

FIRST REGULAR SESSION

SENATE BILL NO. 38

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

0965S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 365.020, 407.560, 407.815, 407.1025, and 578.120, RSMo, and to enact in lieu thereof fifteen new sections relating to electric bicycles, with penalty provisions.

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

Section A. Sections 300.010, 301.010, 302.010, 303.020, 2 304.001, 307.025, 307.180, 307.188, 307.193, 365.020, 407.560, 3 407.815, 407.1025, and 578.120, RSMo, are repealed and fifteen 4 new sections enacted in lieu thereof, to be known as sections 5 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 6 307.188, 307.193, 307.194, 365.020, 407.560, 407.815, 407.1025, 7 and 578.120, to read as follows:

300.010. The following words and phrases when used in 2 this ordinance mean:

(1) "Alley" or "alleyway", any street with a roadway 3 4 of less than twenty feet in width;

(2) "All-terrain vehicle", any motorized vehicle 5 6 manufactured and used exclusively for off-highway use, **other** 7 **than an electric bicycle**, with an unladen dry weight of one 8 thousand five hundred pounds or less, traveling on three, 9 four or more nonhighway tires, with either:

(a) A seat designed to be straddled by the operator, 10 11 and handlebars for steering control; or

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

15 (3) "Authorized emergency vehicle", a vehicle publicly
16 owned and operated as an ambulance, or a vehicle publicly
17 owned and operated by the state highway patrol, police or
18 fire department, sheriff or constable or deputy sheriff,
19 traffic officer or any privately owned vehicle operated as
20 an ambulance when responding to emergency calls;

21 (4) "Business district", the territory contiguous to
22 and including a highway when within any six hundred feet
23 along the highway there are buildings in use for business or
24 industrial purposes, including but not limited to hotels,
25 banks, or office buildings, railroad stations and public
26 buildings which occupy at least three hundred feet of
27 frontage on one side or three hundred feet collectively on
28 both sides of the highway;

29 (5) "Central business (or traffic) district", all
30 streets and portions of streets within the area described by
31 city ordinance as such;

32 (6) "Commercial vehicle", every vehicle designed,
33 maintained, or used primarily for the transportation of
34 property;

35 (7) "Controlled access highway", every highway, street
36 or roadway in respect to which owners or occupants of
37 abutting lands and other persons have no legal right of
38 access to or from the same except at such points only and in
39 such manner as may be determined by the public authority
40 having jurisdiction over the highway, street or roadway;

41 (8) "Crosswalk",

42 (a) That part of a roadway at an intersection included
43 within the connections of the lateral lines of the sidewalks

44 on opposite sides of the highway measured from the curbs, or
45 in the absence of curbs from the edges of the traversable
46 roadway;

47 (b) Any portion of a roadway at an intersection or
48 elsewhere distinctly indicated for pedestrian crossing by
49 lines or other markings on the surface;

50 (9) "Curb loading zone", a space adjacent to a curb
51 reserved for the exclusive use of vehicles during the
52 loading or unloading of passengers or materials;

53 (10) "Driver", every person who drives or is in actual
54 physical control of a vehicle;

55 (11) **"Electric bicycle", any two- or three-wheeled**
56 **device equipped with fully operable pedals, a saddle or seat**
57 **for the rider, and an electric motor of less than seven**
58 **hundred fifty watts, and which meets one of the following**
59 **three classes:**

60 (a) **"Class 1 electric bicycle", an electric bicycle**
61 **equipped with a motor that provides assistance only when the**
62 **rider is pedaling, and that ceases to provide assistance**
63 **when the bicycle reaches a speed of twenty miles per hour;**

64 (b) **"Class 2 electric bicycle", an electric bicycle**
65 **equipped with a motor that may be used exclusively to propel**
66 **the bicycle, and that is not capable of providing assistance**
67 **when the bicycle reaches the speed of twenty miles per hour;**
68 **or**

69 (c) **"Class 3 electric bicycle", an electric bicycle**
70 **equipped with a motor that provides assistance only when the**
71 **rider is pedaling, and that ceases to provide assistance**
72 **when the bicycle reaches the speed of twenty-eight miles per**
73 **hour;**

74 (12) "Freight curb loading zone", a space adjacent to
75 a curb for the exclusive use of vehicles during the loading
76 or unloading of freight (or passengers);

77 [(12)] (13) "Highway", the entire width between the
78 boundary lines of every way publicly maintained when any
79 part thereof is open to the use of the public for purposes
80 of vehicular travel;

81 [(13)] (14) "Intersection",

82 (a) The area embraced within the prolongation or
83 connection of the lateral curb lines, or, if none, then the
84 lateral boundary lines of the roadways of two highways which
85 join one another at, or approximately at, right angles, or
86 the area within which vehicles traveling upon different
87 highways joining at any other angle may come in conflict;

88 (b) Where a highway includes two roadways thirty feet
89 or more apart, then every crossing of each roadway of such
90 divided highway by an intersecting highway shall be regarded
91 as a separate intersection. In the event such intersecting
92 highway also includes two roadways thirty feet or more
93 apart, then every crossing of two roadways of such highways
94 shall be regarded as a separate intersection;

95 [(14)] (15) "Laned roadway", a roadway which is
96 divided into two or more clearly marked lanes for vehicular
97 traffic;

98 [(15)] (16) "Motor vehicle", any self-propelled
99 vehicle not operated exclusively upon tracks, except farm
100 tractors, **electric bicycles**, and motorized bicycles;

101 [(16)] (17) "Motorcycle", every motor vehicle having a
102 seat or saddle for the use of the rider and designed to
103 travel on not more than three wheels in contact with the
104 ground, but excluding [a tractor] **tractors and electric**
105 **bicycles**;

106 [(17)] (18) "Motorized bicycle", any two-wheeled or
107 three-wheeled device having an automatic transmission and a
108 motor with a cylinder capacity of not more than fifty cubic
109 centimeters, which produces less than three gross brake
110 horsepower, and is capable of propelling the device at a
111 maximum speed of not more than thirty miles per hour on
112 level ground, **but not including electric bicycles;**

113 [(18)] (19) "Official time standard", whenever certain
114 hours are named herein they shall mean standard time or
115 daylight-saving time as may be in current use in the city;

116 [(19)] (20) "Official traffic control devices", all
117 signs, signals, markings and devices not inconsistent with
118 this ordinance placed or erected by authority of a public
119 body or official having jurisdiction, for the purpose of
120 regulating, warning or guiding traffic;

121 [(20)] (21) "Park" or "parking", the standing of a
122 vehicle, whether occupied or not, otherwise than temporarily
123 for the purpose of and while actually engaged in loading or
124 unloading merchandise or passengers;

125 [(21)] (22) "Passenger curb loading zone", a place
126 adjacent to a curb reserved for the exclusive use of
127 vehicles during the loading or unloading of passengers;

128 [(22)] (23) "Pedestrian", any person afoot;

129 [(23)] (24) "Person", every natural person, firm,
130 copartnership, association or corporation;

131 [(24)] (25) "Police officer", every officer of the
132 municipal police department or any officer authorized to
133 direct or regulate traffic or to make arrests for violations
134 of traffic regulations;

135 [(25)] (26) "Private road" or "driveway", every way or
136 place in private ownership and used for vehicular travel by

137 the owner and those having express or implied permission
138 from the owner, but not by other persons;

139 [(26)] (27) "Railroad", a carrier of persons or
140 property upon cars, other than streetcars, operated upon
141 stationary rails;

142 [(27)] (28) "Railroad train", a steam engine, electric
143 or other motor, with or without cars coupled thereto,
144 operated upon rails, except streetcars;

145 [(28)] (29) "Residence district", the territory
146 contiguous to and including a highway not comprising a
147 business district when the property on such highway for a
148 distance of three hundred feet or more is in the main
149 improved with residences or residences and buildings in use
150 for business;

151 [(29)] (30) "Right-of-way", the right of one vehicle
152 or pedestrian to proceed in a lawful manner in preference to
153 another vehicle or pedestrian approaching under such
154 circumstances of direction, speed and proximity as to give
155 rise to danger of collision unless one grants precedence to
156 the other;

157 [(30)] (31) "Roadway", that portion of a highway
158 improved, designed or ordinarily used for vehicular travel,
159 exclusive of the berm or shoulder. In the event a highway
160 includes two or more separate roadways the term "roadway" as
161 used herein shall refer to any such roadway separately but
162 not to all such roadways collectively;

163 [(31)] (32) "Safety zone", the area or space
164 officially set apart within a roadway for the exclusive use
165 of pedestrians and which is protected or is so marked or
166 indicated by adequate signs as to be plainly visible at all
167 times while set apart as a safety zone;

