

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 701
96TH GENERAL ASSEMBLY

5487L05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 142.932, 260.392, 301.010, and 304.154, RSMo, and to enact in lieu thereof five new sections relating to road use, with penalty provisions.

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

Section A. Sections 142.932, 260.392, 301.010, and 304.154, RSMo, are repealed and
2 five new sections enacted in lieu thereof, to be known as sections 142.932, 260.392, 301.010,
3 304.033, and 304.154, to read as follows:

142.932. 1. No person shall operate or maintain a motor vehicle on any public highway
2 in this state with motor fuel contained in the fuel supply tank for the motor vehicle that contains
3 dye as provided pursuant to this chapter.

4 2. This section does not apply to:

5 (1) Persons operating motor vehicles that have received fuel into their fuel tanks outside
6 of this state in a jurisdiction that permits introduction of dyed motor fuel of that color and type
7 into the motor fuel tank of highway vehicles; [or]

8 (2) Uses of dyed fuel on the highway which are lawful under the Internal Revenue Code
9 and regulations thereunder and as set forth in this chapter unless otherwise prohibited by this
10 chapter; **or**

11 **(3) Persons operating motor vehicles during a state of emergency declaration by the**
12 **governor, when such motor vehicles are engaged in public safety matters or in restoration**
13 **of utility services attributable to the state of emergency. This exception shall apply to**
14 **public utility and rural electric cooperative motor vehicles and the motor vehicles of**
15 **persons contracting with such entities for the purpose of restoring utility service**
16 **attributable to the state of emergency.**

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.

17 3. No person shall sell or hold for sale dyed diesel fuel or dyed kerosene for any use that
18 the person knows or has reason to know is a taxable use of the diesel fuel.

19 4. No person shall use or hold for use any dyed diesel fuel for a taxable use when the
20 person knew or had reason to know that the diesel fuel was so dyed.

21 5. No person shall willfully, with intent to evade tax, alter or attempt to alter the strength
22 or composition of any dye or marker in any dyed diesel fuel or dyed kerosene.

23 6. Any person who knowingly violates or knowingly aids and abets another to violate
24 the provisions of this section with the intent to evade the tax levied by this chapter shall be guilty
25 of a class A misdemeanor.

26 7. Any person or business entity, each officer, employee, or agent of the entity who
27 willfully participates in any act in violation of this section shall be jointly and severally liable
28 with the entity for the tax and penalty which shall be the same as imposed pursuant to 26 U.S.C.,
29 Section 6715 or its successor section.

 260.392. 1. As used in sections 260.392 to 260.399, the following terms mean:

2 (1) "Cask", all the components and systems associated with the container in which spent
3 fuel, high-level radioactive waste, highway route controlled quantity, or transuranic radioactive
4 waste are stored;

5 (2) "High-level radioactive waste", the highly radioactive material resulting from the
6 reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and
7 any solid material derived from such liquid waste that contains fission products in sufficient
8 concentrations, and other highly radioactive material that the United States Nuclear Regulatory
9 Commission has determined to be high-level radioactive waste requiring permanent isolation;

10 (3) "Highway route controlled quantity", as defined in 49 CFR Part 173.403, as amended,
11 a quantity of radioactive material within a single package. Highway route controlled quantity
12 shipments [of thirty miles or less within the state] are exempt from the provisions of this section;

13 (4) "Low-level radioactive waste", any radioactive waste not classified as high-level
14 radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States
15 Nuclear Regulatory Commission, consistent with existing law. Shipment of all sealed sources
16 meeting the definition of low-level radioactive waste, shipments of low-level radioactive waste
17 that are within a radius of no more than fifty miles from the point of origin, and all naturally
18 occurring radioactive material given written approval for landfill disposal by the Missouri
19 department of natural resources under 10 CSR 80-3.010 are exempt from the provisions of this
20 section. Any low-level radioactive waste that has a radioactive half-life equal to or less than one
21 hundred twenty days is exempt from the provisions of this section;

