

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

# SENATE BILL NO. 28

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

0742S.02P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 301.010 and 307.010, RSMo, and to enact in lieu thereof two new sections relating to agriculture transportation, with existing penalty provisions.

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

Section A. Sections 301.010 and 307.010, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 301.010 and 307.010, to read as follows:

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, with  
6 an unladen dry weight of one thousand five hundred pounds or  
7 less, traveling on three, four or more nonhighway tires,  
8 with either:

9 (a) A seat designed to be straddled by the operator,  
10 and handlebars for steering control, but excluding an  
11 electric bicycle; or

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;

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

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

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

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

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

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

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

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

45           (9) "Commercial motor vehicle", a motor vehicle  
46 designed or regularly used for carrying freight and

47 merchandise, or more than eight passengers but not including  
48 vanpools or shuttle buses;

49 (10) "Cotton trailer", a trailer designed [and used  
50 exclusively] for transporting cotton at speeds less than  
51 [forty] **sixty-five** miles per hour from field to field or  
52 from field to market and return;

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

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

59 (13) "Driveaway operation":

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

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

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

78 the vehicles to a dealer or sales agent of a manufacturer or  
79 to any consignee designated by the shipper or consignor;

80 (14) "Dromedary", a box, deck, or plate mounted behind  
81 the cab and forward of the fifth wheel on the frame of the  
82 power unit of a truck tractor-semitrailer combination. A  
83 truck tractor equipped with a dromedary may carry part of a  
84 load when operating independently or in a combination with a  
85 semitrailer;

86 (15) "Electric bicycle", a bicycle equipped with fully  
87 operable pedals, a saddle or seat for the rider, and an  
88 electric motor of less than 750 watts that meets the  
89 requirements of one of the following three classes:

90 (a) "Class 1 electric bicycle", an electric bicycle  
91 equipped with a motor that provides assistance only when the  
92 rider is pedaling and that ceases to provide assistance when  
93 the bicycle reaches the speed of twenty miles per hour;

94 (b) "Class 2 electric bicycle", an electric bicycle  
95 equipped with a motor that may be used exclusively to propel  
96 the bicycle and that is not capable of providing assistance  
97 when the bicycle reaches the speed of twenty miles per hour;  
98 or

99 (c) "Class 3 electric bicycle", an electric bicycle  
100 equipped with a motor that provides assistance only when the  
101 rider is pedaling and that ceases to provide assistance when  
102 the bicycle reaches the speed of twenty-eight miles per hour;

103 (16) "Farm tractor", a tractor used exclusively for  
104 agricultural purposes;

105 (17) "Fleet", any group of ten or more motor vehicles  
106 owned by the same owner;

107 (18) "Fleet vehicle", a motor vehicle which is  
108 included as part of a fleet;

109           (19) "Fullmount", a vehicle mounted completely on the  
110 frame of either the first or last vehicle in a saddlemount  
111 combination;

112           (20) "Gross weight", the weight of vehicle and/or  
113 vehicle combination without load, plus the weight of any  
114 load thereon;

115           (21) "Hail-damaged vehicle", any vehicle, the body of  
116 which has become dented as the result of the impact of hail;

117           (22) "Highway", any public thoroughfare for vehicles,  
118 including state roads, county roads and public streets,  
119 avenues, boulevards, parkways or alleys in any municipality;

120           (23) "Improved highway", a highway which has been  
121 paved with gravel, macadam, concrete, brick or asphalt, or  
122 surfaced in such a manner that it shall have a hard, smooth  
123 surface;

124           (24) "Intersecting highway", any highway which joins  
125 another, whether or not it crosses the same;

126           (25) "Junk vehicle", a vehicle which:

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

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

132           (26) "Kit vehicle", a motor vehicle assembled by a  
133 person other than a generally recognized manufacturer of  
134 motor vehicles by the use of a glider kit or replica  
135 purchased from an authorized manufacturer and accompanied by  
136 a manufacturer's statement of origin;

137           (27) "Land improvement contractors' commercial motor  
138 vehicle", any not-for-hire commercial motor vehicle the  
139 operation of which is confined to:

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

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

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

154 (28) "Local commercial motor vehicle", a commercial  
155 motor vehicle whose operations are confined to a  
156 municipality and that area extending not more than fifty  
157 miles therefrom, or a commercial motor vehicle whose  
158 property-carrying operations are confined solely to the  
159 transportation of property owned by any person who is the  
160 owner or operator of such vehicle to or from a farm owned by  
161 such person or under the person's control by virtue of a  
162 landlord and tenant lease; provided that any such property  
163 transported to any such farm is for use in the operation of  
164 such farm;

