

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 661

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RUTH.

1581H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 301.010, 301.192, 301.280, 302.755, 307.128, 407.526, 407.536, and 407.556, RSMo, and to enact in lieu thereof nine new sections relating to motor vehicles, with penalty provisions.

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

Section A. Sections 301.010, 301.192, 301.280, 302.755, 307.128, 407.526, 407.536, and 407.556, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 301.010, 301.033, 301.192, 301.280, 302.755, 307.128, 407.526, 407.536, and 407.556, to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

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.

13 National Highway Traffic Safety Administration requirements or federal motorcycle safety
14 standards;

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

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 truck-
282 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 off-
291 highway use which is more than fifty inches but no more than eighty inches in width, measured
292 from outside of tire rim to outside of tire rim, with an unladen dry weight of three thousand five
293 hundred pounds or less, traveling on four or six wheels, to be used primarily for landscaping,
294 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 ride-
303 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.

**301.033. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the
2 contrary, the director of revenue shall establish a system of registration on a calendar year
3 basis of all farm vehicles, as defined in section 302.700, owned or purchased by a farm
4 vehicle fleet owner registered under this section. The director of revenue shall prescribe
5 the forms for such farm vehicle fleet registration and the forms and procedures for the
6 registration updates prescribed in this section. Any owner of more than one farm vehicle
7 which is required to be registered under this chapter may, at his or her option, register a
8 fleet of farm vehicles on a calendar year or biennial basis under this section in lieu of the
9 registration periods provided in sections 301.030, 301.035, and 301.147. The director shall
10 issue an identification number to each registered owner of a fleet of farm vehicles
11 registered under this section.**

**12 2. All farm vehicles included in the fleet of a registered farm vehicle fleet owner
13 shall be registered during April of the corresponding year or on a prorated basis as
14 provided in subsection 3 of this section. Fees of all vehicles in the farm vehicle fleet to be
15 registered on a calendar year basis or on a biennial basis shall be payable not later than
16 the last day of April of the corresponding year, with two years' fees due for biennially-
17 registered vehicles. Notwithstanding the provisions of section 307.355, an application for
18 registration of a farm vehicle fleet shall be accompanied by a certificate of inspection and
19 approval issued no more than one hundred twenty days prior to the date of application.
20 The fees for vehicles added to the farm vehicle fleet which are required to be licensed at**

21 the time of registration shall be payable at the time of registration, except that when such
22 vehicle is licensed between July first and September thirtieth the fee shall be three-fourths
23 the annual fee, when licensed between October first and December thirty-first the fee shall
24 be one-half the annual fee, and when licensed on or after January first the fee shall be one-
25 fourth the annual fee. If biennial registration is sought for vehicles added to a farm vehicle
26 fleet, an additional year's annual fee shall be added to the partial year's prorated fee.

27 3. At any time during the calendar year in which an owner of a farm vehicle fleet
28 purchases or otherwise acquires a farm vehicle which is to be added to the farm vehicle
29 fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue
30 the identification number as a fleet number and may register the vehicle for the partial
31 year as provided in subsection 2 of this section. The farm vehicle fleet owner shall also be
32 charged a transfer fee of two dollars for each vehicle so transferred under this subsection.

33 4. Except as specifically provided in this subsection, all farm vehicles registered
34 under this section shall be issued a special license plate which shall have the words "Farm
35 Fleet Vehicle" and shall meet the requirements prescribed by section 301.130. Farm fleet
36 vehicles shall be issued multiyear license plates as provided in this section which shall not
37 require issuance of a renewal tab. Upon payment of appropriate registration fees, the
38 director of revenue shall issue a registration certificate or other suitable evidence of
39 payment of the annual or biennial fee, and such evidence of payment shall be carried at all
40 times in the vehicle for which it is issued.

41 5. The director shall make all necessary rules and regulations for the
42 administration of this section and shall design all necessary forms required by this section.
43 Any rule or portion of a rule, as that term is defined in section 536.010, that is created
44 under the authority delegated in this section shall become effective only if it complies with
45 and is subject to all the provisions of chapter 536 and, if applicable, section 536.028. This
46 section and chapter 536 are nonseverable, and if any of the powers vested with the general
47 assembly under chapter 536 to review, to delay the effective date, or to disapprove and
48 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
49 authority and any rule proposed or adopted after August 28, 2021, shall be invalid and
50 void.

