

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 307
101ST GENERAL ASSEMBLY

0859H.02C

DANA RADEMAN MILLER, Chief Clerk

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303.020, 304.001, 307.025, 307.180, 2 307.188, 307.193, 365.020, 407.560, 407.815, 407.1025, and 578.120, RSMo, are repealed and 3 fifteen new sections enacted in lieu thereof, to be known as sections 300.010, 301.010, 302.010, 4 303.020, 304.001, 307.025, 307.180, 307.188, 307.193,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

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

- 2 (1) "Alley" or "alleyway", any street with a roadway of less than twenty feet in width;
- 3 (2) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
- 4 off-highway use, with an unladen dry weight of one thousand five hundred pounds or less,
- 5 traveling on three, four or more nonhighway tires, with either:
- 6 (a) A seat designed to be straddled by the operator, and handlebars for steering control,
- 7 **but excluding an electric bicycle**; or
- 8 (b) A width of fifty inches or less, measured from outside of tire rim to outside of tire
- 9 rim, regardless of seating or steering arrangement;
- 10 (3) "Authorized emergency vehicle", a vehicle publicly owned and operated as an
- 11 ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or fire
- 12 department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle
- 13 operated as an ambulance when responding to emergency calls;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

21 (6) "Commercial vehicle", every vehicle designed, maintained, or used primarily for the
22 transportation of property;

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

27 (8) "Crosswalk",

28 (a) That part of a roadway at an intersection included within the connections of the
29 lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the
30 absence of curbs from the edges of the traversable roadway;

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

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

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

36 (11) **"Electric bicycle", a bicycle equipped with fully operable pedals, a saddle or
37 seat for the rider, and an electric motor of less than 750 watts that meets the requirements
38 of one of the following three classes:**

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

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

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

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

50 ~~[(12)]~~ (13) "Highway", the entire width between the boundary lines of every way
51 publicly maintained when any part thereof is open to the use of the public for purposes of
52 vehicular travel;

53 ~~[(13)]~~ (14) "Intersection",

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

58 (b) Where a highway includes two roadways thirty feet or more apart, then every
59 crossing of each roadway of such divided highway by an intersecting highway shall be regarded
60 as a separate intersection. In the event such intersecting highway also includes two roadways
61 thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded
62 as a separate intersection;

63 ~~[(14)]~~ (15) "Laned roadway", a roadway which is divided into two or more clearly
64 marked lanes for vehicular traffic;

65 ~~[(15)]~~ (16) "Motor vehicle", any self-propelled vehicle not operated exclusively upon
66 tracks, except farm tractors, **electric bicycles**, and motorized bicycles;

67 ~~[(16)]~~ (17) "Motorcycle", every motor vehicle having a seat or saddle for the use of the
68 rider and designed to travel on not more than three wheels in contact with the ground, but
69 excluding **an electric bicycle and** a tractor;

70 ~~[(17)]~~ (18) "Motorized bicycle", any two-wheeled or three-wheeled device having an
71 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic
72 centimeters, which produces less than three gross brake horsepower, and is capable of propelling
73 the device at a maximum speed of not more than thirty miles per hour on level ground, **but**
74 **excluding an electric bicycle**;

75 ~~[(18)]~~ (19) "Official time standard", whenever certain hours are named herein they shall
76 mean standard time or daylight-saving time as may be in current use in the city;

77 ~~[(19)]~~ (20) "Official traffic control devices", all signs, signals, markings and devices not
78 inconsistent with this ordinance placed or erected by authority of a public body or official having
79 jurisdiction, for the purpose of regulating, warning or guiding traffic;

80 ~~[(20)]~~ (21) "Park" or "parking", the standing of a vehicle, whether occupied or not,
81 otherwise than temporarily for the purpose of and while actually engaged in loading or unloading
82 merchandise or passengers;

83 ~~[(21)]~~ (22) "Passenger curb loading zone", a place adjacent to a curb reserved for the
84 exclusive use of vehicles during the loading or unloading of passengers;

85 ~~[(22)]~~ (23) "Pedestrian", any person afoot;

86 [~~(23)~~] **(24)** "Person", every natural person, firm, copartnership, association or
87 corporation;

88 [~~(24)~~] **(25)** "Police officer", every officer of the municipal police department or any
89 officer authorized to direct or regulate traffic or to make arrests for violations of traffic
90 regulations;

91 [~~(25)~~] **(26)** "Private road" or "driveway", every way or place in private ownership and
92 used for vehicular travel by the owner and those having express or implied permission from the
93 owner, but not by other persons;

94 [~~(26)~~] **(27)** "Railroad", a carrier of persons or property upon cars, other than streetcars,
95 operated upon stationary rails;

96 [~~(27)~~] **(28)** "Railroad train", a steam engine, electric or other motor, with or without cars
97 coupled thereto, operated upon rails, except streetcars;

98 [~~(28)~~] **(29)** "Residence district", the territory contiguous to and including a highway not
99 comprising a business district when the property on such highway for a distance of three hundred
100 feet or more is in the main improved with residences or residences and buildings in use for
101 business;

102 [~~(29)~~] **(30)** "Right-of-way", the right of one vehicle or pedestrian to proceed in a lawful
103 manner in preference to another vehicle or pedestrian approaching under such circumstances of
104 direction, speed and proximity as to give rise to danger of collision unless one grants precedence
105 to the other;

106 [~~(30)~~] **(31)** "Roadway", that portion of a highway improved, designed or ordinarily used
107 for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or
108 more separate roadways the term "roadway" as used herein shall refer to any such roadway
109 separately but not to all such roadways collectively;

