections 569.140 and 569.145.

537.348. Nothing in this act shall be construed to create liability, but it does not limit
 2 liability that otherwise would be incurred by those who use the land of others, or by owners of
 3 land for:

4 (1) Malicious or grossly negligent failure to guard or warn against a dangerous condition,
 5 structure, personal property which the owner knew or should have known to be dangerous, or
 6 negligent failure to guard or warn against an ultrahazardous condition which the owner knew or
 7 should have known to be dangerous;

8 (2) Injury suffered by a person who has paid a charge for entry to the land; [or]

9 (3) Injuries occurring on or in:

10 (a) Any land within the corporate boundaries of any city, municipality, town, or village
 11 in this state;

12 (b) Any swimming pool. "Swimming pool" means a pool or tank, especially an artificial
 13 pool or tank, intended and adapted for swimming and held out as a swimming pool;

14 (c) Any residential area. "Residential area" as used herein means a tract of land of one
 15 acre or less predominately used for residential purposes, or a tract of land of any size used for
 16 multifamily residential services; or

17 (d) Any noncovered land. "Noncovered land" as used herein means any portion of any
 18 land, the surface of which portion is actually used primarily for commercial, industrial, mining
 19 or manufacturing purposes; provided, however, that use of any portion of any land primarily for
 20 agricultural, grazing, forestry, conservation, natural area, owner's recreation or similar or related
 21 uses or purposes shall not under any circumstances be deemed to be use of such portion for
 22 commercial, industrial, mining or manufacturing purposes; **or**

23 **(4) A landowner who:**

24 **(a) Intentionally injures a participant;**

25 **(b) Provides unsafe equipment or devices who knew or should have known that the**
 26 **equipment or device was unsafe to the extent that it did cause the injury; or**

27 **(c) Fails to use that degree of care that an ordinarily careful and prudent person**
 28 **would use under the same or similar circumstances.**

578.018. 1. Any duly authorized [public health official or] law enforcement official may
 2 seek a warrant from the appropriate **circuit** court to enable him or her to enter private property
 3 in order to inspect, care for, or [impound] **confiscate** neglected or abused animals **as set forth**

4 **in such warrant.** All requests for such warrants shall be **signed, witnessed, and** accompanied
5 by an affidavit stating the probable cause to believe a violation of sections 578.005 to [578.023]
6 **578.025** has occurred. A person acting under the authority of a warrant shall:

7 (1) [Be given] **Appear at** a disposition hearing before the court through which the
8 warrant was issued, within thirty days of the [filing of the request] **confiscation** for the purpose
9 of granting immediate disposition of the animals [impounded] . **No animal shall be sterilized**
10 **prior to the completion of such disposition hearing unless necessary to save life or relieve**
11 **suffering;**

12 (2) Place [impounded] animals in the care or custody of a veterinarian, the appropriate
13 animal control authority, [or] an animal shelter, **or third party approved by the court.** If no
14 appropriate veterinarian, animal control authority, [or] animal shelter, **or third party** is
15 available, the animal shall not be [impounded] **confiscated** unless it is diseased or disabled
16 beyond recovery for any useful purpose;

17 (3) Humanely kill any animal [impounded] **confiscated** if it is determined by a licensed
18 veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose;

19 (4) Not be liable for any **reasonable and** necessary damage to property while acting
20 under such warrant.

21 2. (1) **The owner of any animal that has been confiscated under this section shall**
22 **not be responsible for the animal's care and keeping prior to a disposition hearing if the**
23 **owner is acquitted or there is a final discharge without conviction.**

24 (2) **After completion of the disposition hearing,** the owner or custodian or any person
25 claiming an interest in any animal that has been [impounded] **confiscated** because of neglect or
26 abuse may prevent disposition of the animal **after the disposition hearing and until final**
27 **judgment, settlement, or dismissal of the case** by posting **reasonable** bond or security **within**
28 **seventy-two hours of the disposition hearing** in an amount sufficient to provide for the
29 animal's care and keeping [for at least thirty days, inclusive of the date on which the animal was
30 taken into custody] **and consistent with the fair market cost of boarding such an animal in**
31 **an appropriate retail boarding facility.** Notwithstanding the fact that bond may be posted
32 pursuant to this [subsection] **subdivision,** the authority having custody of the animal may
33 humanely dispose of the animal at the end of the time for which **reasonable** expenses are
34 covered by the bond or security, unless there is a court order prohibiting such disposition. Such
35 order shall provide for a **reasonable** bond or other security in the amount necessary to protect
36 the authority having custody of the animal from any cost of the care, keeping or disposal of the
37 animal.