22 (5) "Shipper", the generator, owner, or company contracting for transportation by truck
23 or rail of the spent fuel, high-level radioactive waste, highway route controlled quantity
24 shipments, transuranic radioactive waste, or low-level radioactive waste;

25 (6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor following
26 irradiation, the constituent elements of which have not been separated by reprocessing;

27 (7) "State-funded institutions of higher education", any campus of any university within
28 the state of Missouri that receives state funding and has a nuclear research reactor;

29 (8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as amended, as
30 waste containing more than one hundred nanocuries of alpha-emitting transuranic isotopes with
31 half-lives greater than twenty years, per gram of waste. For the purposes of this section,
32 transuranic waste shall not include:

33 (a) High-level radioactive wastes;

34 (b) Any waste determined by the Environmental Protection Agency with the concurrence
35 of the Environmental Protection Agency administrator that does not need the degree of isolation
36 required by this section; or

37 (c) Any waste that the United States Nuclear Regulatory Commission has approved for
38 disposal on a case-by-case basis in accordance with 10 CFR Part 61, as amended.

39 2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste,
40 [highway route controlled quantity shipments,] spent nuclear fuel, or low-level radioactive waste
41 through or within the state shall be subject to the fees established in this subsection, provided
42 that no state-funded institution of higher education that ships nuclear waste shall pay any such
43 fee. These higher education institutions shall reimburse the Missouri state highway patrol
44 directly for all costs related to shipment escorts. The fees for all other shipments shall be:

45 (1) One thousand eight hundred dollars for each cask transported through or within the
46 state by truck of high-level radioactive waste, transuranic radioactive waste[,] **or** spent nuclear
47 fuel [or highway route controlled quantity] shipments. All casks of high-level radioactive waste,
48 transuranic radioactive waste[,] **or** spent nuclear fuel[, or highway route controlled quantity]
49 shipments transported by truck are subject to a surcharge of twenty-five dollars per mile for every
50 mile over two hundred miles traveled within the state;

51 (2) One thousand three hundred dollars for the first cask and one hundred twenty-five
52 dollars for each additional cask for each rail shipment through or within the state of high-level
53 radioactive waste, transuranic radioactive waste, or spent nuclear fuel;

54 (3) One hundred twenty-five dollars for each truck or train transporting low-level
55 radioactive waste through or within the state. The department of natural resources may accept
56 an annual shipment fee as negotiated with a shipper or accept payment per shipment.

57 3. All revenue generated from the fees established in subsection 2 of this section shall
58 be deposited into the environmental radiation monitoring fund established in section 260.750 and
59 shall be used by the department of natural resources to achieve the following objectives and for
60 purposes related to the shipment of high-level radioactive waste, transuranic radioactive waste,
61 highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste,
62 including, but not limited to:

63 (1) Inspections, escorts, and security for waste shipment and planning;

64 (2) Coordination of emergency response capability;

65 (3) Education and training of state, county, and local emergency responders;

66 (4) Purchase and maintenance of necessary equipment and supplies for state, county, and
67 local emergency responders through grants or other funding mechanisms;

68 (5) Emergency responses to any transportation incident involving the high-level
69 radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments,
70 spent nuclear fuel, or low-level radioactive waste;

71 (6) Oversight of any environmental remediation necessary resulting from an incident
72 involving a shipment of high-level radioactive waste, transuranic radioactive waste, highway
73 route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste.
74 Reimbursement for oversight of any such incident shall not reduce or eliminate the liability of
75 any party responsible for the incident; such party may be liable for full reimbursement to the state
76 or payment of any other costs associated with the cleanup of contamination related to a
77 transportation incident;

78 (7) Administrative costs attributable to the state agencies which are incurred through
79 their involvement as it relates to the shipment of high-level radioactive waste, transuranic
80 radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level
81 radioactive waste through or within the state.

82 4. Nothing in this section shall preclude any other state agency from receiving
83 reimbursement from the department of natural resources and the environmental radiation
84 monitoring fund for services rendered that achieve the objectives and comply with the provisions
85 of this section.