168 [(32)] (33) "Sidewalk", that portion of a street
169 between the curb lines, or the lateral lines of a roadway,
170 and the adjacent property lines, intended for use of
171 pedestrians;

172 [(33)] (34) "Stand" or "standing", the halting of a
173 vehicle, whether occupied or not, otherwise than for the
174 purpose of and while actually engaged in receiving or
175 discharging passengers;

176 [(34)] (35) "Stop", when required, complete cessation
177 from movement;

178 [(35)] (36) "Stop" or "stopping", when prohibited, any
179 halting even momentarily of a vehicle, whether occupied or
180 not, except when necessary to avoid conflict with other
181 traffic or in compliance with the directions of a police
182 officer or traffic control sign or signal;

183 [(36)] (37) "Street" or "highway", the entire width
184 between the lines of every way publicly maintained when any
185 part thereof is open to the uses of the public for purposes
186 of vehicular travel. "State highway", a highway maintained
187 by the state of Missouri as a part of the state highway
188 system;

189 [(37)] (38) "Through highway", every highway or
190 portion thereof on which vehicular traffic is given
191 preferential rights-of-way, and at the entrances to which
192 vehicular traffic from intersecting highways is required by
193 law to yield rights-of-way to vehicles on such through
194 highway in obedience to either a stop sign or a yield sign,
195 when such signs are erected as provided in this ordinance;

196 [(38)] (39) "Traffic", pedestrians, ridden or herded
197 animals, vehicles, streetcars and other conveyances either
198 singly or together while using any highway for purposes of
199 travel;

200 [(39)] (40) "Traffic control signal", any device,
201 whether manually, electrically or mechanically operated, by
202 which traffic is alternately directed to stop and to proceed;

203 [(40)] (41) "Traffic division", the traffic division
204 of the police department of the city, or in the event a
205 traffic division is not established, then said term whenever
206 used herein shall be deemed to refer to the police
207 department of the city;

208 [(41)] (42) "Vehicle", any mechanical device on
209 wheels, designed primarily for use, or used, on highways,
210 except **electric bicycles**, motorized bicycles, vehicles
211 propelled or drawn by horses or human power, or vehicles
212 used exclusively on fixed rails or tracks, cotton trailers
213 or motorized wheelchairs operated by handicapped persons.

 301.010. As used in this chapter and sections 304.010
2 to 304.040, 304.120 to 304.260, and sections 307.010 to
3 307.175, the following terms mean:

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

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

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

14 (2) "Autocycle", a three-wheeled motor vehicle which
15 the drivers and passengers ride in a partially or completely
16 enclosed nonstraddle seating area, that is designed to be
17 controlled with a steering wheel and pedals, and that has
18 met applicable Department of Transportation National Highway

19 Traffic Safety Administration requirements or federal
20 motorcycle safety standards;

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

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

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

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

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

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

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

48 (10) "Cotton trailer", a trailer designed and used
49 exclusively for transporting cotton at speeds less than

50 forty miles per hour from field to field or from field to
51 market and return;

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

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

58 (13) "Driveaway operation":

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

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

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

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

82 truck tractor equipped with a dromedary may carry part of a
83 load when operating independently or in a combination with a
84 semitrailer;

85 (15) **"Electric bicycle", the same meaning as is**
86 **ascribed to such term in section 307.180;**

87 (16) "Farm tractor", a tractor used exclusively for
88 agricultural purposes;

89 [(16)] (17) "Fleet", any group of ten or more motor
90 vehicles owned by the same owner;

91 [(17)] (18) "Fleet vehicle", a motor vehicle which is
92 included as part of a fleet;

93 [(18)] (19) "Fullmount", a vehicle mounted completely
94 on the frame of either the first or last vehicle in a
95 saddlemount combination;

96 [(19)] (20) "Gross weight", the weight of vehicle
97 and/or vehicle combination without load, plus the weight of
98 any load thereon;

99 [(20)] (21) "Hail-damaged vehicle", any vehicle, the
100 body of which has become dented as the result of the impact
101 of hail;

102 [(21)] (22) "Highway", any public thoroughfare for
103 vehicles, including state roads, county roads and public
104 streets, avenues, boulevards, parkways or alleys in any
105 municipality;

106 [(22)] (23) "Improved highway", a highway which has
107 been paved with gravel, macadam, concrete, brick or asphalt,
108 or surfaced in such a manner that it shall have a hard,
109 smooth surface;

110 [(23)] (24) "Intersecting highway", any highway which
111 joins another, whether or not it crosses the same;

112 [(24)] (25) "Junk vehicle", a vehicle which:

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

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

118 [(25)] (26) "Kit vehicle", a motor vehicle assembled
119 by a person other than a generally recognized manufacturer
120 of motor vehicles by the use of a glider kit or replica
121 purchased from an authorized manufacturer and accompanied by
122 a manufacturer's statement of origin;

123 [(26)] (27) "Land improvement contractors' commercial
124 motor vehicle", any not-for-hire commercial motor vehicle
125 the operation of which is confined to:

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

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

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

140 [(27)] (28) "Local commercial motor vehicle", a
141 commercial motor vehicle whose operations are confined to a
142 municipality and that area extending not more than fifty
143 miles therefrom, or a commercial motor vehicle whose

144 property-carrying operations are confined solely to the
145 transportation of property owned by any person who is the
146 owner or operator of such vehicle to or from a farm owned by
147 such person or under the person's control by virtue of a
148 landlord and tenant lease; provided that any such property
149 transported to any such farm is for use in the operation of
150 such farm;

151 [(28)] (29) "Local log truck", a commercial motor
152 vehicle which is registered pursuant to this chapter to
153 operate as a motor vehicle on the public highways of this
154 state, used exclusively in this state, used to transport
155 harvested forest products, operated solely at a forested
156 site and in an area extending not more than a one hundred
157 mile radius from such site, carries a load with dimensions
158 not in excess of twenty-five cubic yards per two axles with
159 dual wheels, and when operated on the national system of
160 interstate and defense highways described in 23 U.S.C.
161 Section 103, as amended, or outside the one hundred mile
162 radius from such site with an extended distance local log
163 truck permit, such vehicle shall not exceed the weight
164 limits of section 304.180, does not have more than four
165 axles, and does not pull a trailer which has more than three
166 axles. Harvesting equipment which is used specifically for
167 cutting, felling, trimming, delimiting, debarking, chipping,
168 skidding, loading, unloading, and stacking may be
169 transported on a local log truck. A local log truck may not
170 exceed the limits required by law, however, if the truck
171 does exceed such limits as determined by the inspecting
172 officer, then notwithstanding any other provisions of law to
173 the contrary, such truck shall be subject to the weight
174 limits required by such sections as licensed for eighty
175 thousand pounds;

176 [(29)] (30) "Local log truck tractor", a commercial
177 motor vehicle which is registered under this chapter to
178 operate as a motor vehicle on the public highways of this
179 state, used exclusively in this state, used to transport
180 harvested forest products, operated at a forested site and
181 in an area extending not more than a one hundred mile radius
182 from such site, operates with a weight not exceeding twenty-
183 two thousand four hundred pounds on one axle or with a
184 weight not exceeding forty-four thousand eight hundred
185 pounds on any tandem axle, and when operated on the national
186 system of interstate and defense highways described in 23
187 U.S.C. Section 103, as amended, or outside the one hundred
188 mile radius from such site with an extended distance local
189 log truck permit, such vehicle does not exceed the weight
190 limits contained in section 304.180, and does not have more
191 than three axles and does not pull a trailer which has more
192 than three axles. Violations of axle weight limitations
193 shall be subject to the load limit penalty as described for
194 in sections 304.180 to 304.220;

195 [(30)] (31) "Local transit bus", a bus whose
196 operations are confined wholly within a municipal
197 corporation, or wholly within a municipal corporation and a
198 commercial zone, as defined in section 390.020, adjacent
199 thereto, forming a part of a public transportation system
200 within such municipal corporation and such municipal
201 corporation and adjacent commercial zone;

202 [(31)] (32) "Log truck", a vehicle which is not a
203 local log truck or local log truck tractor and is used
204 exclusively to transport harvested forest products to and
205 from forested sites which is registered pursuant to this
206 chapter to operate as a motor vehicle on the public highways

207 of this state for the transportation of harvested forest
208 products;

209 [(32)] (33) "Major component parts", the rear clip,
210 cowl, frame, body, cab, front-end assembly, and front clip,
211 as those terms are defined by the director of revenue
212 pursuant to rules and regulations or by illustrations;

213 [(33)] (34) "Manufacturer", any person, firm,
214 corporation or association engaged in the business of
215 manufacturing or assembling motor vehicles, trailers or
216 vessels for sale;