110 [~~(31)~~] **(32)** "Safety zone", the area or space officially set apart within a roadway for the
111 exclusive use of pedestrians and which is protected or is so marked or indicated by adequate
112 signs as to be plainly visible at all times while set apart as a safety zone;

113 [~~(32)~~] **(33)** "Sidewalk", that portion of a street between the curb lines, or the lateral lines
114 of a roadway, and the adjacent property lines, intended for use of pedestrians;

115 [~~(33)~~] **(34)** "Stand" or "standing", the halting of a vehicle, whether occupied or not,
116 otherwise than for the purpose of and while actually engaged in receiving or discharging
117 passengers;

118 [~~(34)~~] **(35)** "Stop", when required, complete cessation from movement;

119 [~~(35)~~] **(36)** "Stop" or "stopping", when prohibited, any halting even momentarily of a
120 vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or
121 in compliance with the directions of a police officer or traffic control sign or signal;

122 [~~(36)~~] (37) "Street" or "highway", the entire width between the lines of every way
123 publicly maintained when any part thereof is open to the uses of the public for purposes of
124 vehicular travel. "State highway", a highway maintained by the state of Missouri as a part of the
125 state highway system;

126 [~~(37)~~] (38) "Through highway", every highway or portion thereof on which vehicular
127 traffic is given preferential rights-of-way, and at the entrances to which vehicular traffic from
128 intersecting highways is required by law to yield rights-of-way to vehicles on such through
129 highway in obedience to either a stop sign or a yield sign, when such signs are erected as
130 provided in this ordinance;

131 [~~(38)~~] (39) "Traffic", pedestrians, ridden or herded animals, vehicles, streetcars and other
132 conveyances either singly or together while using any highway for purposes of travel;

133 [~~(39)~~] (40) "Traffic control signal", any device, whether manually, electrically or
134 mechanically operated, by which traffic is alternately directed to stop and to proceed;

135 [(40)] (41) "Traffic division", the traffic division of the police department of the city, or
136 in the event a traffic division is not established, then said term whenever used herein shall be
137 deemed to refer to the police department of the city;

138 [(41)] (42) "Vehicle", any mechanical device on wheels, designed primarily for use, or
139 used, on highways, except motorized bicycles, **electric bicycles**, vehicles propelled or drawn by
140 horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or
141 motorized wheelchairs operated by handicapped persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (13) "Driveaway operation":

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

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

47 (c) The movement of a motor vehicle by any person who is lawfully engaged in the
48 business of transporting or delivering vehicles that are not the person's own and vehicles of a
49 type otherwise required to be registered, by the driveaway or towaway methods, from a point of

50 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent
51 of a manufacturer or to any consignee designated by the shipper or consignor;

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

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

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

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

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

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

69 [~~(16)~~] (17) "Fleet", any group of ten or more motor vehicles owned by the same owner;

70 [~~(17)~~] (18) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

71 [~~(18)~~] (19) "Fullmount", a vehicle mounted completely on the frame of either the first
72 or last vehicle in a saddlemount combination;

73 [~~(19)~~] (20) "Gross weight", the weight of vehicle and/or vehicle combination without
74 load, plus the weight of any load thereon;

75 [~~(20)~~] (21) "Hail-damaged vehicle", any vehicle, the body of which has become dented
76 as the result of the impact of hail;

77 [~~(21)~~] (22) "Highway", any public thoroughfare for vehicles, including state roads,
78 county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

79 [~~(22)~~] (23) "Improved highway", a highway which has been paved with gravel,
80 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard,
81 smooth surface;

82 [~~(23)~~] (24) "Intersecting highway", any highway which joins another, whether or not it
83 crosses the same;

84 [~~(24)~~] (25) "Junk vehicle", a vehicle which:

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

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

89 ~~[(25)]~~ **(26)** "Kit vehicle", a motor vehicle assembled by a person other than a generally
90 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
91 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

92 ~~[(26)]~~ **(27)** "Land improvement contractors' commercial motor vehicle", any not-for-hire
93 commercial motor vehicle the operation of which is confined to:

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

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

101

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

104 ~~[(27)]~~ **(28)** "Local commercial motor vehicle", a commercial motor vehicle whose
105 operations are confined to a municipality and that area extending not more than fifty miles
106 therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely
107 to the transportation of property owned by any person who is the owner or operator of such
108 vehicle to or from a farm owned by such person or under the person's control by virtue of a
109 landlord and tenant lease; provided that any such property transported to any such farm is for use
110 in the operation of such farm;

111 ~~[(28)]~~ **(29)** "Local log truck", a commercial motor vehicle which is registered pursuant
112 to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively
113 in this state, used to transport harvested forest products, operated solely at a forested site and in
114 an area extending not more than a one hundred mile radius from such site, carries a load with
115 dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when
116 operated on the national system of interstate and defense highways described in 23 U.S.C.
117 Section 103, as amended, or outside the one hundred mile radius from such site with an extended
118 distance local log truck permit, such vehicle shall not exceed the weight limits of section
119 304.180, does not have more than four axles, and does not pull a trailer which has more than
120 three axles. Harvesting equipment which is used specifically for cutting, felling, trimming,

121 delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be transported
122 on a local log truck. A local log truck may not exceed the limits required by law, however, if the
123 truck does exceed such limits as determined by the inspecting officer, then notwithstanding any
124 other provisions of law to the contrary, such truck shall be subject to the weight limits required
125 by such sections as licensed for eighty thousand pounds;