86 5. Any unencumbered balance in the environmental radiation monitoring fund that
87 exceeds three hundred thousand dollars in any given fiscal year shall be returned to shippers on
88 a pro rata basis, based on the shipper's contribution into the environmental radiation monitoring
89 fund for that fiscal year.

90 6. The department of natural resources, in coordination with the department of health and
91 senior services and the department of public safety, may promulgate rules necessary to carry out
92 the provisions of this section. Any rule or portion of a rule, as that term is defined in section

93 536.010, that is created under the authority delegated in this section shall become effective only
94 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
95 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
96 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
97 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
98 and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

99 7. All funds deposited in the environmental radiation monitoring fund through fees
100 established in subsection 2 of this section shall be utilized, subject to appropriation by the
101 general assembly, for the administration and enforcement of this section by the department of
102 natural resources. All interest earned by the moneys in the fund shall accrue to the fund.

103 8. All fees shall be paid to the department of natural resources [prior to] **following**
104 shipment.

105 9. **(1)** Notice of any shipment of high-level radioactive waste, transuranic radioactive
106 waste, highway route controlled quantity shipments, or spent nuclear fuel through or within the
107 state shall be provided by the shipper to the governor's designee for advanced notification, as
108 described in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state.
109 Notice of any shipment of low-level radioactive waste through or within the state shall be
110 provided by the shipper to the Missouri department of natural resources before such shipment
111 enters the state.

112 **(2) All vehicles and carriers transporting highway route controlled quantities of**
113 **radioactive material are regulated by the United States Department of Transportation and**
114 **required to pass the North American Standard Level VI Inspection for Transuranic Waste**
115 **and Highway Route Controlled Quantities of Radioactive Material at the point of origin.**
116 **If a highway route controlled quantity shipment of a material has been the subject of a**
117 **point of origin level VI inspection and has passed the inspection, the shipment shall not**
118 **otherwise be subject to an additional inspection unless such inspection is determined to be**
119 **necessary at the discretion of state safety resources. If escort services are provided by state**
120 **resources, the Missouri state highway patrol shall establish procedures and fees to provide**
121 **for the reimbursement of escort services only. The fees may include an annual payment**
122 **not exceeding two thousand dollars, and per-trip fee of five hundred dollars. The**
123 **procedures shall require the payment of the per-trip fee only after the escort has been**
124 **completed. All revenue generated from the fees established in this section shall be**
125 **deposited into the environmental radiation monitoring fund established in section 260.750**
126 **and shall be used by the department of natural resources for purposes related to the**
127 **shipment of radioactive materials.**

128 10. Any shipper who fails to pay a fee assessed under this section, or fails to provide
129 notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times the
130 amount assessed and not paid. The action shall be brought by the attorney general at the request
131 of the department of natural resources. If the action involves a facility domiciled in the state, the
132 action shall be brought in the circuit court of the county in which the facility is located. If the
133 action does not involve a facility domiciled in the state, the action shall be brought in the circuit
134 court of Cole County.

135 11. Beginning on December 31, 2009, and every two years thereafter, the department of
136 natural resources shall prepare and submit a report on activities of the environmental radiation
137 monitoring fund to the general assembly. This report shall include information on fee income
138 received and expenditures made by the state to enforce and administer the provisions of this
139 section.

140 12. The provisions of this section shall not apply to high-level radioactive waste,
141 transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel,
142 or low-level radioactive waste shipped by or for the federal government for military or national
143 defense purposes.

144 13. Under section 23.253 of the Missouri sunset act:

145 (1) The provisions of the new program authorized under this section shall automatically
146 sunset six years after August 28, 2009, unless reauthorized by an act of the general assembly; and

147 (2) If such program is reauthorized, the program authorized under this section shall
148 automatically sunset twelve years after the effective date of the reauthorization of this section;
149 and

150 (3) This section shall terminate on September first of the calendar year immediately
151 following the calendar year in which the program authorized under this section is sunset.