217 [(34)] (35) "Motor change vehicle", a vehicle
218 manufactured prior to August, 1957, which receives a new,
219 rebuilt or used engine, and which used the number stamped on
220 the original engine as the vehicle identification number;

221 [(35)] (36) "Motor vehicle", any self-propelled
222 vehicle not operated exclusively upon tracks, except farm
223 tractors **and electric bicycles**;

224 [(36)] (37) "Motor vehicle primarily for business
225 use", any vehicle other than a recreational motor vehicle,
226 motorcycle, motortricycle, or any commercial motor vehicle
227 licensed for over twelve thousand pounds:

228 (a) Offered for hire or lease; or

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

231 [(37)] (38) "Motorcycle", a motor vehicle operated on
232 two wheels, **but excluding an electric bicycle**;

233 [(38)] (39) "Motorized bicycle", any two-wheeled or
234 three-wheeled device, **other than an electric bicycle**, having
235 an automatic transmission and a motor with a cylinder
236 capacity of not more than fifty cubic centimeters, which
237 produces less than three gross brake horsepower, and is

238 capable of propelling the device at a maximum speed of not
239 more than thirty miles per hour on level ground;

240 [(39)] (40) "Motortricycle", a motor vehicle upon
241 which the operator straddles or sits astride that is
242 designed to be controlled by handle bars and is operated on
243 three wheels, including a motorcycle while operated with any
244 conveyance, temporary or otherwise, requiring the use of a
245 third wheel, **but not including an electric bicycle**. A
246 motortricycle shall not be included in the definition of all-
247 terrain vehicle;

248 [(40)] (41) "Municipality", any city, town or village,
249 whether incorporated or not;

250 [(41)] (42) "Nonresident", a resident of a state or
251 country other than the state of Missouri;

252 [(42)] (43) "Non-USA-std motor vehicle", a motor
253 vehicle not originally manufactured in compliance with
254 United States emissions or safety standards;

255 [(43)] (44) "Operator", any person who operates or
256 drives a motor vehicle;

257 [(44)] (45) "Owner", any person, firm, corporation or
258 association, who holds the legal title to a vehicle or who
259 has executed a buyer's order or retail installment sales
260 contract with a motor vehicle dealer licensed under sections
261 301.550 to 301.580 for the purchase of a vehicle with an
262 immediate right of possession vested in the transferee, or
263 in the event a vehicle is the subject of an agreement for
264 the conditional sale or lease thereof with the right of
265 purchase upon performance of the conditions stated in the
266 agreement and with an immediate right of possession vested
267 in the conditional vendee or lessee, or in the event a
268 mortgagor of a vehicle is entitled to possession, then such

269 conditional vendee or lessee or mortgagor shall be deemed
270 the owner;

271 [(45)] (46) "Public garage", a place of business where
272 motor vehicles are housed, stored, repaired, reconstructed
273 or repainted for persons other than the owners or operators
274 of such place of business;

275 [(46)] (47) "Rebuilder", a business that repairs or
276 rebuilds motor vehicles owned by the rebuilder, but does not
277 include certificated common or contract carriers of persons
278 or property;

279 [(47)] (48) "Reconstructed motor vehicle", a vehicle
280 that is altered from its original construction by the
281 addition or substitution of two or more new or used major
282 component parts, excluding motor vehicles made from all new
283 parts, and new multistage manufactured vehicles;

284 [(48)] (49) "Recreational motor vehicle", any motor
285 vehicle designed, constructed or substantially modified so
286 that it may be used and is used for the purposes of
287 temporary housing quarters, including therein sleeping and
288 eating facilities which are either permanently attached to
289 the motor vehicle or attached to a unit which is securely
290 attached to the motor vehicle. Nothing herein shall prevent
291 any motor vehicle from being registered as a commercial
292 motor vehicle if the motor vehicle could otherwise be so
293 registered;

294 [(49)] (50) "Recreational off-highway vehicle", any
295 motorized vehicle manufactured and used exclusively for off-
296 highway use which is more than fifty inches but no more than
297 eighty inches in width, measured from outside of tire rim to
298 outside of tire rim, with an unladen dry weight of three
299 thousand five hundred pounds or less, traveling on four or

300 more nonhighway tires and which may have access to ATV
301 trails;

302 [(50)] (51) "Recreational trailer", any trailer
303 designed, constructed, or substantially modified so that it
304 may be used and is used for the purpose of temporary housing
305 quarters, including therein sleeping or eating facilities,
306 which can be temporarily attached to a motor vehicle or
307 attached to a unit which is securely attached to a motor
308 vehicle;

309 [(51)] (52) "Rollback or car carrier", any vehicle
310 specifically designed to transport wrecked, disabled or
311 otherwise inoperable vehicles, when the transportation is
312 directly connected to a wrecker or towing service;

313 [(52)] (53) "Saddlemount combination", a combination
314 of vehicles in which a truck or truck tractor tows one or
315 more trucks or truck tractors, each connected by a saddle to
316 the frame or fifth wheel of the vehicle in front of it. The
317 "saddle" is a mechanism that connects the front axle of the
318 towed vehicle to the frame or fifth wheel of the vehicle in
319 front and functions like a fifth wheel kingpin connection.
320 When two vehicles are towed in this manner the combination
321 is called a "double saddlemount combination". When three
322 vehicles are towed in this manner, the combination is called
323 a "triple saddlemount combination";

324 [(53)] (54) "Salvage dealer and dismantler", a
325 business that dismantles used motor vehicles for the sale of
326 the parts thereof, and buys and sells used motor vehicle
327 parts and accessories;

328 [(54)] (55) "Salvage vehicle", a motor vehicle,
329 semitrailer, or house trailer which:

330 (a) Was damaged during a year that is no more than six
331 years after the manufacturer's model year designation for

332 such vehicle to the extent that the total cost of repairs to
333 rebuild or reconstruct the vehicle to its condition
334 immediately before it was damaged for legal operation on the
335 roads or highways exceeds eighty percent of the fair market
336 value of the vehicle immediately preceding the time it was
337 damaged;

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

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

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

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

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

361 b. Determined pursuant to a market survey of
362 comparable vehicles with regard to condition and equipment;
363 and

364 c. Determined by an insurance company using any other
365 procedure recognized by the insurance industry, including
366 market surveys, that is applied by the company in a uniform
367 manner;

368 [(55)] (56) "School bus", any motor vehicle used
369 solely to transport students to or from school or to
370 transport students to or from any place for educational
371 purposes;

372 [(56)] (57) "Scrap processor", a business that,
373 through the use of fixed or mobile equipment, flattens,
374 crushes, or otherwise accepts motor vehicles and vehicle
375 parts for processing or transportation to a shredder or
376 scrap metal operator for recycling;

377 [(57)] (58) "Shuttle bus", a motor vehicle used or
378 maintained by any person, firm, or corporation as an
379 incidental service to transport patrons or customers of the
380 regular business of such person, firm, or corporation to and
381 from the place of business of the person, firm, or
382 corporation providing the service at no fee or charge.
383 Shuttle buses shall not be registered as buses or as
384 commercial motor vehicles;

385 [(58)] (59) "Special mobile equipment", every self-
386 propelled vehicle not designed or used primarily for the
387 transportation of persons or property and incidentally
388 operated or moved over the highways, including farm
389 equipment, implements of husbandry, road construction or
390 maintenance machinery, ditch-digging apparatus, stone
391 crushers, air compressors, power shovels, cranes, graders,
392 rollers, well-drillers and wood-sawing equipment used for
393 hire, asphalt spreaders, bituminous mixers, bucket loaders,
394 ditchers, leveling graders, finished machines, motor
395 graders, road rollers, scarifiers, earth-moving carryalls,

396 scrapers, drag lines, concrete pump trucks, rock-drilling
397 and earth-moving equipment. This enumeration shall be
398 deemed partial and shall not operate to exclude other such
399 vehicles which are within the general terms of this section;

400 [(59)] (60) "Specially constructed motor vehicle", a
401 motor vehicle which shall not have been originally
402 constructed under a distinctive name, make, model or type by
403 a manufacturer of motor vehicles. The term specially
404 constructed motor vehicle includes kit vehicles;

405 [(60)] (61) "Stinger-steered combination", a truck
406 tractor-semitrailer wherein the fifth wheel is located on a
407 drop frame located behind and below the rearmost axle of the
408 power unit;

409 [(61)] (62) "Tandem axle", a group of two or more
410 axles, arranged one behind another, the distance between the
411 extremes of which is more than forty inches and not more
412 than ninety-six inches apart;

413 [(62)] (63) "Towaway trailer transporter combination",
414 a combination of vehicles consisting of a trailer
415 transporter towing unit and two trailers or semitrailers,
416 with a total weight that does not exceed twenty-six thousand
417 pounds; and in which the trailers or semitrailers carry no
418 property and constitute inventory property of a
419 manufacturer, distributor, or dealer of such trailers or
420 semitrailers;