301.192. 1. In addition to any other requirements of section 301.190, when application
2 is made for a certificate of ownership for a motor vehicle or trailer seven years old or older and
3 the value of vehicle does not exceed three thousand dollars, for which no record of any prior
4 application for a certificate of ownership exists in the records of the director of revenue or for
5 which the records of the director of revenue reflect incomplete or conflicting documentation of

6 ownership, the director of revenue may issue a certificate of ownership, not less than thirty days
7 after receiving the completed application, provided it is accompanied by:

8 (1) An affidavit explaining how the motor vehicle or trailer was acquired and the reasons
9 a valid certificate of ownership cannot be furnished;

10 (2) Presentation of all evidence of ownership in the applicant's possession;

11 (3) Title verification from a state in which the vehicle was previously titled or registered
12 if known, provided the vehicle was so previously titled or registered;

13 (4) A notarized lien release from any lienholder of record;

14 (5) A vehicle examination certificate issued by the Missouri state highway patrol, or
15 other law enforcement agency as authorized by the director of revenue. The vehicle examination
16 shall include a verification of the vehicle's identification number and a determination that the
17 vehicle has not been reported stolen in Missouri or any other state. The fee for the vehicle
18 examination certificate shall be twenty-five dollars and shall be collected by the director of
19 revenue at the time of the request for the application;

20 (6) A statement certifying the odometer reading of the motor vehicle if less than ~~ten~~
21 **twenty** years of age; and

22 (7) A surety bond or a suitable financial security instrument in a form prescribed by the
23 director of revenue and executed by the applicant and a person authorized to conduct surety
24 business in this state. The bond shall be an amount equal to two times the value of the vehicle
25 as determined by the Kelly Blue Book, NADA Used Car Guide or two appraisals from a licensed
26 motor vehicle dealer. The bond shall be for a minimum of one hundred dollars and conditioned
27 to indemnify any prior owner or lienholder and any subsequent purchaser of the vehicle or person
28 acquiring any security interest in it, and their respective successors in interest, against any
29 expense, loss or damage including reasonable attorneys fees, by reason of the issuance of the
30 certificate of ownership of the vehicle or on account of any defect in or undisclosed security
31 interest upon the right, title and interest of the applicant in and to the vehicle. Any such
32 interested person has a right of action to recover on the bond for any breach of its conditions, but
33 the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The
34 bond shall be returned at the end of three years, unless the department has been notified of the
35 pendency of an action to recover on the bond.

36 2. Upon satisfaction with the genuineness of the application and supporting documents,
37 the director of revenue shall issue a new certificate of ownership. The certificate of ownership
38 shall appropriately be designated with the words "BONDED VEHICLE".

301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to
2 the department of revenue, on blanks to be prescribed by the department of revenue, giving the
3 following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle

4 sold; the name and address of the buyer; the name of the manufacturer; year of manufacture;
5 model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall
6 also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand.
7 Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection
8 10 of section 144.070 shall also include the amount of state and local sales tax collected for each
9 motor vehicle sold if sales tax was due. The odometer reading is not required when reporting
10 the sale of any motor vehicle that is ~~ten~~ **twenty** years old or older, any motor vehicle having
11 a gross vehicle weight rating of more than sixteen thousand pounds, new vehicles that are
12 transferred on a manufacturer's statement of origin between one franchised motor vehicle dealer
13 and another, or boats, all-terrain vehicles or trailers. The sale of all temporary permits shall be
14 recorded in the appropriate space on the dealer's monthly sales report, unless the sale of the
15 temporary permit is already recorded by electronic means as determined by the department. The
16 monthly sales report shall include a statement of motor vehicles or trailers sold during the month
17 under subsection 5 of section 301.210. The monthly sales report shall be completed in full and
18 signed by an officer, partner, or owner of the dealership, and actually received by the department
19 of revenue on or before the fifteenth day of the month succeeding the month for which the sales
20 are being reported. If no sales occur in any given month, a report shall be submitted for that
21 month indicating no sales. Any vehicle dealer who fails to file a monthly report or who fails to
22 file a timely report shall be subject to disciplinary action as prescribed in section 301.562 or a
23 penalty assessed by the director not to exceed three hundred dollars per violation. Every motor
24 vehicle and boat dealer shall retain copies of the monthly sales report as part of the records to be
25 maintained at the dealership location and shall hold them available for inspection by appropriate
26 law enforcement officials and officials of the department of revenue. Every vehicle dealer
27 selling twenty or more vehicles a month shall file the monthly sales report with the department
28 in an electronic format. Any dealer filing a monthly sales report in an electronic format shall be
29 exempt from filing the notice of transfer required by section 301.196. For any dealer not filing
30 electronically, the notice of transfer required by section 301.196 shall be submitted with the
31 monthly sales report as prescribed by the director.