126 ~~[(29)]~~ (30) "Local log truck tractor", a commercial motor vehicle which is registered
127 under this chapter to operate as a motor vehicle on the public highways of this state, used
128 exclusively in this state, used to transport harvested forest products, operated at a forested site
129 and in an area extending not more than a one hundred mile radius from such site, operates with
130 a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight
131 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated
132 on the national system of interstate and defense highways described in 23 U.S.C. Section 103,
133 as amended, or outside the one hundred mile radius from such site with an extended distance
134 local log truck permit, such vehicle does not exceed the weight limits contained in section
135 304.180, and does not have more than three axles and does not pull a trailer which has more than
136 three axles. Violations of axle weight limitations shall be subject to the load limit penalty as
137 described for in sections 304.180 to 304.220;

138 ~~[(30)]~~ (31) "Local transit bus", a bus whose operations are confined wholly within a
139 municipal corporation, or wholly within a municipal corporation and a commercial zone, as
140 defined in section 390.020, adjacent thereto, forming a part of a public transportation system
141 within such municipal corporation and such municipal corporation and adjacent commercial
142 zone;

143 ~~[(31)]~~ (32) "Log truck", a vehicle which is not a local log truck or local log truck tractor
144 and is used exclusively to transport harvested forest products to and from forested sites which
145 is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this
146 state for the transportation of harvested forest products;

147 ~~[(32)]~~ (33) "Major component parts", the rear clip, cowl, frame, body, cab, front-end
148 assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules
149 and regulations or by illustrations;

150 ~~[(33)]~~ (34) "Manufacturer", any person, firm, corporation or association engaged in the
151 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

152 ~~[(34)]~~ (35) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
153 receives a new, rebuilt or used engine, and which used the number stamped on the original
154 engine as the vehicle identification number;

155 ~~[(35)]~~ (36) "Motor vehicle", any self-propelled vehicle not operated exclusively upon
156 tracks, except farm tractors **and electric bicycles**;

157 ~~[(36)]~~ (37) "Motor vehicle primarily for business use", any vehicle other than a
158 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed
159 for over twelve thousand pounds;

160 (a) Offered for hire or lease; or

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

162 ~~[(37)]~~ (38) "Motorcycle", a motor vehicle operated on two wheels;

163 ~~[(38)]~~ (39) "Motorized bicycle", any two-wheeled or three-wheeled device having an
164 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic
165 centimeters, which produces less than three gross brake horsepower, and is capable of propelling
166 the device at a maximum speed of not more than thirty miles per hour on level ground, **but**
167 **excluding an electric bicycle**;

168 ~~[(39)]~~ (40) "Motortricycle", a motor vehicle upon which the operator straddles or sits
169 astride that is designed to be controlled by handle bars and is operated on three wheels, including
170 a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of
171 a third wheel, **but excluding an electric bicycle**. A motortricycle shall not be included in the
172 definition of all-terrain vehicle;

173 ~~[(40)]~~ (41) "Municipality", any city, town or village, whether incorporated or not;

174 ~~[(41)]~~ (42) "Nonresident", a resident of a state or country other than the state of Missouri;

175 ~~[(42)]~~ (43) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured
176 in compliance with United States emissions or safety standards;

177 ~~[(43)]~~ (44) "Operator", any person who operates or drives a motor vehicle;

178 ~~[(44)]~~ (45) "Owner", any person, firm, corporation or association, who holds the legal
179 title to a vehicle or who has executed a buyer's order or retail installment sales contract with a
180 motor vehicle dealer licensed under sections 301.550 to 301.580 for the purchase of a vehicle
181 with an immediate right of possession vested in the transferee, or in the event a vehicle is the
182 subject of an agreement for the conditional sale or lease thereof with the right of purchase upon
183 performance of the conditions stated in the agreement and with an immediate right of possession
184 vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to
185 possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner;

186 ~~[(45)]~~ (46) "Public garage", a place of business where motor vehicles are housed, stored,
187 repaired, reconstructed or repainted for persons other than the owners or operators of such place
188 of business;

189 ~~[(46)]~~ (47) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
190 rebuilder, but does not include certificated common or contract carriers of persons or property;

191 [~~(47)~~] **(48)** "Reconstructed motor vehicle", a vehicle that is altered from its original
192 construction by the addition or substitution of two or more new or used major component parts,
193 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

194 [~~(48)~~] **(49)** "Recreational motor vehicle", any motor vehicle designed, constructed or
195 substantially modified so that it may be used and is used for the purposes of temporary housing
196 quarters, including therein sleeping and eating facilities which are either permanently attached
197 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
198 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
199 vehicle if the motor vehicle could otherwise be so registered;

200 [~~(49)~~] **(50)** "Recreational off-highway vehicle", any motorized vehicle manufactured and
201 used exclusively for off-highway use which is more than fifty inches but no more than eighty
202 inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry
203 weight of three thousand five hundred pounds or less, traveling on four or more nonhighway tires
204 and which may have access to ATV trails;

205 [~~(50)~~] **(51)** "Recreational trailer", any trailer designed, constructed, or substantially
206 modified so that it may be used and is used for the purpose of temporary housing quarters,
207 including therein sleeping or eating facilities, which can be temporarily attached to a motor
208 vehicle or attached to a unit which is securely attached to a motor vehicle;

209 [~~(51)~~] **(52)** "Rollback or car carrier", any vehicle specifically designed to transport
210 wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected
211 to a wrecker or towing service;

212 [~~(52)~~] **(53)** "Saddlemount combination", a combination of vehicles in which a truck or
213 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame
214 or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front
215 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a
216 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination
217 is called a "double saddlemount combination". When three vehicles are towed in this manner,
218 the combination is called a "triple saddlemount combination";

219 [~~(53)~~] **(54)** "Salvage dealer and dismantler", a business that dismantles used motor
220 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and
221 accessories;

222 [~~(54)~~] **(55)** "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

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

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

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

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

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

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

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

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

248 ~~[(55)]~~ (56) "School bus", any motor vehicle used solely to transport students to or from
249 school or to transport students to or from any place for educational purposes;