421 [(63)] (64) "Tractor", "truck tractor" or "truck-
422 tractor", a self-propelled motor vehicle designed for
423 drawing other vehicles, but not for the carriage of any load
424 when operating independently. When attached to a
425 semitrailer, it supports a part of the weight thereof;

426 [(64)] (65) "Trailer", any vehicle without motive
427 power designed for carrying property or passengers on its

428 own structure and for being drawn by a self-propelled
429 vehicle, except those running exclusively on tracks,
430 including a semitrailer or vehicle of the trailer type so
431 designed and used in conjunction with a self-propelled
432 vehicle that a considerable part of its own weight rests
433 upon and is carried by the towing vehicle. The term trailer
434 shall not include cotton trailers as defined in this section
435 and shall not include manufactured homes as defined in
436 section 700.010;

437 [(65)] (66) "Trailer transporter towing unit", a power
438 unit that is not used to carry property when operating in a
439 towaway trailer transporter combination;

440 [(66)] (67) "Truck", a motor vehicle designed, used,
441 or maintained for the transportation of property;

442 [(67)] (68) "Truck-tractor semitrailer-semitrailer", a
443 combination vehicle in which the two trailing units are
444 connected with a B-train assembly which is a rigid frame
445 extension attached to the rear frame of a first semitrailer
446 which allows for a fifth-wheel connection point for the
447 second semitrailer and has one less articulation point than
448 the conventional A-dolly connected truck-tractor semitrailer-
449 trailer combination;

450 [(68)] (69) "Truck-trailer boat transporter
451 combination", a boat transporter combination consisting of a
452 straight truck towing a trailer using typically a ball and
453 socket connection with the trailer axle located
454 substantially at the trailer center of gravity rather than
455 the rear of the trailer but so as to maintain a downward
456 force on the trailer tongue;

457 [(69)] (70) "Used parts dealer", a business that buys
458 and sells used motor vehicle parts or accessories, but not
459 including a business that sells only new, remanufactured or

460 rebuilt parts. Business does not include isolated sales at
461 a swap meet of less than three days;

462 [(70)] (71) "Utility vehicle", any motorized vehicle
463 manufactured and used exclusively for off-highway use which
464 is more than fifty inches but no more than eighty inches in
465 width, measured from outside of tire rim to outside of tire
466 rim, with an unladen dry weight of three thousand five
467 hundred pounds or less, traveling on four or six wheels, to
468 be used primarily for landscaping, lawn care, or maintenance
469 purposes;

470 [(71)] (72) "Vanpool", any van or other motor vehicle
471 used or maintained by any person, group, firm, corporation,
472 association, city, county or state agency, or any member
473 thereof, for the transportation of not less than eight nor
474 more than forty-eight employees, per motor vehicle, to and
475 from their place of employment; however, a vanpool shall not
476 be included in the definition of the term bus or commercial
477 motor vehicle as defined in this section, nor shall a
478 vanpool driver be deemed a chauffeur as that term is defined
479 by section 303.020; nor shall use of a vanpool vehicle for
480 ride-sharing arrangements, recreational, personal, or
481 maintenance uses constitute an unlicensed use of the motor
482 vehicle, unless used for monetary profit other than for use
483 in a ride-sharing arrangement;

484 [(72)] (73) "Vehicle", any mechanical device on
485 wheels, designed primarily for use, or used, on highways,
486 except **electric bicycles**, motorized bicycles, vehicles
487 propelled or drawn by horses or human power, or vehicles
488 used exclusively on fixed rails or tracks, or cotton
489 trailers or motorized wheelchairs operated by handicapped
490 persons;

491 [(73)] (74) "Wrecker" or "tow truck", any emergency
492 commercial vehicle equipped, designed and used to assist or
493 render aid and transport or tow disabled or wrecked vehicles
494 from a highway, road, street or highway rights-of-way to a
495 point of storage or repair, including towing a replacement
496 vehicle to replace a disabled or wrecked vehicle;

497 [(74)] (75) "Wrecker or towing service", the act of
498 transporting, towing or recovering with a wrecker, tow
499 truck, rollback or car carrier any vehicle not owned by the
500 operator of the wrecker, tow truck, rollback or car carrier
501 for which the operator directly or indirectly receives
502 compensation or other personal gain.

 302.010. Except where otherwise provided, when used in
2 this chapter, the following words and phrases mean:

3 (1) "Circuit court", each circuit court in the state;

4 (2) "Commercial motor vehicle", a motor vehicle
5 designed or regularly used for carrying freight and
6 merchandise, or more than fifteen passengers;

7 (3) "Conviction", any final conviction; also a
8 forfeiture of bail or collateral deposited to secure a
9 defendant's appearance in court, which forfeiture has not
10 been vacated, shall be equivalent to a conviction, except
11 that when any conviction as a result of which points are
12 assessed pursuant to section 302.302 is appealed, the term
13 "conviction" means the original judgment of conviction for
14 the purpose of determining the assessment of points, and the
15 date of final judgment affirming the conviction shall be the
16 date determining the beginning of any license suspension or
17 revocation pursuant to section 302.304;

18 (4) "Criminal history check", a search of criminal
19 records, including criminal history record information as
20 defined in section 43.500, maintained by the Missouri state

21 highway patrol in the Missouri criminal records repository
22 or by the Federal Bureau of Investigation as part of its
23 criminal history records, including, but not limited to, any
24 record of conviction, plea of guilty or nolo contendere, or
25 finding of guilty in any state for any offense related to
26 alcohol, controlled substances, or drugs;

27 (5) "Director", the director of revenue acting
28 directly or through the director's authorized officers and
29 agents;

30 (6) "Farm tractor", every motor vehicle designed and
31 used primarily as a farm implement for drawing plows, mowing
32 machines and other implements of husbandry;

33 (7) "Highway", any public thoroughfare for vehicles,
34 including state roads, county roads and public streets,
35 avenues, boulevards, parkways, or alleys in any municipality;

36 (8) "Incompetent to drive a motor vehicle", a person
37 who has become physically incapable of meeting the
38 prescribed requirements of an examination for an operator's
39 license, or who has been adjudged by a probate division of
40 the circuit court in a capacity hearing of being
41 incapacitated;

42 (9) "License", a license issued by a state to a person
43 which authorizes a person to operate a motor vehicle;

44 (10) "Motor vehicle", any self-propelled vehicle not
45 operated exclusively upon tracks except motorized bicycles,
46 as defined in section 307.180, **and electric bicycles, as**
47 **defined in section 307.180;**

48 (11) "Motorcycle", a motor vehicle operated on two
49 wheels; however, this definition shall not include motorized
50 bicycles as defined in section 301.010, **or electric**
51 **bicycles, as defined in section 307.180;**

52 (12) "Motortricycle", a motor vehicle operated on
53 three wheels, including a motorcycle operated with any
54 conveyance, temporary or otherwise, requiring the use of a
55 third wheel, **but not including an electric bicycle, as**
56 **defined in section 307.180;**

57 (13) "Moving violation", that character of traffic
58 violation where at the time of violation the motor vehicle
59 involved is in motion, except that the term does not include
60 the driving of a motor vehicle without a valid motor vehicle
61 registration license, or violations of sections 304.170 to
62 304.240, inclusive, relating to sizes and weights of
63 vehicles;

64 (14) "Municipal court", every division of the circuit
65 court having original jurisdiction to try persons for
66 violations of city ordinances;

67 (15) "Nonresident", every person who is not a resident
68 of this state;

69 (16) "Operator", every person who is in actual
70 physical control of a motor vehicle upon a highway;

71 (17) "Owner", a person who holds the legal title of a
72 vehicle or in the event a vehicle is the subject of an
73 agreement for the conditional sale or lease thereof with the
74 right of purchase upon performance of the conditions stated
75 in the agreement and with an immediate right of possession
76 vested in the conditional vendee or lessee, or in the event
77 a mortgagor of a vehicle is entitled to possession, then
78 such conditional vendee or lessee or mortgagor shall be
79 deemed the owner for the purpose of sections 302.010 to
80 302.540;

81 (18) "Record" includes, but is not limited to, papers,
82 documents, facsimile information, microphotographic process,
83 electronically generated or electronically recorded

84 information, digitized images, deposited or filed with the
85 department of revenue;

86 (19) "Residence address", "residence", or "resident
87 address" shall be the location at which a person has been
88 physically present, and that the person regards as home. A
89 residence address is a person's true, fixed, principal, and
90 permanent home, to which a person intends to return and
91 remain, even though currently residing elsewhere;