32 2. Every dealer and every person operating a public garage shall keep a correct record
33 of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles
34 or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together
35 with the name and address of the person delivering such motor vehicle or trailer to the dealer or
36 public garage keeper, and the person delivering such motor vehicle or trailer shall record such
37 information in a file kept by the dealer or garage keeper. The record shall be kept for five years
38 and be open for inspection by law enforcement officials, members or authorized or designated

39 employees of the Missouri highway patrol, and persons, agencies and officials designated by the
40 director of revenue.

41 3. Every dealer and every person operating a public garage in which a motor vehicle
42 remains unclaimed for a period of fifteen days shall, within five days after the expiration of that
43 period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on
44 a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and
45 address are known to the dealer or his employee or person operating a public garage or his
46 employee is not considered unclaimed. Any dealer or person operating a public garage who fails
47 to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its
48 garaging, parking or storing.

49 4. The director of revenue shall maintain appropriately indexed cumulative records of
50 unclaimed vehicles reported to the director. Such records shall be kept open to public inspection
51 during reasonable business hours.

52 5. The alteration or obliteration of the vehicle identification number on any such motor
53 vehicle shall be prima facie evidence of larceny, and the dealer or person operating such public
54 garage shall upon the discovery of such obliteration or alteration immediately notify the highway
55 patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or
56 garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period
57 of forty-eight hours for the purpose of an investigation by the officer so notified.

58 6. Any person who knowingly makes a false statement or omission of a material fact in
59 a monthly sales report to the department of revenue, as described in subsection 1 of this section,
60 shall be deemed guilty of a class A misdemeanor.

302.755. 1. A person is disqualified from driving a commercial motor vehicle for a
2 period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled substance, or
4 of an alcohol-related enforcement contact as defined in subsection 3 of section 302.525;

5 (2) Driving a commercial motor vehicle which causes a fatality through the negligent
6 operation of the commercial motor vehicle, including but not limited to the offenses of vehicular
7 manslaughter, homicide by motor vehicle, and negligent homicide;

8 (3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;

9 (4) Leaving the scene of an accident involving a commercial or noncommercial motor
10 vehicle operated by the person;

11 (5) Using a commercial or noncommercial motor vehicle in the commission of any
12 felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.

13 2. If any of the violations described in subsection 1 of this section occur while
14 transporting a hazardous material the person is disqualified for a period of not less than three
15 years.

16 3. Any person is disqualified from operating a commercial motor vehicle for life if
17 convicted of two or more violations of any of the offenses specified in subsection 1 of this
18 section, or any combination of those offenses, arising from two or more separate incidents. The
19 director may issue rules and regulations, in accordance with guidelines established by the
20 Secretary, under which a disqualification for life under this section may be reduced to a period
21 of not less than ten years.

22 4. Any person is disqualified from driving a commercial motor vehicle for life who uses
23 a commercial or noncommercial motor vehicle in the commission of any felony involving the
24 manufacture, distribution, or dispensing of a controlled substance, or possession with intent to
25 manufacture, distribute, or dispense a controlled substance.

26 5. Any person is disqualified from operating a commercial motor vehicle for a period
27 of not less than sixty days if convicted of two serious traffic violations or one hundred twenty
28 days if convicted of three serious traffic violations, arising from separate incidents occurring
29 within a three-year period.

30 6. Any person found to be operating a commercial motor vehicle while having any
31 measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour
32 out-of-service order by a law enforcement officer in this state.