 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, with
6 a seat designed to be straddled by the operator, or with a seat designed to carry more than one
7 person, and handlebars for steering control;

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

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

- 13 (4) "Boat transporter", any vehicle combination designed and used specifically to
14 transport assembled boats and boat hulls;
- 15 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
16 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
17 or painting;
- 18 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
19 passengers but not including shuttle buses;
- 20 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
21 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
22 buses;
- 23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
24 speeds less than forty miles per hour from field to field or from field to market and return;
- 25 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
26 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 27 (10) "Director" or "director of revenue", the director of the department of revenue;
- 28 (11) "Driveaway operation":
- 29 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than
30 a dealer over any public highway, under its own power singly, or in a fixed combination of two
31 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
- 32 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
33 the commodity being transported, by a person engaged in the business of furnishing drivers and
34 operators for the purpose of transporting vehicles in transit from one place to another by the
35 driveaway or towaway methods; or
- 36 (c) The movement of a motor vehicle by any person who is lawfully engaged in the
37 business of transporting or delivering vehicles that are not the person's own and vehicles of a
38 type otherwise required to be registered, by the driveaway or towaway methods, from a point of
39 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent
40 of a manufacturer or to any consignee designated by the shipper or consignor;
- 41 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
42 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
43 equipped with a dromedary may carry part of a load when operating independently or in a
44 combination with a semitrailer;
- 45 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 46 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 47 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

48 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
49 vehicle in a saddlemount combination;

50 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
51 the weight of any load thereon;

52 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
53 result of the impact of hail;

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

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

58 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
59 the same;

60 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways
61 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

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

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

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

71 (b) An area that extends not more than a radius of fifty miles from its home base of
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
73 projects not involving soil and water conservation. Nothing in this subdivision shall be
74 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
75 local commercial motor vehicle;

76 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
77 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
78 or a commercial motor vehicle whose property-carrying operations are confined solely to the
79 transportation of property owned by any person who is the owner or operator of such vehicle to
80 or from a farm owned by such person or under the person's control by virtue of a landlord and
81 tenant lease; provided that any such property transported to any such farm is for use in the
82 operation of such farm;

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

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

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

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

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

- 119 (31) "Manufacturer", any person, firm, corporation or association engaged in the
120 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;
- 121 (32) "Mobile scrap processor", a business located in Missouri or any other state that
122 comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder
123 or scrap metal operator for recycling;
- 124 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
125 receives a new, rebuilt or used engine, and which used the number stamped on the original
126 engine as the vehicle identification number;
- 127 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
128 except farm tractors;
- 129 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational
130 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
131 twelve thousand pounds:
- 132 (a) Offered for hire or lease; or
133 (b) The owner of which also owns ten or more such motor vehicles;
- 134 (36) "Motorcycle", a motor vehicle operated on two wheels;
- 135 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
136 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
137 produces less than three gross brake horsepower, and is capable of propelling the device at a
138 maximum speed of not more than thirty miles per hour on level ground;
- 139 (38) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
140 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
141 A motortricycle shall not be included in the definition of all-terrain vehicle;
- 142 (39) "Municipality", any city, town or village, whether incorporated or not;
- 143 (40) "Nonresident", a resident of a state or country other than the state of Missouri;
- 144 (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
145 compliance with United States emissions or safety standards;
- 146 (42) "Operator", any person who operates or drives a motor vehicle;
- 147 (43) "Owner", any person, firm, corporation or association, who holds the legal title to
148 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
149 thereof with the right of purchase upon performance of the conditions stated in the agreement
150 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
151 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
152 or mortgagor shall be deemed the owner for the purpose of this law;

153 (44) "Public garage", a place of business where motor vehicles are housed, stored,
154 repaired, reconstructed or repainted for persons other than the owners or operators of such place
155 of business;

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

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

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

167 (48) "Recreational off-highway vehicle", any motorized vehicle manufactured and used
168 exclusively for off-highway use which is [sixty] **sixty-four** inches or less in width, with an
169 unladen dry weight of [one] **two** thousand [eight hundred fifty] pounds or less, traveling on four
170 or more nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access
171 to ATV trails;