92 (20) "Restricted driving privilege", a sixty-day
93 driving privilege issued by the director of revenue
94 following a suspension of driving privileges for the limited
95 purpose of driving in connection with the driver's business,
96 occupation, employment, formal program of secondary,
97 postsecondary or higher education, or for an alcohol
98 education or treatment program or certified ignition
99 interlock provider, or a ninety-day interlock restricted
100 privilege issued by the director of revenue for the limited
101 purpose of driving in connection with the driver's business,
102 occupation, employment, seeking medical treatment for such
103 driver or a dependent family member, attending school or
104 other institution of higher education, attending alcohol- or
105 drug-treatment programs, seeking the required services of a
106 certified ignition interlock provider, fulfilling court
107 obligations, including required appearances and probation
108 and parole obligations, religious services, the care of a
109 child or children, including scheduled visitation or
110 custodial obligations pursuant to a court order, fueling
111 requirements for any vehicle utilized, and seeking basic
112 nutritional requirements;

113 (21) "School bus", when used in sections 302.010 to
114 302.540, means any motor vehicle, either publicly or
115 privately owned, used to transport students to and from

116 school, or to transport pupils properly chaperoned to and
117 from any place within the state for educational purposes.
118 The term "school bus" shall not include a bus operated by a
119 public utility, municipal corporation or common carrier
120 authorized to conduct local or interstate transportation of
121 passengers when such bus is not traveling a specific school
122 bus route but is:

123 (a) On a regularly scheduled route for the
124 transportation of fare-paying passengers; or

125 (b) Furnishing charter service for the transportation
126 of persons enrolled as students on field trips or other
127 special trips or in connection with other special events;

128 (22) "School bus operator", an operator who operates a
129 school bus as defined in subdivision (21) of this section in
130 the transportation of any schoolchildren and who receives
131 compensation for such service. The term "school bus
132 operator" shall not include any person who transports
133 schoolchildren as an incident to employment with a school or
134 school district, such as a teacher, coach, administrator,
135 secretary, school nurse, or janitor unless such person is
136 under contract with or employed by a school or school
137 district as a school bus operator;

138 (23) "Signature", any method determined by the
139 director of revenue for the signing, subscribing or
140 verifying of a record, report, application, driver's
141 license, or other related document that shall have the same
142 validity and consequences as the actual signing by the
143 person providing the record, report, application, driver's
144 license or related document;

145 (24) "Substance abuse traffic offender program", a
146 program certified by the division of alcohol and drug abuse
147 of the department of mental health to provide education or

148 rehabilitation services pursuant to a professional
149 assessment screening to identify the individual needs of the
150 person who has been referred to the program as the result of
151 an alcohol- or drug-related traffic offense. Successful
152 completion of such a program includes participation in any
153 education or rehabilitation program required to meet the
154 needs identified in the assessment screening. The
155 assignment recommendations based upon such assessment shall
156 be subject to judicial review as provided in subsection 14
157 of section 302.304 and subsections 1 and 5 of section
158 302.540;

159 (25) "Vehicle", any mechanical device on wheels,
160 designed primarily for use, or used on highways, except
161 motorized bicycles, **electric bicycles, as defined in section**
162 **307.180**, vehicles propelled or drawn by horses or human
163 power, or vehicles used exclusively on fixed rails or
164 tracks, or cotton trailers or motorized wheelchairs operated
165 by handicapped persons.

303.020. As used in this chapter the following words
2 and phrases shall mean:

3 (1) "Chauffeur", a person who is employed for the
4 principal purpose of operating a motor vehicle or any person
5 who drives a motor vehicle while in use as a public or
6 common carrier of persons or property for hire;

7 (2) "Director", director of revenue of the state of
8 Missouri, acting directly or through his authorized officers
9 and agents;

10 (3) "Judgment", a final judgment by a court of
11 competent jurisdiction of any state or of the United States,
12 upon a claim for relief for damages, including damages for
13 care and loss of services, because of bodily injury to or
14 death of any person, or for damages because of injury to or

15 destruction of property, including the loss of use thereof,
16 or upon a claim for relief on any agreement or settlement
17 for such damages arising out of the ownership, maintenance
18 or use of any motor vehicle;

19 (4) "License", an operator's or driver's license,
20 temporary instruction permit, chauffeur's or registered
21 operator's license issued under the laws of this state;

22 (5) "Motor vehicle", a self-propelled vehicle which is
23 designed for use upon a highway, except trailers designed
24 for use with such vehicles, traction engines, road rollers,
25 farm tractors, tractor cranes, power shovels, well drillers
26 and motorized bicycles, as defined in section 307.180,
27 **electric bicycles, as defined in section 307.180**, and every
28 vehicle which is propelled by electric power obtained from
29 overhead wires but not operated upon rails;

30 (6) "Nonresident", a person not a resident of the
31 state of Missouri;

32 (7) "Nonresident's operating privilege", the privilege
33 conferred upon a nonresident by the laws of this state
34 pertaining to the operation by him of a motor vehicle, or
35 the use of a motor vehicle owned by him in this state;

36 (8) "Operator", a person who is in actual physical
37 control of a motor vehicle;

38 (9) "Owner", a person who holds the legal title to a
39 motor vehicle; or in the event a motor vehicle is the
40 subject of an agreement for the conditional sale or lease
41 thereof with the right of purchase upon performance of the
42 conditions stated in the agreement and with an immediate
43 right of possession vested in the conditional vendee or
44 lessee, or in the event a mortgagor of a motor vehicle is
45 entitled to possession thereof, then such conditional vendee
46 or lessee or mortgagor;

47 (10) "Proof of financial responsibility", proof of
48 ability to respond in damages for liability, on account of
49 accidents occurring subsequent to the effective date of said
50 proof, arising out of the ownership, maintenance or use of a
51 motor vehicle, in the amount of twenty-five thousand dollars
52 because of bodily injury to or death of one person in any
53 one accident, and, subject to said limit for one person, in
54 the amount of fifty thousand dollars because of bodily
55 injury to or death of two or more persons in any one
56 accident, and in the amount of twenty-five thousand dollars
57 because of injury to or destruction of property of others in
58 any one accident;

59 (11) "Registration", registration certificate or
60 certificates and registration plates issued under the laws
61 of this state pertaining to the registration of motor
62 vehicles;

63 (12) "State", any state, territory or possession of
64 the United States, the District of Columbia, or any province
65 of the Dominion of Canada;

66 (13) "Street" or "highway", the entire width between
67 property lines of every way or place of whatever nature when
68 any part thereof is open to the use of the public, as a
69 matter of right, for purposes of vehicular traffic.

304.001. As used in this chapter and chapter 307, the
2 following terms shall mean:

3 (1) "Abandoned property", any unattended motor
4 vehicle, trailer, all-terrain vehicle, outboard motor or
5 vessel removed or subject to removal from public or private
6 property as provided in sections 304.155 and 304.157,
7 whether or not operational. For any vehicle towed from the
8 scene of an accident at the request of law enforcement and
9 not retrieved by the vehicle's owner within five days of the

10 accident, the agency requesting the tow shall be required to
11 write an abandoned property report or a crime inquiry and
12 inspection report;

13 (2) "Commercial vehicle enforcement officers",
14 employees of the Missouri state highway patrol who are not
15 members of the patrol but who are appointed by the
16 superintendent of the highway patrol to enforce the laws,
17 rules, and regulations pertaining to commercial vehicles,
18 trailers, special mobile equipment and drivers of such
19 vehicles;

20 (3) "Commercial vehicle inspectors", employees of the
21 Missouri state highway patrol who are not members of the
22 patrol but who are appointed by the superintendent of the
23 highway patrol to supervise or operate permanent or portable
24 weigh stations in the enforcement of commercial vehicle laws;

25 (4) "Commission", the state highways and
26 transportation commission;

27 (5) "Department", the state transportation department;

28 (6) **"Electric bicycle", the same meaning as is**
29 **ascribed to such term in section 307.180;**

30 (7) "Freeway", a divided state highway with four or
31 more lanes, with no access to the throughways except the
32 established interchanges and with no at-grade crossings;

33 [(7)] (8) "Interstate highway", a state highway
34 included in the national system of interstate highways
35 located within the boundaries of Missouri, as officially
36 designated or as may be hereafter designated by the state
37 highways and transportation commission with the approval of
38 the Secretary of Transportation, pursuant to Title 23,
39 U.S.C., as amended;

40 [(8)] (9) "Members of the patrol", the superintendent,
41 lieutenant colonel, majors, captains, director of radio,

42 lieutenants, sergeants, corporals and patrolmen of the
43 Missouri state highway patrol;

44 ~~[(9)]~~ **(10)** "Off-road vehicle", any vehicle designed
45 for or capable of cross-country travel on or immediately
46 over land, water, ice, snow, marsh, swampland, or other
47 natural terrain without benefit of a road or trail:

48 (a) Including, without limitation, the following:

49 a. Jeeps;

50 b. All-terrain vehicles;

51 c. Dune buggies;

52 d. Multiwheel drive or low-pressure tire vehicles;

53 e. Vehicle using an endless belt, or tread or treads,
54 or a combination of tread and low-pressure tires;

55 f. Motorcycles, trail bikes, minibikes and related
56 vehicles;

57 g. Any other means of transportation deriving power
58 from any source other than muscle or wind; and

59 (b) Excluding the following:

60 a. Registered motorboats;

61 b. Aircraft;

62 c. Any military, fire or law enforcement vehicle;

63 d. Farm-type tractors and other self-propelled
64 equipment for harvesting and transporting farm or forest
65 products;

66 e. Any vehicle being used for farm purposes, earth
67 moving, or construction while being used for such purposes
68 on the work site;

69 f. Self-propelled lawnmowers, or lawn or garden
70 tractors, or golf carts, while being used exclusively for
71 their designed purpose; **[and]**

72 g. Any vehicle being used for the purpose of
73 transporting a handicapped person; **and**

74 **h. Electric bicycles;**

75 [(10)] (11) "Person", any natural person, corporation,
76 or other legal entity;

77 [(11)] (12) "Right-of-way", the entire width of land
78 between the boundary lines of a state highway, including any
79 roadway;

80 [(12)] (13) "Roadway", that portion of a state highway
81 ordinarily used for vehicular travel, exclusive of the berm
82 or shoulder;

83 [(13)] (14) "State highway", a highway constructed or
84 maintained by the state highways and transportation
85 commission with the aid of state funds or United States
86 government funds, or any highway included by authority of
87 law in the state highway system, including all right-of-way;

88 [(14)] (15) "Towing company", any person or entity
89 which tows, removes or stores abandoned property;

90 [(15)] (16) "Urbanized area", an area with a
91 population of fifty thousand or more designated by the
92 Bureau of the Census, within boundaries to be fixed by the
93 state highways and transportation commission and local
94 officials in cooperation with each other and approved by the
95 Secretary of Transportation. The boundary of an urbanized
96 area shall, at a minimum, encompass the entire urbanized
97 area as designed by the Bureau of the Census.

 307.025. The subsequent provisions of this chapter
2 with respect to equipment and lights on vehicles shall not
3 apply to agricultural machinery and implements, road
4 machinery, road rollers, traction engines, **electric**
5 **bicycles**, motorized bicycles, or farm tractors, except as in
6 this chapter made applicable.

 307.180. As used in sections 307.180 to [307.193]
2 **307.194:**

3 (1) The word "bicycle" shall mean every vehicle
4 propelled solely by human power upon which any person may
5 ride, having two tandem wheels, or two parallel wheels and
6 one or two forward or rear wheels, all of which are more
7 than fourteen inches in diameter, except scooters and
8 similar devices;

9 (2) **The term "electric bicycle" shall mean any two- or**
10 **three-wheeled device equipped with fully operable pedals, a**
11 **saddle or seat for the rider, and an electric motor of less**
12 **than seven hundred fifty watts, and which meets one of the**
13 **following three classes:**

14 (a) **"Class 1 electric bicycle", an electric bicycle**
15 **equipped with a motor that provides assistance only when the**
16 **rider is pedaling, and that ceases to provide assistance**
17 **when the bicycle reaches a speed of twenty miles per hour;**

18 (b) **"Class 2 electric bicycle", an electric bicycle**
19 **equipped with a motor that may be used exclusively to propel**
20 **the bicycle, and that is not capable of providing assistance**
21 **when the bicycle reaches the speed of twenty miles per hour;**
22 **or**

23 (c) **"Class 3 electric bicycle", an electric bicycle**
24 **equipped with a motor that provides assistance only when the**
25 **rider is pedaling, and that ceases to provide assistance**
26 **when the bicycle reaches the speed of twenty-eight miles per**
27 **hour;**

28 (3) The term "motorized bicycle" shall mean any two-
29 or three-wheeled device, **other than an electric bicycle,**
30 having an automatic transmission and a motor with a cylinder
31 capacity of not more than fifty cubic centimeters, which
32 produces less than three gross brake horsepower, and is
33 capable of propelling the device at a maximum speed of not
34 more than thirty miles per hour on level ground. A

35 motorized bicycle shall be considered a motor vehicle for
36 purposes of any homeowners' or renters' insurance policy.

307.188. Every person riding a bicycle, **electric**
2 **bicycle**, or motorized bicycle upon a street or highway shall
3 be granted all of the rights and shall be subject to all of
4 the duties applicable to the driver of a vehicle as provided
5 by chapter 304, except as to special regulations in sections
6 307.180 to [307.193] **307.194** and except as to those
7 provisions of chapter 304 which by their nature can have no
8 application.

307.193. Any person seventeen years of age or older
2 who violates any provision of sections 307.180 to [307.193]
3 **307.194, or a local law promulgated in accordance with**
4 **section 307.194**, is guilty of an infraction and, upon
5 conviction thereof, shall be punished by a fine of not less
6 than five dollars nor more than twenty-five dollars. Such
7 an infraction does not constitute a crime and conviction
8 shall not give rise to any disability or legal disadvantage
9 based on conviction of a criminal offense. If any person
10 under seventeen years of age violates any provision of
11 sections 307.180 to [307.193] **307.194, or a local law**
12 **promulgated in accordance with section 307.194**, in the
13 presence of a peace officer possessing the duty and power of
14 arrest for violation of the general criminal laws of the
15 state or for violation of ordinances of counties or
16 municipalities of the state, said officer may impound the
17 bicycle, **electric bicycle**, or motorized bicycle involved for
18 a period not to exceed five days upon issuance of a receipt
19 to the child riding it or to its owner.

307.194. 1. Except as otherwise specifically provided
2 **by law, electric bicycles shall not be subject to provisions**
3 **applicable to motor vehicles, all-terrain vehicles,**

4 recreational off-highway vehicles, or utility vehicles,
5 including with regard to vehicle registration, certificates
6 of ownership, driver's licenses, the motor vehicle financial
7 responsibility law, vehicle rentals, or vehicle dealers or
8 franchises. Except as otherwise specifically provided by
9 law, electric bicycles shall be subject to state and local
10 laws applicable to bicycles.

11 2. On and after August 28, 2021, manufacturers or
12 distributors of electric bicycles shall apply to each
13 electric bicycle a label that is permanently affixed in a
14 prominent location. The label shall contain the
15 classification number, top assisted speed, and motor wattage
16 of the electric bicycle, and shall be printed in arial font
17 in at least nine-point type.

18 3. No person shall tamper with or modify an electric
19 bicycle so as to change the motor-powered speed capability
20 or engagement of an electric bicycle unless he or she
21 appropriately replaces the label indicating the
22 classification required under subsection 2 of this section.

23 4. Electric bicycles shall comply with the equipment
24 and manufacturing requirements for bicycles adopted by the
25 United States Consumer Product Safety Commission, 15 CFR
26 Part 1512.

27 5. Electric bicycles shall operate in a manner such
28 that the electric motor is disengaged or ceases to function
29 when the rider stops pedaling or when the brakes are applied.

30 6. Subject to the following provisions, an electric
31 bicycle may travel in any place where bicycles are permitted
32 to travel:

33 (1) An electric bicycle may be ridden on bicycle or
34 multi-use paths where bicycles are permitted;

35 (2) Following notice and a public hearing, political
36 subdivisions with jurisdiction over a bicycle or multi-use
37 path may prohibit the operation of class 1 electric bicycles
38 and class 2 electric bicycles on that path within its
39 jurisdiction, provided the political subdivision finds that
40 such a restriction is necessary for safety reasons or
41 compliance with other laws or legal obligations;

42 (3) A political subdivision with jurisdiction over a
43 bicycle or multi-use path may prohibit the operation of a
44 class 3 electric bicycle on that path within its
45 jurisdiction;

46 (4) This subsection shall not apply to a trail or
47 other path that is specifically designated as nonmotorized
48 and that has a natural surface tread made by clearing and
49 grading the native soil with no added surfacing materials.
50 A political subdivision with jurisdiction over a trail or
51 other path described in this subdivision may regulate the
52 use of electric bicycles on that trail or path within its
53 jurisdiction.