33 7. Any person who is convicted of operating a commercial motor vehicle beginning at
34 the time of issuance of the out-of-service order until its expiration is guilty of a class A
35 misdemeanor.

36 8. Any person convicted for the first time of driving while out of service shall be
37 disqualified from driving a commercial motor vehicle in the manner prescribed in 49 CFR 383,
38 or as amended by the Secretary.

39 9. Any person convicted of driving while out of service on a second occasion during any
40 ten-year period, involving separate incidents, shall be disqualified in the manner prescribed in
41 49 CFR 383, or as amended by the Secretary.

42 10. Any person convicted of driving while out of service on a third or subsequent
43 occasion during any ten-year period, involving separate incidents, shall be disqualified for a
44 period of three years.

45 11. Any person convicted of a first violation of an out-of-service order while transporting
46 hazardous materials or while operating a motor vehicle designed to transport sixteen or more
47 passengers, including the driver, is disqualified for a period of one hundred eighty days.

48 12. Any person convicted of any subsequent violation of an out-of-service order in a
49 separate incident within ten years after a previous violation, while transporting hazardous
50 materials or while operating a motor vehicle designed to transport fifteen passengers, including
51 the driver, is disqualified for a period of three years.

52 13. Any person convicted of any other offense as specified by regulations promulgated
53 by the Secretary of Transportation shall be disqualified in accordance with such regulations.

54 14. After suspending, revoking, cancelling, or disqualifying a driver, the director shall
55 update records to reflect such action and notify a nonresident's licensing authority and the
56 commercial driver's license information system within ten days in the manner prescribed in 49
57 CFR 384, or as amended by the Secretary.

58 15. Any person disqualified from operating a commercial motor vehicle pursuant to
59 subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license cancelled, and
60 upon conclusion of the period of disqualification shall take the written and driving tests and meet
61 all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation
62 shall not be withdrawn by the director until such person reapplies for a commercial driver's
63 license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

64 16. The director shall disqualify a driver upon receipt of notification that the Secretary
65 has determined a driver to be an imminent hazard pursuant to 49 CFR 383.52. Due process of
66 a disqualification determined by the Secretary pursuant to this section shall be held in accordance
67 with regulations promulgated by the Secretary. The period of disqualification determined by the
68 Secretary pursuant to this section shall be served concurrently to any other period of
69 disqualification which may be imposed by the director pursuant to this section. Both
70 disqualifications shall appear on the driving record of the driver.

71 17. The director shall disqualify a commercial license holder or operator of a commercial
72 motor vehicle from operation of any commercial motor vehicle upon receipt of a conviction for
73 an offense of failure to appear or pay, and such disqualification shall remain in effect until the
74 director receives notice that the person has complied with the requirement to appear or pay.

75 18. The disqualification period must be in addition to any other previous periods of
76 disqualification in the manner prescribed in 49 CFR 383, or as amended by the Secretary, except
77 when the major or serious violations are a result of the same incident.

78 **19. Any person is disqualified from driving a commercial motor vehicle for life if**
79 **convicted of using a commercial motor vehicle in the commission of a felony involving an**
80 **act or practice of severe forms of trafficking in persons, as defined in 22 U.S.C. Section**
81 **7102 (11). A disqualification for life under this subsection shall not be reduced.**

307.128. 1. A headlamp on a motorcycle may be wired to modulate either the upper
2 beam or the lower beam from its maximum intensity to a lesser intensity provided that:

3 (1) The rate of modulation shall be two hundred forty plus or minus forty cycles per
4 minute;

5 (2) The headlamp shall be operated at a maximum power for fifty to seventy percent of
6 each cycle;

7 (3) The lowest intensity at any test point shall not be less than seventeen percent of the
8 maximum intensity measured at the same point;

9 (4) The modulator switch shall be wired in the power lead of the beam filament being
10 modulated and not in the ground side of the circuit;

11 (5) Means shall be provided so that both the lower beam and the upper beam remain
12 operable in the event of a modulation failure;

13 (6) The system shall include a sensor mounted with the axis of its sensing element
14 perpendicular to a horizontal plane. Headlamp modulation shall cease whenever the level of
15 light emitted by a tungsten filament operating at three thousand degrees kelvin is either less than
16 two hundred seventy lux of direct light for upward pointing sensors or less than sixty lux of
17 reflected light for downward pointing sensors. The light is measured by a silicon cell type light
18 meter that is located at the sensor and pointing in the same direction as the sensor. A photo gray
19 card is placed at ground level to simulate the road surface in testing downward pointing sensors;

20 (7) Means shall be provided so that both the lower and upper beam function at design
21 voltage when the headlamp control switch is in either the lower or upper beam position when the
22 modulator is off.