172 (49) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
173 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
174 wrecker or towing service;

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

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

184 (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

185 (a) Was damaged during a year that is no more than six years after the manufacturer's
186 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
187 reconstruct the vehicle to its condition immediately before it was damaged for legal operation

188 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
189 immediately preceding the time it was damaged;

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

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

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

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

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

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

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

210 (53) "School bus", any motor vehicle used solely to transport students to or from school
211 or to transport students to or from any place for educational purposes;

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

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

224 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
225 shall not operate to exclude other such vehicles which are within the general terms of this
226 section;

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

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

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

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

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

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

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

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

256 (64) "Used parts dealer", a business that buys and sells used motor vehicle parts or
257 accessories, but not including a business that sells only new, remanufactured or rebuilt parts.

258 "Business" does not include isolated sales at a swap meet of less than three days;

259 (65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for
260 off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one
261 thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily
262 for landscaping, lawn care, or maintenance purposes;

263 (66) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
264 firm, corporation, association, city, county or state agency, or any member thereof, for the
265 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
266 and from their place of employment; however, a vanpool shall not be included in the definition
267 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this
268 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
269 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal,
270 or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary
271 profit other than for use in a ride-sharing arrangement;

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

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

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

**304.033. 1. No person shall operate a recreational off-highway vehicle, as defined
2 in section 301.010, upon the highways of this state, except as follows:**

3 **(1) Recreational off-highway vehicles owned and operated by a governmental entity
4 for official use;**

5 **(2) Recreational off-highway vehicles operated for agricultural purposes or
6 industrial on-premises purposes between the official sunrise and sunset on the day of
7 operation;**

8 **(3) Recreational off-highway vehicles operated within three miles of the operator's
9 primary residence;**

10 **(4) Recreational off-highway vehicles operated by handicapped persons for short**
11 **distances occasionally only on the state's secondary roads when operated between the**
12 **hours of sunrise and sunset.**

13 **2. No person shall operate a recreational off-highway vehicle within any stream or**
14 **river in this state, except that recreational off-highway vehicles may be operated within**
15 **waterways which flow within the boundaries of land which a recreational off-highway**
16 **vehicle operator owns, or for agricultural purposes within the boundaries of land which**
17 **a recreational off-highway vehicle operator owns or has permission to be upon, or for the**
18 **purpose of fording such stream or river of this state at such road crossings as are**
19 **customary or part of the highway system. All law enforcement officials or peace officers**
20 **of this state and its political subdivisions or department of conservation agents or**
21 **department of natural resources park rangers shall enforce the provisions of this**
22 **subsection within the geographic area of their jurisdiction.**

23 **3. A person operating a recreational off-highway vehicle on a highway pursuant**
24 **to an exception covered in this section shall have a valid operator's or chauffeur's license,**
25 **except that a handicapped person operating such vehicle pursuant to subdivision (4) of**
26 **subsection 1 of this section, but shall not be required to have passed an examination for the**
27 **operation of a motorcycle. An individual shall not operate a recreational off-highway**
28 **vehicle upon on a highway in this state without displaying a lighted headlamp and a lighted**
29 **tail lamp. A person may not operate a recreational off-highway vehicle upon a highway**
30 **of this state unless such person wears a seat belt. When operated on a highway, a**
31 **recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction**
32 **to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.**

33 **4. No persons shall operate a recreational off-highway vehicle:**

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

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

36 **5. A violation of this section shall be a class C misdemeanor. In addition to other**
37 **legal remedies, the attorney general or county prosecuting attorney may institute a civil**
38 **action in a court of competent jurisdiction for injunctive relief to prevent such violation or**
39 **future violations and for the assessment of a civil penalty not to exceed one thousand**
40 **dollars per day of violation.**

 304.154. 1. Beginning [January 1, 2005] **August 28, 2012**, a towing company operating
2 a tow truck [pursuant to the authority granted in section 304.155 or 304.157 shall] **as defined**
3 **in section 301.010 shall be licensed by the division of professional registration as provided**
4 **in subsection 2 of this section and:**