165 (29) "Local log truck", a commercial motor vehicle  
166 which is registered pursuant to this chapter to operate as a  
167 motor vehicle on the public highways of this state; used  
168 exclusively in this state; used to transport harvested  
169 forest products; operated solely at a forested site and in  
170 an area extending not more than a one hundred fifty mile

171 radius from such site; and when operated on the national  
172 system of interstate and defense highways described in 23  
173 U.S.C. Section 103, as amended, or outside the one hundred  
174 fifty mile radius from such site with an extended distance  
175 local log truck permit, does not have more than four axles,  
176 and does not pull a trailer which has more than three  
177 axles. Harvesting equipment which is used specifically for  
178 cutting, felling, trimming, delimiting, debarking, chipping,  
179 skidding, loading, unloading, and stacking may be  
180 transported on a local log truck;

181 (30) "Local log truck tractor", a commercial motor  
182 vehicle which is registered under this chapter to operate as  
183 a motor vehicle on the public highways of this state; used  
184 exclusively in this state; used to transport harvested  
185 forest products, operated at a forested site and in an area  
186 extending not more than a one hundred fifty mile radius from  
187 such site; and when operated on the national system of  
188 interstate and defense highways described in 23 U.S.C.  
189 Section 103, as amended, or outside the one hundred fifty  
190 mile radius from such site with an extended distance local  
191 log truck permit, does not have more than three axles and  
192 does not pull a trailer which has more than three axles;

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

200 (32) "Log truck", a vehicle which is not a local log  
201 truck or local log truck tractor and is used exclusively to  
202 transport harvested forest products to and from forested

203 sites which is registered pursuant to this chapter to  
204 operate as a motor vehicle on the public highways of this  
205 state for the transportation of harvested forest products;

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

210 (34) "Manufacturer", any person, firm, corporation or  
211 association engaged in the business of manufacturing or  
212 assembling motor vehicles, trailers or vessels for sale;

213 (35) "Motor change vehicle", a vehicle manufactured  
214 prior to August, 1957, which receives a new, rebuilt or used  
215 engine, and which used the number stamped on the original  
216 engine as the vehicle identification number;

217 (36) "Motor vehicle", any self-propelled vehicle not  
218 operated exclusively upon tracks, except farm tractors and  
219 electric bicycles;

220 (37) "Motor vehicle primarily for business use", any  
221 vehicle other than a recreational motor vehicle, motorcycle,  
222 motortricycle, or any commercial motor vehicle licensed for  
223 over twelve thousand pounds:

224 (a) Offered for hire or lease; or

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

227 (38) "Motorcycle", a motor vehicle operated on two  
228 wheels;

229 (39) "Motorized bicycle", any two-wheeled or three-  
230 wheeled device having an automatic transmission and a motor  
231 with a cylinder capacity of not more than fifty cubic  
232 centimeters, which produces less than three gross brake  
233 horsepower, and is capable of propelling the device at a

234 maximum speed of not more than thirty miles per hour on  
235 level ground, but excluding an electric bicycle;

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

243 (41) "Municipality", any city, town or village,  
244 whether incorporated or not;

245 (42) "Nonresident", a resident of a state or country  
246 other than the state of Missouri;

247 (43) "Non-USA-std motor vehicle", a motor vehicle not  
248 originally manufactured in compliance with United States  
249 emissions or safety standards;

250 (44) "Operator", any person who operates or drives a  
251 motor vehicle;

252 (45) "Owner", any person, firm, corporation or  
253 association, who holds the legal title to a vehicle or who  
254 has executed a buyer's order or retail installment sales  
255 contract with a motor vehicle dealer licensed under sections  
256 301.550 to 301.580 for the purchase of a vehicle with an  
257 immediate right of possession vested in the transferee, or  
258 in the event a vehicle is the subject of an agreement for  
259 the conditional sale or lease thereof with the right of  
260 purchase upon performance of the conditions stated in the  
261 agreement and with an immediate right of possession vested  
262 in the conditional vendee or lessee, or in the event a  
263 mortgagor of a vehicle is entitled to possession, then such  
264 conditional vendee or lessee or mortgagor shall be deemed  
265 the owner;

266           (46) "Public garage", a place of business where motor  
267 vehicles are housed, stored, repaired, reconstructed or  
268 repainted for persons other than the owners or operators of  
269 such place of business;

270           (47) "Rebuilder", a business that repairs or rebuilds  
271 motor vehicles owned by the rebuilder, but does not include  
272 certificated common or contract carriers of persons or  
273 property;

274           (48) "Reconstructed motor vehicle", a vehicle that is  
275 altered from its original construction by the addition or  
276 substitution of two or more new or used major component  
277 parts, excluding motor vehicles made from all new parts, and  
278 new multistage manufactured vehicles;