23 2. Each motorcycle headlamp modulator not intended as original equipment, or its
24 container, shall be labeled with the maximum wattage, and the minimum wattage appropriate
25 for its use. Additionally, each such modulator shall comply with the provisions of subdivisions
26 (1) to (7) of subsection 1 of this section when connected to a headlamp of the maximum-rated
27 power and headlamp of the minimum-rated power, and shall provide means so that the
28 modulated beam functions at design voltage when the modulator is off. Instructions, with a
29 diagram, shall be provided for mounting the light sensor including location on the motorcycle,
30 distance above the road surface, and orientation with respect to the light.

31 3. Notwithstanding any other provision of law, subject to the requirements of subsection
32 4 of this section, a motorcycle may be equipped with, and an operator of a motorcycle may use,
33 the following auxiliary lighting:

34 (1) ~~[Amber and white illumination]~~ **Any color illumination;**

35 (2) Standard bulb running lights; or

36 (3) Light-emitting diode pods and strips.

37 4. Lighting under subsection 3 of this section shall be:

38 (1) Nonblinking;

- 39 (2) Nonflashing;
40 (3) Nonoscillating; and
41 (4) Directed toward the engine and the drive train of the motorcycle to prevent
42 interference with the driver's operation of the vehicle.

407.526. 1. A person commits the crime of odometer fraud in the third degree if, with
2 the intent to defraud, he operates a motor vehicle less than ~~ten~~ **twenty** years old on any street
3 or highway knowing that the odometer of the motor vehicle is disconnected or not functioning.

4 2. Odometer fraud in the third degree is a class C misdemeanor.

407.536. 1. Any person transferring ownership of a motor vehicle previously titled in
2 this or any other state shall do so by assignment of title and shall place the mileage registered on
3 the odometer at the time of transfer above the signature of the transferor. The signature of the
4 transferor below the mileage shall constitute an odometer mileage statement. The transferee
5 shall sign such odometer mileage statement before an application for certificate of ownership
6 may be made. If the true mileage is known to the transferor to be different from the number of
7 miles shown on the odometer or the true mileage is unknown, a statement from the transferor
8 shall accompany the assignment of title which shall contain all facts known by the transferor
9 concerning the true mileage of the motor vehicle. That statement shall become a part of the
10 permanent record of the motor vehicle with the Missouri department of revenue. The department
11 of revenue shall place on all new titles issued after September 28, 1977, a box titled "mileage at
12 the time of transfer".

13 2. Any person transferring the ownership of a motor vehicle previously untitled in this
14 or any other state to another person shall give an odometer mileage statement to the transferee.
15 The statement shall include above the signature of the transferor and transferee the cumulative
16 mileage registered on the odometer at the time of transfer. If the true mileage is known to the
17 transferor to be different from the number of miles shown on the odometer or the true mileage
18 is unknown, a statement from the transferor shall accompany the assignment of title which shall
19 contain all facts known by the transferor concerning the true mileage of the motor vehicle. That
20 statement shall become a permanent part of the records of the Missouri department of revenue.

21 3. If, upon receiving an application for registration or for a certificate of ownership of
22 a motor vehicle, the director of revenue has credible evidence that the odometer reading provided
23 by a transferor is materially inaccurate, he may place an asterisk on the face of the title document
24 issued by the Missouri department of revenue, provided that the process required thereby does
25 not interfere with his obligations under subdivision (2) of subsection 3 of section 301.190. The
26 asterisk shall refer to a statement on the face and at the bottom of the title document which shall
27 read as follows: "This may not be the true and accurate mileage of this motor vehicle. Consult
28 the documents on file with the Missouri department of revenue for an explanation of the

29 inaccuracy.". Nothing in this section shall prevent any person from challenging the
30 determination by the director of revenue in the circuit courts of the state of Missouri. The burden
31 of proof shall be on the director of the department of revenue in all such proceedings.