54 7. The use of a class 3 electric bicycle shall be
55 subject to the following provisions:

56 (1) No person under sixteen years of age shall operate
57 a class 3 electric bicycle. A person under the age of
58 sixteen years of age may ride as a passenger on a class 3
59 electric bicycle that is designed to accommodate passengers;

60 (2) All operators and passengers of class 3 electric
61 bicycles under eighteen years of age shall wear a protective
62 helmet that meets the requirements for bicycle helmets
63 adopted by the United States Consumer Product Safety
64 Commission or American Society for Testing and Materials;

65 **(3) All class 3 electric bicycles shall be equipped**
66 **with a speedometer capable of displaying the speed the**
67 **electric bicycle is traveling in miles per hour.**

 365.020. Unless otherwise clearly indicated by the
2 context, the following words and phrases have the meanings
3 indicated:

4 (1) "Cash sale price", the price stated in a retail
5 installment contract for which the seller would have sold to
6 the buyer, and the buyer would have bought from the seller,
7 the motor vehicle which is the subject matter of the retail
8 installment contract, if the sale had been a sale for cash
9 or at a cash price instead of a retail installment
10 transaction at a time sale price. The cash sale price may
11 include any taxes, registration, certificate of title,
12 license and other fees and charges for accessories and their
13 installment and for delivery, servicing, repairing or
14 improving the motor vehicle;

15 (2) "Director", the office of the director of the
16 division of finance;

17 (3) "Holder" of a retail installment contract, the
18 retail seller of the motor vehicle under the contract or, if
19 the contract is purchased by a sales finance company or
20 other assignee, the sales finance company or other assignee;

21 (4) "Insurance company", any form of lawfully
22 authorized insurer in this state;

23 (5) "Motor vehicle", any new or used automobile,
24 mobile home, manufactured home as defined in section
25 700.010, excluding a manufactured home with respect to which
26 the requirements of subsections 1 to 3 of section 700.111,
27 as applicable, have been satisfied, motorcycle, all-terrain
28 vehicle, **electric bicycle as defined in section 307.180,**
29 motorized bicycle, moped, motortricycle, truck, trailer,

30 semitrailer, truck tractor, or bus primarily designed or
31 used to transport persons or property on a public highway,
32 road or street;

33 (6) "Official fees", the fees prescribed by law for
34 filing, recording or otherwise perfecting and releasing or
35 satisfying any title or lien retained or taken by a seller
36 in connection with a retail installment transaction;

37 (7) "Person", an individual, partnership, corporation,
38 association, and any other group however organized;

39 (8) "Principal balance", the cash sale price of the
40 motor vehicle which is the subject matter of the retail
41 installment transaction plus the amounts, if any, included
42 in the sale, if a separate identified charge is made
43 therefor and stated in the contract, for insurance and other
44 benefits, including any amounts paid or to be paid by the
45 seller pursuant to an agreement with the buyer to discharge
46 a security interest, lien, or lease interest on property
47 traded in and official fees, minus the amount of the buyer's
48 down payment in money or goods. Notwithstanding any law to
49 the contrary, any amount actually paid by the seller
50 pursuant to an agreement with the buyer to discharge a
51 security interest, lien or lease on property traded in which
52 was included in a contract prior to August 28, 1999, is
53 valid and legal;

54 (9) "Retail buyer" or "buyer", a person who buys a
55 motor vehicle from a retail seller in a retail installment
56 transaction under a retail installment contract;

57 (10) "Retail installment contract" or "contract", an
58 agreement evidencing a retail installment transaction
59 entered into in this state pursuant to which the title to or
60 a lien upon the motor vehicle, which is the subject matter
61 of the retail installment transaction is retained or taken

62 by the seller from the buyer as security for the buyer's
63 obligation. The term includes a chattel mortgage or a
64 conditional sales contract;

65 (11) "Retail installment transaction", a sale of a
66 motor vehicle by a retail seller to a retail buyer on time
67 under a retail installment contract for a time sale price
68 payable in one or more deferred installments;

69 (12) "Retail seller" or "seller", a person who sells a
70 motor vehicle, not principally for resale, to a retail buyer
71 under a retail installment contract;

72 (13) "Sales finance company", a person engaged, in
73 whole or in part, in the business of purchasing retail
74 installment contracts from one or more sellers. The term
75 includes but is not limited to a bank, trust company, loan
76 and investment company, savings and loan association,
77 financing institution, or registrant pursuant to sections
78 367.100 to 367.200, if so engaged. The term shall not
79 include a person who makes only isolated purchases of retail
80 installment contracts, which purchases are not being made in
81 the course of repeated or successive purchases of retail
82 installment contracts from the same seller;

83 (14) "Time price differential", the amount, however
84 denominated or expressed, as limited by section 365.120, in
85 addition to the principal balance to be paid by the buyer
86 for the privilege of purchasing the motor vehicle on time to
87 be paid for by the buyer in one or more deferred
88 installments;

89 (15) "Time sale price", the total of the cash sale
90 price of the motor vehicle and the amount, if any, included
91 for insurance and other benefits if a separate identified
92 charge is made therefor and the amounts of the official fees
93 and time price differential.

407.560. As used in sections 407.560 to 407.579, the following terms mean:

(1) "Collateral charges", those additional charges to a consumer not directly attributable to a manufacturer's suggested retail price label for the new motor vehicle. For the purposes of sections 407.560 to 407.579, "collateral charges" includes all sales tax, license fees, registration fees, title fees and motor vehicle inspections;

(2) "Comparable motor vehicle", an identical or reasonably equivalent motor vehicle;

(3) "Consumer", the purchaser, other than for the purposes of resale, of a new motor vehicle, primarily used for personal, family, or household purposes, and any person to whom such new motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to such new motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty;

(4) "Express warranty", any written affirmation of the fact or promise made by a manufacturer to a consumer in connection with the sale of new motor vehicles which relates to the nature of the material or workmanship or will meet a specified level of performance over a specified period of time;

(5) "Manufacturer", any person engaged in the manufacturing or assembling of new motor vehicles as a regular business;

(6) "New motor vehicle", any motor vehicle being transferred for the first time from a manufacturer, distributor or new vehicle dealer, which has not been registered or titled in this state or any other state and which is offered for sale, barter or exchange by a dealer

33 who is franchised to sell, barter or exchange that
34 particular make of new motor vehicle. The term "new motor
35 vehicle" shall include only those vehicles propelled by
36 power other than muscular power, but the term shall not
37 include vehicles used as a commercial motor vehicle, off-
38 road vehicles, **electric bicycles as defined in section**
39 **307.180**, mopeds, motorcycles or recreational motor vehicles
40 as defined in section 301.010, except for the chassis,
41 engine, powertrain and component parts of recreational motor
42 vehicles. The term "new motor vehicle" shall also include
43 demonstrators or lease-purchase vehicles as long as a
44 manufacturer's warranty was issued as a condition of sale.

407.815. As used in sections 407.810 to 407.835,
2 unless the context otherwise requires, the following terms
3 mean:

4 (1) "Administrative hearing commission", the body
5 established in chapter 621 to conduct administrative
6 hearings;

7 (2) "All-terrain vehicle", any motorized vehicle
8 manufactured and used exclusively for off-highway use, **other**
9 **than an electric bicycle as defined in section 307.180**, with
10 an unladen dry weight of one thousand five hundred pounds or
11 less, traveling on three, four or more nonhighway tires,
12 with either:

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

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

18 (3) "Coerce", to compel or attempt to compel a person
19 to act in a given manner by pressure, intimidation, or

20 threat of harm, damage, or breach of contract, but shall not
21 include the following:

22 (a) Good faith recommendations, exposition, argument,
23 persuasion or attempts at persuasion without unreasonable
24 conditions;

25 (b) Notice given in good faith to any franchisee of
26 such franchisee's violation of terms or provisions of such
27 franchise or contractual agreement; or

28 (c) Any conduct set forth in sections 407.810 to
29 407.835 that is permitted of the franchisor;

30 (4) "Common entity", a person:

31 (a) Who is either controlled or owned, beneficially or
32 of record, by one or more persons who also control or own
33 more than forty percent of the voting equity interest of a
34 franchisor; or

35 (b) Who shares directors or officers or partners with
36 a franchisor;

37 (5) "Control", to possess, directly or indirectly, the
38 power to direct or cause the direction of the management or
39 policies of a person, whether through the ownership of
40 voting securities, by contract, or otherwise; except that
41 "control" does not include the relationship between a
42 franchisor and a franchisee under a franchise agreement;

43 (6) "Dealer-operator", the individual who works at the
44 established place of business of a dealer and who is
45 responsible for and in charge of day-to-day operations of
46 that place of business;

47 (7) "Distributor", a person, resident or nonresident,
48 who, in whole or in part, sells or distributes new motor
49 vehicles to motor vehicle dealers in this state;

50 (8) "Franchise" or "franchise agreement", a written
51 arrangement or contract for a definite or indefinite period,