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

289           (50) "Recreational off-highway vehicle", any motorized  
290 vehicle manufactured and used exclusively for off-highway  
291 use which is more than fifty inches but no more than eighty  
292 inches in width, measured from outside of tire rim to  
293 outside of tire rim, with an unladen dry weight of three  
294 thousand five hundred pounds or less, traveling on four or  
295 more nonhighway tires and which may have access to ATV  
296 trails;

297           (51) "Recreational trailer", any trailer designed,  
298 constructed, or substantially modified so that it may be  
299 used and is used for the purpose of temporary housing  
300 quarters, including therein sleeping or eating facilities,  
301 which can be temporarily attached to a motor vehicle or  
302 attached to a unit which is securely attached to a motor  
303 vehicle;

304           (52) "Rollback or car carrier", any vehicle  
305 specifically designed to transport wrecked, disabled or  
306 otherwise inoperable vehicles, when the transportation is  
307 directly connected to a wrecker or towing service;

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

319           (54) "Salvage dealer and dismantler", a business that  
320 dismantles used motor vehicles for the sale of the parts  
321 thereof, and buys and sells used motor vehicle parts and  
322 accessories;

323           (55) "Salvage vehicle", a motor vehicle, semitrailer,  
324 or house trailer which:

325           (a) Was damaged during a year that is no more than six  
326 years after the manufacturer's model year designation for  
327 such vehicle to the extent that the total cost of repairs to  
328 rebuild or reconstruct the vehicle to its condition

329 immediately before it was damaged for legal operation on the  
330 roads or highways exceeds eighty percent of the fair market  
331 value of the vehicle immediately preceding the time it was  
332 damaged;

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

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

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

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

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

356 b. Determined pursuant to a market survey of  
357 comparable vehicles with regard to condition and equipment;  
358 and

359 c. Determined by an insurance company using any other  
360 procedure recognized by the insurance industry, including

361 market surveys, that is applied by the company in a uniform  
362 manner;

363 (56) "School bus", any motor vehicle used solely to  
364 transport students to or from school or to transport  
365 students to or from any place for educational purposes;

366 (57) "Scrap processor", a business that, through the  
367 use of fixed or mobile equipment, flattens, crushes, or  
368 otherwise accepts motor vehicles and vehicle parts for  
369 processing or transportation to a shredder or scrap metal  
370 operator for recycling;

371 (58) "Shuttle bus", a motor vehicle used or maintained  
372 by any person, firm, or corporation as an incidental service  
373 to transport patrons or customers of the regular business of  
374 such person, firm, or corporation to and from the place of  
375 business of the person, firm, or corporation providing the  
376 service at no fee or charge. Shuttle buses shall not be  
377 registered as buses or as commercial motor vehicles;

378 (59) "Special mobile equipment", every self-propelled  
379 vehicle not designed or used primarily for the  
380 transportation of persons or property and incidentally  
381 operated or moved over the highways, including farm  
382 equipment, implements of husbandry, road construction or  
383 maintenance machinery, ditch-digging apparatus, stone  
384 crushers, air compressors, power shovels, cranes, graders,  
385 rollers, well-drillers and wood-sawing equipment used for  
386 hire, asphalt spreaders, bituminous mixers, bucket loaders,  
387 ditchers, leveling graders, finished machines, motor  
388 graders, road rollers, scarifiers, earth-moving carryalls,  
389 scrapers, drag lines, concrete pump trucks, rock-drilling  
390 and earth-moving equipment. This enumeration shall be  
391 deemed partial and shall not operate to exclude other such  
392 vehicles which are within the general terms of this section;

393           (60) "Specially constructed motor vehicle", a motor  
394 vehicle which shall not have been originally constructed  
395 under a distinctive name, make, model or type by a  
396 manufacturer of motor vehicles. The term specially  
397 constructed motor vehicle includes kit vehicles;

398           (61) "Stinger-steered combination", a truck tractor-  
399 semitrailer wherein the fifth wheel is located on a drop  
400 frame located behind and below the rearmost axle of the  
401 power unit;

402           (62) "Tandem axle", a group of two or more axles,  
403 arranged one behind another, the distance between the  
404 extremes of which is more than forty inches and not more  
405 than ninety-six inches apart;

406           (63) "Towaway trailer transporter combination", a  
407 combination of vehicles consisting of a trailer transporter  
408 towing unit and two trailers or semitrailers, with a total  
409 weight that does not exceed twenty-six thousand pounds; and  
410 in which the trailers or semitrailers carry no property and  
411 constitute inventory property of a manufacturer,  
412 distributor, or dealer of such trailers or semitrailers;