38 **(3)** The authority taking custody of an animal shall give notice of the provisions of this
39 section [by posting a copy of this section at the place where the animal was taken into custody
40 or] by delivering it to a person residing on the property.

41 3. The owner or custodian of any animal humanely killed pursuant to this section shall
42 not be entitled to recover any damages related to nor the actual value of the animal if the animal
43 was found by a licensed veterinarian to be diseased or disabled **beyond recovery for any useful**
44 **purpose**, or if the owner or custodian failed to post bond or security for the care, keeping and
45 disposition of the animal after being notified of [impoundment] **confiscation and after**
46 **completion of the disposition hearing**.

47 4. All animals confiscated under this section shall receive proper care as determined
48 by state law and regulations for each specific animal and facility or organization where the
49 animal is placed after such confiscation. Any such facility or organization shall be liable
50 to the owner for damages for any negligent acts or abuse of such animal which occurs while
51 the animal is in the care, custody, and control of such facility or organization.

52 5. If the owner posted a sufficient bond and is acquitted or there is a final discharge
53 without conviction, unless there is a settlement agreement, consent judgment, or a
54 suspended imposition of sentence, the owner may demand the return of the animal held in
55 custody. Any entity with care, custody, and control of such animal shall immediately
56 return such animal to the owner upon demand and proof of such acquittal or final
57 discharge without conviction. Upon acquittal or final discharge without conviction, unless
58 there is a settlement agreement, consent judgment, or a suspended imposition of sentence,
59 the owner shall not be liable for any costs incurred relating to the placement or care of the
60 animal during the pendency of the charges.

61 6. Any person or entity that intentionally euthanizes, other than as permissible
62 under this section, or intentionally sterilizes an animal prior to a disposition hearing or
63 during any period for which reasonable bond was secured for the animal's care is guilty
64 of a class B misdemeanor and shall be liable to the owner of the animal for damages
65 including the actual value of the animal. Each individual animal for which a violation
66 occurs is a separate offense. Any second or subsequent violation is a class A misdemeanor
67 and any entity licensed under state law shall be subject to licensure sanction by its
68 governing body.

578.018. 1. Any duly authorized [public health official or] law enforcement official may
2 seek a warrant from the appropriate **circuit** court to enable him **or her** to enter private property
3 in order to inspect, care for, or [impound] **confiscate** neglected or abused animals **as set forth**
4 **in such warrant**. All requests for such warrants shall be **signed, witnessed, and** accompanied

5 by an affidavit stating the probable cause to believe a violation of sections 578.005 to [578.023]
6 **578.025** has occurred. A person acting under the authority of a warrant shall:

7 (1) [Be given] **Appear at** a disposition hearing before the court through which the
8 warrant was issued, within thirty days of the [filing of the request] **confiscation** for the purpose
9 of granting immediate disposition of the animals [impounded] . **No animal shall be sterilized**
10 **prior to the completion of such disposition hearing unless necessary to save life or relieve**
11 **suffering;**

12 (2) Place [impounded] animals in the care or custody of a veterinarian, the appropriate
13 animal control authority, [or] an animal shelter, **or third party approved by the court.** If no
14 appropriate veterinarian, animal control authority, [or] animal shelter, **or third party** is
15 available, the animal shall not be [impounded] **confiscated** unless it is diseased or disabled
16 beyond recovery for any useful purpose;

17 (3) Humanely kill any animal [impounded] **confiscated** if it is determined by a licensed
18 veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose;

19 (4) Not be liable for any **reasonable and** necessary damage to property while acting
20 under such warrant.