52 in which a person grants to another person a license to use,
53 or the right to grant to others a license to use, a trade
54 name, trademark, service mark, or related characteristics,
55 in which there is a community of interest in the marketing
56 of goods or services, or both, at wholesale or retail, by
57 agreement, lease or otherwise, and in which the operation of
58 the franchisee's business with respect to such franchise is
59 substantially reliant on the franchisor for the continued
60 supply of franchised new motor vehicles, parts and
61 accessories for sale at wholesale or retail. The franchise
62 includes all portions of all agreements between a franchisor
63 and a franchisee, including but not limited to a contract,
64 new motor vehicle franchise, sales and service agreement, or
65 dealer agreement, regardless of the terminology used to
66 describe the agreement or relationship between the
67 franchisor and franchisee, and also includes all provisions,
68 schedules, attachments, exhibits and agreements incorporated
69 by reference therein;

70 (9) "Franchisee", a person to whom a franchise is
71 granted;

72 (10) "Franchisor", a person who grants a franchise to
73 another person;

74 (11) "Good faith", the duty of each party to any
75 franchise and all officers, employees, or agents thereof, to
76 act in a fair and equitable manner toward each other so as
77 to guarantee the one party freedom from coercion,
78 intimidation, or threat of coercion or intimidation from the
79 other party;

80 (12) "Importer", a person who has written
81 authorization from a foreign manufacturer of a line-make of
82 motor vehicles to grant a franchise to a motor vehicle
83 dealer in this state with respect to that line-make;

84 (13) "Line-make", a collection of models, series, or
85 groups of motor vehicles manufactured by or for a particular
86 manufacturer, distributor or importer offered for sale,
87 lease or distribution pursuant to a common brand name or
88 mark; provided, however:

89 (a) Multiple brand names or marks may constitute a
90 single line-make, but only when included in a common dealer
91 agreement and the manufacturer, distributor or importer
92 offers such vehicles bearing the multiple names or marks
93 together only, and not separately, to its authorized
94 dealers; and

95 (b) Motor vehicles bearing a common brand name or mark
96 may constitute separate line-makes when pertaining to motor
97 vehicles subject to separate dealer agreements or when such
98 vehicles are intended for different types of use;

99 (14) "Manufacturer", any person, whether a resident or
100 nonresident of this state, who manufactures or assembles
101 motor vehicles or who manufactures or installs on previously
102 assembled truck chassis special bodies or equipment which,
103 when installed, form an integral part of the motor vehicle
104 and which constitute a major manufacturing alteration. The
105 term "manufacturer" includes a central or principal sales
106 corporation or other entity, other than a franchisee,
107 through which, by contractual agreement or otherwise, it
108 distributes its products;

109 (15) "Motor vehicle", for the purposes of sections
110 407.810 to 407.835, any motor-driven vehicle required to be
111 registered pursuant to the provisions of chapter 301, except
112 that[,] **electric bicycles as defined in section 307.180, and**
113 motorcycles and all-terrain vehicles as defined in section
114 301.010, shall not be included. The term "motor vehicle"
115 shall also include any engine, transmission, or rear axle,

116 regardless of whether attached to a vehicle chassis, that is
117 manufactured for the installation in any motor-driven
118 vehicle with a gross vehicle weight rating of more than
119 sixteen thousand pounds that is registered for the
120 operations on the highways of this state under chapter 301;

121 (16) "New", when referring to motor vehicles or parts,
122 means those motor vehicles or parts which have not been held
123 except as inventory, as that term is defined in subdivision
124 (4) of section ~~[400.9-109]~~ **400.9-102**;

125 (17) "Person", a natural person, sole proprietor,
126 partnership, corporation, or any other form of business
127 entity or organization;

128 (18) "Principal investor", the owner of the majority
129 interest of any franchisee;

130 (19) "Reasonable", shall be based on the circumstances
131 of a franchisee in the market served by the franchisee;

132 (20) "Require", to impose upon a franchisee a
133 provision not required by law or previously agreed to by a
134 franchisee in a franchise agreement;

135 (21) "Successor manufacturer", any manufacturer that
136 succeeds, or assumes any part of the business of, another
137 manufacturer, referred to as the "predecessor manufacturer",
138 as the result of:

139 (a) A change in ownership, operation, or control of
140 the predecessor manufacturer by sale or transfer of assets,
141 corporate stock, or other equity interest, assignment,
142 merger, consolidation, combination, joint venture,
143 redemption, court-approved sale, operation of law, or
144 otherwise;

145 (b) The termination, suspension or cessation of a part
146 or all of the business operations of the predecessor
147 manufacturer;

148 (c) The noncontinuation of the sale of the product
149 line; or

150 (d) A change in distribution system by the predecessor
151 manufacturer, whether through a change in distributor or the
152 predecessor manufacturer's decision to cease conducting
153 business through a distributor altogether.

407.1025. As used in sections 407.1025 to 407.1049,
2 unless the context otherwise requires, the following terms
3 mean:

4 (1) "Administrative hearing commission", the body
5 established in chapter 621 to conduct administrative
6 hearings;

7 (2) "All-terrain vehicle", any motorized vehicle
8 manufactured and used exclusively for off-highway use, **other**
9 **than an electric bicycle as defined in section 307.180**, with
10 an unladen dry weight of one thousand five hundred pounds or
11 less, traveling on three, four or more nonhighway tires,
12 with either:

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

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

18 (3) "Coerce", to force a person to act in a given
19 manner or to compel by pressure or threat but shall not be
20 construed to include the following:

21 (a) Good faith recommendations, exposition, argument,
22 persuasion or attempts at persuasion;

23 (b) Notice given in good faith to any franchisee of
24 such franchisee's violation of terms or provisions of such
25 franchise or contractual agreement;

26 (c) Any other conduct set forth in section 407.1043 as
27 a defense to an action brought pursuant to sections 407.1025
28 to 407.1049; or

29 (d) Any other conduct set forth in sections 407.1025
30 to 407.1049 that is permitted of the franchisor or is
31 expressly excluded from coercion or a violation of sections
32 407.1025 to 407.1049;

33 (4) "Franchise", a written arrangement or contract for
34 a definite or indefinite period, in which a person grants to
35 another person a license to use, or the right to grant to
36 others a license to use, a trade name, trademark, service
37 mark, or related characteristics, in which there is a
38 community of interest in the marketing of goods or services,
39 or both, at wholesale or retail, by agreement, lease or
40 otherwise, and in which the operation of the franchisee's
41 business with respect to such franchise is substantially
42 reliant on the franchisor for the continued supply of
43 franchised new motorcycles or all-terrain vehicles, parts
44 and accessories for sale at wholesale or retail;

45 (5) "Franchisee", a person to whom a franchise is
46 granted;

47 (6) "Franchisor", a person who grants a franchise to
48 another person;

49 (7) "Motorcycle", a motor vehicle operated on two
50 wheels, **but excluding an electric bicycle as defined in**
51 **section 307.180;**

52 (8) "New", when referring to motorcycles or all-
53 terrain vehicles or parts, means those motorcycles or all-
54 terrain vehicles or parts which have not been held except as
55 inventory, as that term is defined in subdivision (4) of
56 section [400.9-109] **400.9-102;**

57 (9) "Person", a sole proprietor, partnership,
58 corporation, or any other form of business organization.

578.120. 1. Notwithstanding any provision in this
2 chapter to the contrary, no dealer, distributor or
3 manufacturer licensed under section 301.559 may keep open,
4 operate, or assist in keeping open or operating any
5 established place of business for the purpose of buying,
6 selling, bartering or exchanging, or offering for sale,
7 barter or exchange, any motor vehicle, whether new or used,
8 on Sunday. However, this section does not apply to:

9 (1) The sale of manufactured housing; the sale of
10 recreational motor vehicles;

11 (2) The sale of motorcycles as that term is defined in
12 section 301.010;

13 (3) The sale of motortricycles, **electric bicycles as**
14 **defined in section 307.180**, motorized bicycles, all-terrain
15 vehicles, recreational off-highway vehicles, utility
16 vehicles, personal watercraft, or other motorized vehicles
17 customarily sold by powersports dealers licensed pursuant to
18 sections 301.550 to 301.560;

19 (4) Washing, towing, wrecking or repairing operations;

20 (5) The sale of petroleum products, tires, and repair
21 parts and accessories; or

22 (6) New vehicle shows or displays participated in by
23 five or more franchised dealers, or, in towns or cities with
24 five or fewer dealers, a majority **of the dealers in such**
25 **town or city**.

26 2. No association consisting of motor vehicle dealers,
27 distributors or manufacturers licensed under section 301.559
28 shall be in violation of antitrust or restraint of trade
29 statutes under chapter 416 or regulation promulgated
30 thereunder solely because it encourages its members not to

31 open or operate on Sunday a place of business for the
32 purpose of buying, selling, bartering or exchanging any
33 motor vehicle.

34 3. Any person who violates the provisions of this
35 section shall be guilty of a class C misdemeanor.

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