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

418           (65) "Trailer", any vehicle without motive power  
419 designed for carrying property or passengers on its own  
420 structure and for being drawn by a self-propelled vehicle,  
421 except those running exclusively on tracks, including a  
422 semitrailer or vehicle of the trailer type so designed and  
423 used in conjunction with a self-propelled vehicle that a  
424 considerable part of its own weight rests upon and is

425 carried by the towing vehicle. The term trailer shall not  
426 include cotton trailers as defined in this section and shall  
427 not include manufactured homes as defined in section 700.010;

428 (66) "Trailer transporter towing unit", a power unit  
429 that is not used to carry property when operating in a  
430 towaway trailer transporter combination;

431 (67) "Truck", a motor vehicle designed, used, or  
432 maintained for the transportation of property;

433 (68) "Truck-tractor semitrailer-semitrailer", a  
434 combination vehicle in which the two trailing units are  
435 connected with a B-train assembly which is a rigid frame  
436 extension attached to the rear frame of a first semitrailer  
437 which allows for a fifth-wheel connection point for the  
438 second semitrailer and has one less articulation point than  
439 the conventional A-dolly connected truck-tractor semitrailer-  
440 trailer combination;

441 (69) "Truck-trailer boat transporter combination", a  
442 boat transporter combination consisting of a straight truck  
443 towing a trailer using typically a ball and socket  
444 connection with the trailer axle located substantially at  
445 the trailer center of gravity rather than the rear of the  
446 trailer but so as to maintain a downward force on the  
447 trailer tongue;

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

453 (71) "Utility vehicle", any motorized vehicle  
454 manufactured and used exclusively for off-highway use which  
455 is more than fifty inches but no more than eighty inches in  
456 width, measured from outside of tire rim to outside of tire

457 rim, with an unladen dry weight of three thousand five  
458 hundred pounds or less, traveling on four or six wheels, to  
459 be used primarily for landscaping, lawn care, or maintenance  
460 purposes;

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

475 (73) "Vehicle", any mechanical device on wheels,  
476 designed primarily for use, or used, on highways, except  
477 motorized bicycles, electric bicycles, vehicles propelled or  
478 drawn by horses or human power, or vehicles used exclusively  
479 on fixed rails or tracks, or cotton trailers or motorized  
480 wheelchairs operated by handicapped persons;

481 (74) "Wrecker" or "tow truck", any emergency  
482 commercial vehicle equipped, designed and used to assist or  
483 render aid and transport or tow disabled or wrecked vehicles  
484 from a highway, road, street or highway rights-of-way to a  
485 point of storage or repair, including towing a replacement  
486 vehicle to replace a disabled or wrecked vehicle;

487 (75) "Wrecker or towing service", the act of  
488 transporting, towing or recovering with a wrecker, tow

489 truck, rollback or car carrier any vehicle not owned by the  
490 operator of the wrecker, tow truck, rollback or car carrier  
491 for which the operator directly or indirectly receives  
492 compensation or other personal gain.

307.010. 1. All motor vehicles, and every trailer and  
2 semitrailer operating upon the public highways of this state  
3 and carrying goods or material or farm products which may  
4 reasonably be expected to become dislodged and fall from the  
5 vehicle, trailer or semitrailer as a result of wind pressure  
6 or air pressure and/or by the movement of the vehicle,  
7 trailer or semitrailer shall have a protective cover or be  
8 sufficiently secured so that no portion of such goods or  
9 material can become dislodged and fall from the vehicle,  
10 trailer or semitrailer while being transported or carried.

11 2. **A cotton trailer, as defined in section 301.010,**  
12 **shall not be in violation of this section, provided it is**  
13 **traveling at speeds less than sixty-five miles per hour from**  
14 **field to field or from field to market and return, no**  
15 **portion of such goods or material becomes dislodged and**  
16 **falls from the cotton trailer, and the goods are or material**  
17 **is:**

18 (1) **Immobilized, such so that it cannot shift or tip**  
19 **to the extent that the vehicle's stability or**  
20 **maneuverability is adversely affected;**

21 (2) **Transported in a sided vehicle that has walls of**  
22 **adequate strength, such that each article of cargo within**  
23 **the vehicle is in contact with, or sufficiently close to a**  
24 **wall or other articles, so that it cannot shift or tip to**  
25 **the extent that the vehicle's stability or maneuverability**  
26 **is adversely affected;**

27 (3) **Fully contained within the structure of the**  
28 **vehicle, and firmly immobilized or secured on or within the**

29 vehicle by structures of adequate strength, dunnage or  
30 dunnage bags, shoring bars, tiedowns, or a combination of  
31 these; or

32 (4) Otherwise secured in accordance with federal law.

33 3. Operation of a motor vehicle, trailer or  
34 semitrailer in violation of this section shall be a class C  
35 misdemeanor, and any person convicted thereof shall be  
36 punished as provided by law.

✓