5 (1) Have and occupy a verifiable business address **and display such address in a**
6 **location visible from the street;**

7 (2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the
8 storage of motor vehicles, **with a total area for storing vehicles, either inside or outside, of**
9 **at least two thousand square feet, and fencing a minimum of six feet high;**

10 (3) **Maintain regular business hours for the business office of 8:00 a.m. to 5:00 p.m.,**
11 **Monday through Friday, for customers or their authorized agent to view and retrieve**
12 **vehicles, with no additional fees charged to view or retrieve a vehicle during these regular**
13 **business hours;**

14 (4) Be available twenty-four hours a day, seven days a week. Availability shall mean
15 that an employee of the towing company or an answering service answered by a person is able
16 to respond to a tow request;

17 (5) **Have and maintain a phone number which is published in the local phone book**
18 **and accessible through directory assistance;**

19 [(4)] (6) Maintain a valid insurance policy issued by an insurer authorized to do business
20 in this state, or a bond or other acceptable surety providing coverage for the death of, or injury
21 to, persons and damage to property for each accident or occurrence in the amount [of at least five
22 hundred thousand dollars per incident] **prescribed by the United States Department of**
23 **Transportation;**

24 (7) **Maintain liability insurance as follows: garage coverage liability of one million**
25 **dollars per occurrence with an aggregate of two million dollars or greater, garage keeper**
26 **policy with a fifty thousand dollar minimum, and hook and cargo insurance with a one**
27 **hundred fifty thousand dollar minimum;**

28 [(5)] (8) Provide workers' compensation insurance for all employees of the towing
29 company if required by chapter 287; [and]

30 [(6)] (9) Maintain current motor vehicle registrations on all tow trucks currently operated
31 within the towing company fleet;

32 (10) **Provide a twenty-five thousand dollar surety bond by a company licensed to**
33 **do business in the state, or provide an irrevocable letter of credit from a financial**
34 **institution licensed to do business in the state; and**

35 (11) **Require tow drivers to be certified by the Towing and Recovery Association**
36 **of America (TRAA), or any state or federally funded program, as follows:**

37 (a) **Beginning August 28, 2013, light-duty operators shall have at least TRAA Level**
38 **1 Certification or equivalent;**

39 (b) **Beginning March 1, 2014, medium-duty operators shall have at least TRAA**
40 **Level 2 Certification or equivalent; and**

41 **(c) Beginning August 28, 2014, there shall be at least one TRAA Level 3 certified**
42 **operator per company engaged in heavy-duty towing. Anyone who provides a five-year**
43 **employment history with a towing or wrecking service shall be exempt from the provisions**
44 **of this subdivision.**

45 **2. Notwithstanding any other law, in order to operate a towing or wrecker service**
46 **within this state, operators shall be licensed by the division of professional registration.**
47 **Applicants for licensure shall provide proof of compliance with requirements of subsection**
48 **1 of this section to the division and upon presentation of satisfactory proof shall be granted**
49 **documentation issued by the division indicating that the towing or wrecker service has met**
50 **state licensing requirements. Local governmental entities shall not contract with any**
51 **towing or wrecker service not licensed with the division under this section. The provisions**
52 **of this section may be enforced by local law enforcement and the highway patrol.**

53 **3. The director of the division of professional registration may promulgate all**
54 **necessary rules and regulations for the administration of this section. Any rule or portion**
55 **of a rule, as that term is defined in section 536.010, that is created under the authority**
56 **delegated in this section shall become effective only if it complies with and is subject to all**
57 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
58 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**
59 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
60 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
61 **any rule proposed or adopted after August 28, 2012, shall be invalid and void.**

62 **4. Counties may adopt ordinances with respect to towing company standards in addition**
63 **to the minimum standards contained in this section. A towing company located in a county of**
64 **the second, third, and fourth classification is exempt from the provisions of this section.**

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