21 2. (1) **The owner of any animal that has been confiscated under this section shall**
22 **not be responsible for the animal's care and keeping prior to a disposition hearing if the**
23 **owner is acquitted or there is a final discharge without conviction.**

24 (2) **After completion of the disposition hearing,** the owner or custodian or any person
25 claiming an interest in any animal that has been [impounded] **confiscated** because of neglect or
26 abuse may prevent disposition of the animal **after the disposition hearing and until final**
27 **judgment, settlement, or dismissal of the case** by posting **reasonable** bond or security **within**
28 **seventy-two hours of the disposition hearing** in an amount sufficient to provide for the
29 animal's care and keeping [for at least thirty days, inclusive of the date on which the animal was
30 taken into custody] **and consistent with the fair market cost of boarding such an animal in**
31 **an appropriate retail boarding facility.** Notwithstanding the fact that bond may be posted
32 pursuant to this [subsection] **subdivision,** the authority having custody of the animal may
33 humanely dispose of the animal at the end of the time for which **reasonable** expenses are
34 covered by the bond or security, unless there is a court order prohibiting such disposition. Such
35 order shall provide for a **reasonable** bond or other security in the amount necessary to protect
36 the authority having custody of the animal from any cost of the care, keeping or disposal of the
37 animal.

38 (3) The authority taking custody of an animal shall give notice of the provisions of this
39 section [by posting a copy of this section at the place where the animal was taken into custody
40 or] by delivering it to a person residing on the property.

41 3. The owner or custodian of any animal humanely killed pursuant to this section shall
42 not be entitled to recover any damages related to nor the actual value of the animal if the animal
43 was found by a licensed veterinarian to be diseased or disabled **beyond recovery for any useful**
44 **purpose**, or if the owner or custodian failed to post bond or security for the care, keeping and
45 disposition of the animal after being notified of [impoundment] **confiscation and after**
46 **completion of the disposition hearing.**

47 4. **All animals confiscated under this section shall receive proper care as determined**
48 **by state law and regulations for each specific animal and facility or organization where the**
49 **animal is placed after such confiscation. Any such facility or organization shall be liable**
50 **to the owner for damages for any negligent acts or abuse of such animal which occurs while**
51 **the animal is in the care, custody, and control of such facility or organization.**

52 5. **If the owner posted a sufficient bond and is acquitted or there is a final discharge**
53 **without conviction, unless there is a settlement agreement, consent judgment, or a**
54 **suspended imposition of sentence, the owner may demand the return of the animal held in**
55 **custody. Any entity with care, custody, and control of such animal shall immediately**
56 **return such animal to the owner upon demand and proof of such acquittal or final**
57 **discharge without conviction. Upon acquittal or final discharge without conviction, unless**
58 **there is a settlement agreement, consent judgment, or a suspended imposition of sentence,**
59 **the owner shall not be liable for any costs incurred relating to the placement or care of the**
60 **animal during the pendency of the charges.**

61 6. Any person or entity that intentionally euthanizes, other than as permissible
62 under this section, or intentionally sterilizes an animal prior to a disposition hearing or
63 during any period for which reasonable bond was secured for the animal's care is guilty
64 of a class B misdemeanor and shall be liable to the owner of the animal for damages
65 including the actual value of the animal. Each individual animal for which a violation
66 occurs is a separate offense. Any second or subsequent violation is a class A misdemeanor
67 and any entity licensed under state law shall be subject to licensure sanction by its
68 governing body.

578.030. 1. The provisions of section 43.200 notwithstanding, any member of the state
2 highway patrol or other law enforcement officer may apply for and serve a search warrant, and
3 shall have the power of search and seizure in order to enforce the provisions of sections 578.025
4 to 578.050. **All requests for such warrants shall be signed, witnessed, and accompanied by**
5 **an affidavit stating the probable cause to believe a violation of sections 578.025 to 578.050**
6 **has occurred.**

7 2. Any member of the state highway patrol or other law enforcement officer making an
8 arrest under section 578.025 shall lawfully take possession of all dogs or other animals **in**