250 ~~[(56)]~~ (57) "Scrap processor", a business that, through the use of fixed or mobile
251 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing
252 or transportation to a shredder or scrap metal operator for recycling;

253 ~~[(57)]~~ (58) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
254 corporation as an incidental service to transport patrons or customers of the regular business of
255 such person, firm, or corporation to and from the place of business of the person, firm, or
256 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
257 buses or as commercial motor vehicles;

258 ~~[(58)]~~ (59) "Special mobile equipment", every self-propelled vehicle not designed or
259 used primarily for the transportation of persons or property and incidentally operated or moved
260 over the highways, including farm equipment, implements of husbandry, road construction or
261 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,

262 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
263 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
264 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
265 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
266 shall not operate to exclude other such vehicles which are within the general terms of this
267 section;

268 ~~[(59)]~~ **(60)** "Specially constructed motor vehicle", a motor vehicle which shall not have
269 been originally constructed under a distinctive name, make, model or type by a manufacturer of
270 motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

271 ~~[(60)]~~ **(61)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth
272 wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

273 ~~[(61)]~~ **(62)** "Tandem axle", a group of two or more axles, arranged one behind another,
274 the distance between the extremes of which is more than forty inches and not more than
275 ninety-six inches apart;

276 ~~[(62)]~~ **(63)** "Towaway trailer transporter combination", a combination of vehicles
277 consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight
278 that does not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry
279 no property and constitute inventory property of a manufacturer, distributor, or dealer of such
280 trailers or semitrailers;

281 ~~[(63)]~~ **(64)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle
282 designed for drawing other vehicles, but not for the carriage of any load when operating
283 independently. When attached to a semitrailer, it supports a part of the weight thereof;

284 ~~[(64)]~~ **(65)** "Trailer", any vehicle without motive power designed for carrying property
285 or passengers on its own structure and for being drawn by a self-propelled vehicle, except those
286 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
287 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
288 rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers
289 as defined in this section and shall not include manufactured homes as defined in section
290 700.010;

291 ~~[(65)]~~ **(66)** "Trailer transporter towing unit", a power unit that is not used to carry
292 property when operating in a towaway trailer transporter combination;

293 ~~[(66)]~~ **(67)** "Truck", a motor vehicle designed, used, or maintained for the transportation
294 of property;

295 ~~[(67)]~~ **(68)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the
296 two trailing units are connected with a B-train assembly which is a rigid frame extension
297 attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point

298 for the second semitrailer and has one less articulation point than the conventional A-dolly
299 connected truck-tractor semitrailer-trailer combination;

300 ~~[(68)]~~ (69) "Truck-trailer boat transporter combination", a boat transporter combination
301 consisting of a straight truck towing a trailer using typically a ball and socket connection with
302 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
303 trailer but so as to maintain a downward force on the trailer tongue;

304 ~~[(69)]~~ (70) "Used parts dealer", a business that buys and sells used motor vehicle parts
305 or accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
306 Business does not include isolated sales at a swap meet of less than three days;

307 ~~[(70)]~~ (71) "Utility vehicle", any motorized vehicle manufactured and used exclusively
308 for off-highway use which is more than fifty inches but no more than eighty inches in width,
309 measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three
310 thousand five hundred pounds or less, traveling on four or six wheels, to be used primarily for
311 landscaping, lawn care, or maintenance purposes;

312 ~~[(71)]~~ (72) "Vanpool", any van or other motor vehicle used or maintained by any person,
313 group, firm, corporation, association, city, county or state agency, or any member thereof, for the
314 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
315 and from their place of employment; however, a vanpool shall not be included in the definition
316 of the term bus or commercial motor vehicle as defined in this section, nor shall a vanpool driver
317 be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool
318 vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an
319 unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a
320 ride-sharing arrangement;

321 ~~[(72)]~~ (73) "Vehicle", any mechanical device on wheels, designed primarily for use, or
322 used, on highways, except motorized bicycles, **electric bicycles**, vehicles propelled or drawn by
323 horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers
324 or motorized wheelchairs operated by handicapped persons;

325 ~~[(73)]~~ (74) "Wrecker" or "tow truck", any emergency commercial vehicle equipped,
326 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from
327 a highway, road, street or highway rights-of-way to a point of storage or repair, including towing
328 a replacement vehicle to replace a disabled or wrecked vehicle;

329 ~~[(74)]~~ (75) "Wrecker or towing service", the act of transporting, towing or recovering
330 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the
331 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives
332 compensation or other personal gain.

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

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

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

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

(4) "Criminal history check", a search of criminal records, including criminal history record information as defined in section 43.500, maintained by the Missouri state highway patrol in the Missouri criminal records repository or by the Federal Bureau of Investigation as part of its criminal history records, including, but not limited to, any record of conviction, plea of guilty or nolo contendere, or finding of guilty in any state for any offense related to alcohol, controlled substances, or drugs;

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

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

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

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

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

(10) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles, as defined in section 307.180 **and electric bicycles, as defined in section 301.010;**

(11) "Motorcycle", a motor vehicle operated on two wheels; however, this definition shall not include motorized bicycles **or electric bicycles as such terms are** defined in section 301.010;

37 (12) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
38 operated with any conveyance, temporary or otherwise, requiring the use of a third wheel, **but**
39 **excluding an electric bicycle as defined in section 301.010;**

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

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

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

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

49 (17) "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is
50 the subject of an agreement for the conditional sale or lease thereof with the right of purchase
51 upon performance of the conditions stated in the agreement and with an immediate right of
52 possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle
53 is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed
54 the owner for the purpose of sections 302.010 to 302.540;