32 4. The mileage disclosed by the odometer mileage statement for a new or used motor
33 vehicle as described in subsections 1 and 2 of this section shall be placed by the transferor on any
34 title or document evidencing ownership. Additional statements shall be placed on the title
35 document as follows:

36 (1) If the transferor states that to the best of his knowledge the mileage disclosed is the
37 actual mileage of the motor vehicle, an asterisk shall follow the mileage on the face of the title
38 or document of ownership issued by the Missouri department of revenue. The asterisk shall
39 reference to a statement on the face and bottom of the title document which shall read as follows:
40 "Actual Mileage";

41 (2) Where the transferor has submitted an explanation why this mileage is incorrect, an
42 asterisk shall follow the mileage on the face of the title or document of ownership issued by the
43 Missouri department of revenue. The asterisk shall reference to a statement on the face and at
44 the bottom of the title document which shall read as follows: "This is not the true and accurate
45 mileage of this motor vehicle. Consult the documents on file with the Missouri department of
46 revenue for an explanation of the inaccuracy.". Further wording shall be included as follows:

47 (a) If the transferor states that the odometer reflects the amount of mileage in excess of
48 the designed mechanical odometer limit, the above statement on the face of the title document
49 shall be followed by the words: "Mileage exceeds the mechanical limits";

50 (b) If the transferor states that the odometer reading differs from the mileage and that the
51 difference is greater than that caused by odometer calibration error and the odometer reading
52 does not reflect the actual mileage and should not be relied upon, the above statement on the face
53 of the title document shall be preceded by the words: "Warning Odometer Discrepancy".

54 5. The department of revenue shall notify all motor vehicle ownership transferees of the
55 civil and criminal penalties involving odometer fraud.

56 6. Any person defacing or obscuring or otherwise falsifying any odometer reading on any
57 document required by this section shall be guilty of a class E felony.

58 7. The granting or creation of a security interest or lien shall not be considered a change
59 of ownership for the purpose of this section, and the grantor of such lien or security interest shall
60 not be required to make an odometer mileage statement. The release of a lien by a mortgage
61 holder shall not be considered a change of ownership of the motor vehicle for the purposes of
62 this section. The mortgage holder or lienholder shall not be required to make an odometer
63 disclosure statement or state the current odometer setting at the time of the release of the lien
64 where there is no change of ownership.

65 8. For the purposes of the mileage disclosure requirements of this section, if a certificate
66 of ownership is held by a lienholder, if the transferor makes application for a duplicate certificate
67 of ownership, or as otherwise provided in the federal Motor Vehicle Information and Cost
68 Savings Act and related federal regulations, the transferor may execute a written power of
69 attorney authorizing a transfer of ownership. The person granted such power of attorney shall
70 restate exactly on the assignment of title the actual mileage disclosed at the time of transfer. The
71 power of attorney shall accompany the certificate of ownership and the original power of
72 attorney and a copy of the certificate of ownership shall be returned to the issuing state in the
73 manner prescribed by the director of revenue, unless otherwise provided by federal law, rule or
74 regulation. The department of revenue may prescribe a secure document for use in executing a
75 written power of attorney. The department shall collect a fee for each form issued, not to exceed
76 the cost of procuring the form.

 407.556. 1. A violation of the provisions of sections 407.511 to 407.556 by any person
2 licensed or registered as a manufacturer or dealer pursuant to the provisions of chapter 301, shall
3 be considered a violation of the provisions of that chapter, subjecting that person to revocation
4 or suspension of any license issued pursuant to the provisions of that chapter.

5 2. The provisions of sections 407.511 to 407.556 do not apply to the following motor
6 vehicles:

- 7 (1) Any motor vehicle having a gross vehicle weight rating of more than sixteen
8 thousand pounds;
- 9 (2) Any motor vehicle that is [~~ten~~] **twenty** years old or older;
- 10 (3) Any motor vehicle sold directly by the manufacturer to any agency of the United
11 States in conformity with contractual specifications; or
- 12 (4) Any new vehicle prior to its first transfer for purposes other than resale.

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