9 **accordance with the provisions of section 578.018** and all paraphernalia, implements, or other
10 property or things used or employed, or about to be employed, in the violation of any of the
11 provisions of section 578.025. Such officer, after taking possession of such dogs, animals,
12 paraphernalia, implements or other property or things, shall file with the court before whom the
13 complaint is made against any person so arrested an affidavit stating therein the name of the
14 person charged in such complaint, a description of the property so taken and the time and place
15 of the taking thereof together with the name of the person from whom the same was taken and
16 the name of the person who claims to own such property, if known, and that the affiant has
17 reason to believe and does believe, stating the ground of such belief, that the property so taken
18 was used or employed, or was about to be used or employed, in such violation of section
19 578.025. He or she shall thereupon deliver the property so taken to the court, which shall, by
20 order in writing, place the same in the custody of an officer or other proper person named and
21 designated in such order, to be kept by him or her until the conviction or final discharge of such
22 person complained against, and shall send a copy of such order without delay to the prosecuting
23 attorney of the county. The officer or person so named and designated in such order shall
24 immediately thereupon assume the custody of such property and shall retain the same, subject
25 to the order of the court before which such person so complained against may be required to
26 appear for trial. **If the property includes animals, the placement of the animals shall be**
27 **handled in accordance with the provisions of section 578.018.** Upon the conviction of the
28 person so charged, all property so seized shall be adjudged by the court to be forfeited and shall
29 thereupon be destroyed or otherwise disposed of as the court may order. In the event of the
30 acquittal or final discharge without conviction of the person so charged, such court shall, on
31 demand, direct the delivery of such property so held in custody to the owner thereof.

578.030. 1. The provisions of section 43.200 notwithstanding, any member of the state
2 highway patrol or other law enforcement officer may apply for and serve a search warrant, and
3 shall have the power of search and seizure in order to enforce the provisions of sections 578.025
4 to 578.050. **All requests for such warrants shall be signed, witnessed, and accompanied by**
5 **an affidavit stating the probable cause to believe a violation of sections 578.025 to 578.050**
6 **has occurred.**

7 2. Any member of the state highway patrol or other law enforcement officer making an
8 arrest under section 578.025 shall lawfully take possession of all dogs or other animals **in**
9 **accordance with the provisions of section 578.018** and all paraphernalia, implements, or other
10 property or things used or employed, or about to be employed, in the violation of any of the
11 provisions of section 578.025. Such officer, after taking possession of such dogs, animals,
12 paraphernalia, implements or other property or things, shall file with the court before whom the
13 complaint is made against any person so arrested an affidavit stating therein the name of the

14 person charged in such complaint, a description of the property so taken and the time and place
15 of the taking thereof together with the name of the person from whom the same was taken and
16 the name of the person who claims to own such property, if known, and that the affiant has
17 reason to believe and does believe, stating the ground of such belief, that the property so taken
18 was used or employed, or was about to be used or employed, in such violation of section
19 578.025. He **or she** shall thereupon deliver the property so taken to the court, which shall, by
20 order in writing, place the same in the custody of an officer or other proper person named and
21 designated in such order, to be kept by him **or her** until the conviction or final discharge of such
22 person complained against, and shall send a copy of such order without delay to the prosecuting
23 attorney of the county. The officer or person so named and designated in such order shall
24 immediately thereupon assume the custody of such property and shall retain the same, subject
25 to the order of the court before which such person so complained against may be required to
26 appear for trial. **If the property includes animals, the placement of the animals shall be**
27 **handled in accordance with the provisions of section 578.018.** Upon the conviction of the
28 person so charged, all property so seized shall be adjudged by the court to be forfeited and shall
29 thereupon be destroyed or otherwise disposed of as the court may order. In the event of the
30 acquittal or final discharge without conviction of the person so charged, such court shall, on
31 demand, direct the delivery of such property so held in custody to the owner thereof.

Section B. The repeal and reenactment of section 304.180 of this act shall become
2 effective only upon passage and approval by the voters of a constitutional amendment submitted
3 to them by the general assembly regarding the authorization of an additional sales and use tax,
4 the proceeds of which shall be used for transportation purposes.

✓