55 (18) "Record" includes, but is not limited to, papers, documents, facsimile information,
56 microphotographic process, electronically generated or electronically recorded information,
57 digitized images, deposited or filed with the department of revenue;

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

62 (20) "Restricted driving privilege", a sixty-day driving privilege issued by the director
63 of revenue following a suspension of driving privileges for the limited purpose of driving in
64 connection with the driver's business, occupation, employment, formal program of secondary,
65 postsecondary or higher education, or for an alcohol education or treatment program or certified
66 ignition interlock provider, or a ninety-day interlock restricted privilege issued by the director
67 of revenue for the limited purpose of driving in connection with the driver's business, occupation,
68 employment, seeking medical treatment for such driver or a dependent family member, attending
69 school or other institution of higher education, attending alcohol- or drug-treatment programs,
70 seeking the required services of a certified ignition interlock provider, fulfilling court obligations,
71 including required appearances and probation and parole obligations, religious services, the care

72 of a child or children, including scheduled visitation or custodial obligations pursuant to a court
73 order, fueling requirements for any vehicle utilized, and seeking basic nutritional requirements;

74 (21) "School bus", when used in sections 302.010 to 302.540, means any motor vehicle,
75 either publicly or privately owned, used to transport students to and from school, or to transport
76 pupils properly chaperoned to and from any place within the state for educational purposes. The
77 term "school bus" shall not include a bus operated by a public utility, municipal corporation or
78 common carrier authorized to conduct local or interstate transportation of passengers when such
79 bus is not traveling a specific school bus route but is:

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

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

83 (22) "School bus operator", an operator who operates a school bus as defined in
84 subdivision (21) of this section in the transportation of any schoolchildren and who receives
85 compensation for such service. The term "school bus operator" shall not include any person who
86 transports schoolchildren as an incident to employment with a school or school district, such as
87 a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under
88 contract with or employed by a school or school district as a school bus operator;

89 (23) "Signature", any method determined by the director of revenue for the signing,
90 subscribing or verifying of a record, report, application, driver's license, or other related
91 document that shall have the same validity and consequences as the actual signing by the person
92 providing the record, report, application, driver's license or related document;

93 (24) "Substance abuse traffic offender program", a program certified by the division of
94 alcohol and drug abuse of the department of mental health to provide education or rehabilitation
95 services pursuant to a professional assessment screening to identify the individual needs of the
96 person who has been referred to the program as the result of an alcohol- or drug-related traffic
97 offense. Successful completion of such a program includes participation in any education or
98 rehabilitation program required to meet the needs identified in the assessment screening. The
99 assignment recommendations based upon such assessment shall be subject to judicial review as
100 provided in subsection 14 of section 302.304 and subsections 1 and 5 of section 302.540;

101 (25) "Vehicle", any mechanical device on wheels, designed primarily for use, or used
102 on highways, except motorized bicycles, **electric bicycles**, vehicles propelled or drawn by horses
103 or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or
104 motorized wheelchairs operated by handicapped persons.

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

- 2 (1) "Chauffeur", a person who is employed for the principal purpose of operating a motor
3 vehicle or any person who drives a motor vehicle while in use as a public or common carrier of
4 persons or property for hire;
- 5 (2) "Director", director of revenue of the state of Missouri, acting directly or through his
6 authorized officers and agents;
- 7 (3) "Judgment", a final judgment by a court of competent jurisdiction of any state or of
8 the United States, upon a claim for relief for damages, including damages for care and loss of
9 services, because of bodily injury to or death of any person, or for damages because of injury to
10 or destruction of property, including the loss of use thereof, or upon a claim for relief on any
11 agreement or settlement for such damages arising out of the ownership, maintenance or use of
12 any motor vehicle;
- 13 (4) "License", an operator's or driver's license, temporary instruction permit, chauffeur's
14 or registered operator's license issued under the laws of this state;
- 15 (5) "Motor vehicle", a self-propelled vehicle which is designed for use upon a highway,
16 except trailers designed for use with such vehicles, traction engines, road rollers, farm tractors,
17 tractor cranes, power shovels, well drillers ~~[and]~~ , motorized bicycles~~[-]~~ as defined in section
18 307.180, **electric bicycles as defined in section 301.010**, and every vehicle which is propelled
19 by electric power obtained from overhead wires but not operated upon rails;
- 20 (6) "Nonresident", a person not a resident of the state of Missouri;
- 21 (7) "Nonresident's operating privilege", the privilege conferred upon a nonresident by
22 the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor
23 vehicle owned by him in this state;
- 24 (8) "Operator", a person who is in actual physical control of a motor vehicle;
- 25 (9) "Owner", a person who holds the legal title to a motor vehicle; or in the event a motor
26 vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of
27 purchase upon performance of the conditions stated in the agreement and with an immediate
28 right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a
29 motor vehicle is entitled to possession thereof, then such conditional vendee or lessee or
30 mortgagor;
- 31 (10) "Proof of financial responsibility", proof of ability to respond in damages for
32 liability, on account of accidents occurring subsequent to the effective date of said proof, arising
33 out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five
34 thousand dollars because of bodily injury to or death of one person in any one accident, and,
35 subject to said limit for one person, in the amount of fifty thousand dollars because of bodily
36 injury to or death of two or more persons in any one accident, and in the amount of twenty-five
37 thousand dollars because of injury to or destruction of property of others in any one accident;

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

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

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

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

2 (1) "Abandoned property", any unattended motor vehicle, trailer, all-terrain vehicle,
3 outboard motor or vessel removed or subject to removal from public or private property as
4 provided in sections 304.155 and 304.157, whether or not operational. For any vehicle towed
5 from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's
6 owner within five days of the accident, the agency requesting the tow shall be required to write
7 an abandoned property report or a crime inquiry and inspection report;

8 (2) "Commercial vehicle enforcement officers", employees of the Missouri state highway
9 patrol who are not members of the patrol but who are appointed by the superintendent of the
10 highway patrol to enforce the laws, rules, and regulations pertaining to commercial vehicles,
11 trailers, special mobile equipment and drivers of such vehicles;

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

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

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

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

20 (7) "Interstate highway", a state highway included in the national system of interstate
21 highways located within the boundaries of Missouri, as officially designated or as may be
22 hereafter designated by the state highways and transportation commission with the approval of
23 the Secretary of Transportation, pursuant to Title 23, U.S.C., as amended;

24 (8) "Members of the patrol", the superintendent, lieutenant colonel, majors, captains,
25 director of radio, lieutenants, sergeants, corporals and patrolmen of the Missouri state highway
26 patrol;

27 (9) "Off-road vehicle", any vehicle designed for or capable of cross-country travel on or
28 immediately over land, water, ice, snow, marsh, swampland, or other natural terrain without
29 benefit of a road or trail:

- 30 (a) Including, without limitation, the following:
- 31 a. Jeeps;
- 32 b. All-terrain vehicles;
- 33 c. Dune buggies;
- 34 d. Multiwheel drive or low-pressure tire vehicles;
- 35 e. Vehicle using an endless belt, or tread or treads, or a combination of tread and
- 36 low-pressure tires;
- 37 f. Motorcycles, trail bikes, minibikes and related vehicles;
- 38 g. Any other means of transportation deriving power from any source other than muscle
- 39 or wind; and
- 40 (b) Excluding the following:
- 41 a. Registered motorboats;
- 42 b. Aircraft;
- 43 c. Any military, fire or law enforcement vehicle;
- 44 d. Farm-type tractors and other self-propelled equipment for harvesting and transporting
- 45 farm or forest products;
- 46 e. Any vehicle being used for farm purposes, earth moving, or construction while being
- 47 used for such purposes on the work site;
- 48 f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used
- 49 exclusively for their designed purpose; and
- 50 g. Any vehicle being used for the purpose of transporting a handicapped person;
- 51 **h. Electric bicycles, as defined in section 301.010;**
- 52 (10) "Person", any natural person, corporation, or other legal entity;
- 53 (11) "Right-of-way", the entire width of land between the boundary lines of a state
- 54 highway, including any roadway;
- 55 (12) "Roadway", that portion of a state highway ordinarily used for vehicular travel,
- 56 exclusive of the berm or shoulder;
- 57 (13) "State highway", a highway constructed or maintained by the state highways and
- 58 transportation commission with the aid of state funds or United States government funds, or any
- 59 highway included by authority of law in the state highway system, including all right-of-way;
- 60 (14) "Towing company", any person or entity which tows, removes or stores abandoned
- 61 property;
- 62 (15) "Urbanized area", an area with a population of fifty thousand or more designated
- 63 by the Bureau of the Census, within boundaries to be fixed by the state highways and
- 64 transportation commission and local officials in cooperation with each other and approved by

65 the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum,
66 encompass the entire urbanized area as designed by the Bureau of the Census.

307.025. The subsequent provisions of this chapter with respect to equipment and lights
2 on vehicles shall not apply to agricultural machinery and implements, road machinery, road
3 rollers, traction engines, motorized bicycles, **electric bicycles as defined in section 301.010**, or
4 farm tractors except as in this chapter made applicable.

307.180. As used in sections 307.180 to 307.193:

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

6 (2) The term "motorized bicycle" shall mean any two- or three-wheeled device having
7 an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic
8 centimeters, which produces less than three gross brake horsepower, and is capable of propelling
9 the device at a maximum speed of not more than thirty miles per hour on level ground, **but**
10 **excluding an electric bicycle, as defined in section 301.010**. A motorized bicycle shall be
11 considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

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

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

307.194. 1. Except as otherwise provided in this section, every person riding an
2 **electric bicycle shall be granted all of the rights and shall be subject to all of the duties**
3 **applicable to the operator of a bicycle. An electric bicycle shall be considered a vehicle to**
4 **the same extent as a bicycle.**

5 **2. An electric bicycle or a person operating an electric bicycle is not subject to**
6 **provisions of law that are applicable to motor vehicles, all-terrain vehicles, off-road**
7 **vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises,**
8 **or motorcycle dealers or franchises, including vehicle registration, certificates of title,**
9 **drivers' licenses, and financial responsibility.**

10 **3. Beginning August 28, 2021, manufacturers and distributors of electric bicycles**
11 **shall apply a permanent label to each electric bicycle. The label, which shall be affixed to**
12 **the electric bicycle in a prominent location, shall contain the classification number, top**
13 **assisted speed, and motor wattage of the electric bicycle. The text on the label shall be arial**
14 **font and in at least nine-point type.**

15 **4. No person shall tamper with or modify an electric bicycle so as to change the**
16 **motor-powered speed capability or engagement of an electric bicycle unless he or she**
17 **replaces the label required under subsection 3 of this section with a new label indicating**
18 **the new classification.**

19 **5. An electric bicycle shall comply with the equipment and manufacturing**
20 **requirements for bicycles adopted by the United States Consumer Product Safety**
21 **Commission, 16 CFR 1512.**

22 **6. An electric bicycle shall operate in a manner so that the electric motor is**
23 **disengaged or ceases to function when the rider stops pedaling or when the brakes are**
24 **applied.**

25 **7. An electric bicycle may be ridden where bicycles are permitted to travel, subject**
26 **to the following provisions:**

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

29 **(2) Following notice and a public hearing, a municipality, local authority, or state**
30 **agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of**
31 **a class 1 electric bicycle or class 2 electric bicycle on that path if it finds that such a**
32 **restriction is needed for safety reasons or compliance with other laws or legal obligations;**

33 **(3) A municipality, local authority, or state agency having jurisdiction over a**
34 **bicycle or multi-use path may prohibit the operation of a class 3 electric bicycle on that**
35 **path; and**

36 **(4) The provisions of this subsection shall not apply to a trail that is specifically**
37 **designated as nonmotorized and that has a natural surface tread that is made by clearing**
38 **and grading the native soil with no added surfacing materials. A local authority or agency**
39 **of the state having jurisdiction over a trail described in this subsection may regulate the**
40 **use of an electric bicycle on that trail.**

41 **8. The use of class 3 electric bicycles shall be subject to the following provisions:**

42 **(1) No person under sixteen years of age shall operate a class 3 electric bicycle. A**
43 **person under sixteen years of age may ride as a passenger on a class 3 electric bicycle that**
44 **is designed to accommodate passengers; and**

45 **(2) All class 3 electric bicycles shall be equipped with a speedometer that is capable**
46 **of displaying the speed an electric bicycle is traveling in miles per hour.**

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

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

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

11 (3) "Holder" of a retail installment contract, the retail seller of the motor vehicle under
12 the contract or, if the contract is purchased by a sales finance company or other assignee, the
13 sales finance company or other assignee;

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

15 (5) "Motor vehicle", any new or used automobile, mobile home, manufactured home as
16 defined in section 700.010, excluding a manufactured home with respect to which the
17 requirements of subsections 1 to 3 of section 700.111, as applicable, have been satisfied,
18 motorcycle, all-terrain vehicle, motorized bicycle, **electric bicycle as defined in section**
19 **301.010**, moped, motortricycle, truck, trailer, semitrailer, truck tractor, or bus primarily designed
20 or used to transport persons or property on a public highway, road or street;

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

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

26 (8) "Principal balance", the cash sale price of the motor vehicle which is the subject
27 matter of the retail installment transaction plus the amounts, if any, included in the sale, if a
28 separate identified charge is made therefor and stated in the contract, for insurance and other
29 benefits, including any amounts paid or to be paid by the seller pursuant to an agreement with
30 the buyer to discharge a security interest, lien, or lease interest on property traded in and official

31 fees, minus the amount of the buyer's down payment in money or goods. Notwithstanding any
32 law to the contrary, any amount actually paid by the seller pursuant to an agreement with the
33 buyer to discharge a security interest, lien or lease on property traded in which was included in
34 a contract prior to August 28, 1999, is valid and legal;

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

37 (10) "Retail installment contract" or "contract", an agreement evidencing a retail
38 installment transaction entered into in this state pursuant to which the title to or a lien upon the
39 motor vehicle, which is the subject matter of the retail installment transaction is retained or taken
40 by the seller from the buyer as security for the buyer's obligation. The term includes a chattel
41 mortgage or a conditional sales contract;

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

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

47 (13) "Sales finance company", a person engaged, in whole or in part, in the business of
48 purchasing retail installment contracts from one or more sellers. The term includes but is not
49 limited to a bank, trust company, loan and investment company, savings and loan association,
50 financing institution, or registrant pursuant to sections 367.100 to 367.200, if so engaged. The
51 term shall not include a person who makes only isolated purchases of retail installment contracts,
52 which purchases are not being made in the course of repeated or successive purchases of retail
53 installment contracts from the same seller;

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

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

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

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

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

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

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

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

18 (6) "New motor vehicle", any motor vehicle being transferred for the first time from a
19 manufacturer, distributor or new vehicle dealer, which has not been registered or titled in this
20 state or any other state and which is offered for sale, barter or exchange by a dealer who is
21 franchised to sell, barter or exchange that particular make of new motor vehicle. The term "new
22 motor vehicle" shall include only those vehicles propelled by power other than muscular power,
23 but the term shall not include vehicles used as a commercial motor vehicle, off-road vehicles,
24 mopeds, **electric bicycles as defined in section 300.010**, motorcycles or recreational motor
25 vehicles as defined in section 301.010, except for the chassis, engine, powertrain and component
26 parts of recreational motor vehicles. The term "new motor vehicle" shall also include
27 demonstrators or lease-purchase vehicles as long as a manufacturer's warranty was issued as a
28 condition of sale.

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

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

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

8 (a) A seat designed to be straddled by the operator, and handlebars for steering control,
9 **but excluding an electric bicycle as defined in section 301.010**; or

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

12 (3) "Coerce", to compel or attempt to compel a person to act in a given manner by
13 pressure, intimidation, or threat of harm, damage, or breach of contract, but shall not include the
14 following:

- 15 (a) Good faith recommendations, exposition, argument, persuasion or attempts at
16 persuasion without unreasonable conditions;
- 17 (b) Notice given in good faith to any franchisee of such franchisee's violation of terms
18 or provisions of such franchise or contractual agreement; or
- 19 (c) Any conduct set forth in sections 407.810 to 407.835 that is permitted of the
20 franchisor;
- 21 (4) "Common entity", a person:
- 22 (a) Who is either controlled or owned, beneficially or of record, by one or more persons
23 who also control or own more than forty percent of the voting equity interest of a franchisor; or
24 (b) Who shares directors or officers or partners with a franchisor;
- 25 (5) "Control", to possess, directly or indirectly, the power to direct or cause the direction
26 of the management or policies of a person, whether through the ownership of voting securities,
27 by contract, or otherwise; except that "control" does not include the relationship between a
28 franchisor and a franchisee under a franchise agreement;
- 29 (6) "Dealer-operator", the individual who works at the established place of business of
30 a dealer and who is responsible for and in charge of day-to-day operations of that place of
31 business;
- 32 (7) "Distributor", a person, resident or nonresident, who, in whole or in part, sells or
33 distributes new motor vehicles to motor vehicle dealers in this state;
- 34 (8) "Franchise" or "franchise agreement", a written arrangement or contract for a definite
35 or indefinite period, in which a person grants to another person a license to use, or the right to
36 grant to others a license to use, a trade name, trademark, service mark, or related characteristics,
37 in which there is a community of interest in the marketing of goods or services, or both, at
38 wholesale or retail, by agreement, lease or otherwise, and in which the operation of the
39 franchisee's business with respect to such franchise is substantially reliant on the franchisor for
40 the continued supply of franchised new motor vehicles, parts and accessories for sale at
41 wholesale or retail. The franchise includes all portions of all agreements between a franchisor
42 and a franchisee, including but not limited to a contract, new motor vehicle franchise, sales and
43 service agreement, or dealer agreement, regardless of the terminology used to describe the
44 agreement or relationship between the franchisor and franchisee, and also includes all provisions,
45 schedules, attachments, exhibits and agreements incorporated by reference therein;
- 46 (9) "Franchisee", a person to whom a franchise is granted;
- 47 (10) "Franchisor", a person who grants a franchise to another person;
- 48 (11) "Good faith", the duty of each party to any franchise and all officers, employees, or
49 agents thereof, to act in a fair and equitable manner toward each other so as to guarantee the one

50 party freedom from coercion, intimidation, or threat of coercion or intimidation from the other
51 party;

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

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

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

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

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

71 (15) "Motor vehicle", for the purposes of sections 407.810 to 407.835, any motor-driven
72 vehicle required to be registered pursuant to the provisions of chapter 301, except that,
73 motorcycles, **electric bicycles**, and all-terrain vehicles as defined in section 301.010 shall not
74 be included. The term "motor vehicle" shall also include any engine, transmission, or rear axle,
75 regardless of whether attached to a vehicle chassis, that is manufactured for the installation in
76 any motor-driven vehicle with a gross vehicle weight rating of more than sixteen thousand
77 pounds that is registered for the operations on the highways of this state under chapter 301;

78 (16) "New", when referring to motor vehicles or parts, means those motor vehicles or
79 parts which have not been held except as inventory, as that term is defined in subdivision (4) of
80 section 400.9-109;

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

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

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

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

88 (21) "Successor manufacturer", any manufacturer that succeeds, or assumes any part of
89 the business of, another manufacturer, referred to as the "predecessor manufacturer", as the result
90 of:

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

94 (b) The termination, suspension or cessation of a part or all of the business operations
95 of the predecessor manufacturer;

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

97 (d) A change in distribution system by the predecessor manufacturer, whether through
98 a change in distributor or the predecessor manufacturer's decision to cease conducting business
99 through a distributor altogether.

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

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

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

8 (a) A seat designed to be straddled by the operator, and handlebars for steering control,
9 **but excluding an electric bicycle as defined in section 301.010**; or

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

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

14 (a) Good faith recommendations, exposition, argument, persuasion or attempts at
15 persuasion;

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

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

20 (d) Any other conduct set forth in sections 407.1025 to 407.1049 that is permitted of the
21 franchisor or is expressly excluded from coercion or a violation of sections 407.1025 to
22 407.1049;

23 (4) "Franchise", a written arrangement or contract for a definite or indefinite period, in
24 which a person grants to another person a license to use, or the right to grant to others a license
25 to use, a trade name, trademark, service mark, or related characteristics, in which there is a
26 community of interest in the marketing of goods or services, or both, at wholesale or retail, by
27 agreement, lease or otherwise, and in which the operation of the franchisee's business with
28 respect to such franchise is substantially reliant on the franchisor for the continued supply of
29 franchised new motorcycles or all-terrain vehicles, parts and accessories for sale at wholesale or
30 retail;

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

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

33 (7) "Motorcycle", a motor vehicle operated on two wheels, **but excluding an electric**
34 **bicycle as defined in section 301.010;**

35 (8) "New", when referring to motorcycles or all-terrain vehicles or parts, means those
36 motorcycles or all-terrain vehicles or parts which have not been held except as inventory, as that
37 term is defined in subdivision (4) of section 400.9-109;

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

578.120. 1. Notwithstanding any provision in this chapter to the contrary, no dealer,
2 distributor or manufacturer licensed under section 301.559 may keep open, operate, or assist in
3 keeping open or operating any established place of business for the purpose of buying, selling,
4 bartering or exchanging, or offering for sale, barter or exchange, any motor vehicle, whether new
5 or used, on Sunday. However, this section does not apply to the sale of manufactured housing;
6 the sale of recreational motor vehicles; the sale of motorcycles as that term is defined in section
7 301.010; the sale of motortricycles, motorized bicycles, **electric bicycles as defined in section**
8 **300.010**, all-terrain vehicles, recreational off-highway vehicles, utility vehicles, personal
9 watercraft, or other motorized vehicles customarily sold by powersports dealers licensed
10 pursuant to sections 301.550 to 301.560; washing, towing, wrecking or repairing operations; the
11 sale of petroleum products, tires, and repair parts and accessories; or new vehicle shows or
12 displays participated in by five or more franchised dealers or in towns or cities with five or fewer
13 dealers, a majority.

14 2. No association consisting of motor vehicle dealers, distributors or manufacturers
15 licensed under section 301.559 shall be in violation of antitrust or restraint of trade statutes under
16 chapter 416 or regulation promulgated thereunder solely because it encourages its members not
17 to open or operate on Sunday a place of business for the purpose of buying, selling, bartering or
18 exchanging any motor vehicle.

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

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