

SECOND REGULAR SESSION

HOUSE BILL NO. 2076

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MARQUART.

4591H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 304.013, 304.029, 304.032, and 304.033, RSMo, and to enact in lieu thereof four new sections relating to certain off-road vehicles, with penalty provisions.

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

Section A. Sections 304.013, 304.029, 304.032, and 304.033, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 304.013, 304.029,
3 304.032, and 304.033, to read as follows:

304.013. 1. No person shall operate an all-terrain vehicle, as defined in section
2 301.010, upon the highways of this state, except as follows:

3 (1) All-terrain vehicles owned and operated by a governmental entity for official use;

4 (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises
5 purposes between the official sunrise and sunset on the day of operation;

6 (3) All-terrain vehicles operated by handicapped persons for short distances
7 occasionally only on the state's secondary roads when operated between the hours of sunrise
8 and sunset;

9 (4) Governing bodies of cities may issue special permits to licensed drivers for
10 special uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars
11 may be collected and retained by cities for such permits;

12 (5) Governing bodies of counties may issue special permits to licensed drivers for
13 special uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars
14 may be collected and retained by the counties for such permits;

15 (6) Municipalities may by resolution or ordinance allow all-terrain vehicle operation
16 on streets or highways under the governing body's jurisdiction. ~~[Any person operating an all-~~

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

17 ~~terrain vehicle pursuant to a municipal resolution or ordinance shall maintain proof of~~
18 ~~financial responsibility in accordance with section 303.160 or maintain any other insurance~~
19 ~~policy providing equivalent liability coverage for an all-terrain vehicle.]~~

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

29 3. A person operating an all-terrain vehicle on a highway pursuant to an exception
30 covered in this section shall have a valid operator's or chauffeur's license, except that a
31 handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this
32 section, but shall not be required to have passed an examination for the operation of a
33 motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour.
34 When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which
35 extends not less than seven feet above the ground, attached to the rear of the vehicle. The
36 bicycle safety flag shall be triangular in shape with an area of not less than thirty square
37 inches and shall be day-glow in color.

38 4. **A person operating an all-terrain vehicle on a highway pursuant to an**
39 **exception covered in this section shall maintain proof of financial responsibility in**
40 **accordance with section 303.160 or maintain any other insurance policy providing**
41 **equivalent liability coverage.**

42 5. No persons shall operate an all-terrain vehicle:

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

44 (2) While under the influence of alcohol or any controlled substance;

45 (3) Without a securely fastened safety helmet on the head of an individual who
46 operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain
47 vehicle, unless the individual is at least eighteen years of age.

48 ~~[5.]~~ 6. No operator of an all-terrain vehicle shall carry a passenger, except for
49 agricultural purposes. The provisions of this subsection shall not apply to any all-terrain
50 vehicle in which the seat of such vehicle is designed to carry more than one person.

51 ~~[6.]~~ 7. A violation of this section shall be a class C misdemeanor. In addition to other
52 legal remedies, the attorney general or county prosecuting attorney may institute a civil action
53 in a court of competent jurisdiction for injunctive relief to prevent such violation or future

54 violations and for the assessment of a civil penalty not to exceed one thousand dollars per day
55 of violation.

304.029. 1. Notwithstanding any other law to the contrary, a low-speed vehicle may
2 be operated upon a highway in the state if it meets the requirements of this section. Every
3 person operating a low-speed vehicle shall be granted all the rights and shall be subject to all
4 the duties applicable to the driver of any other motor vehicle except as to the special
5 regulations in this section and except as to those provisions which by their nature can have no
6 application.

7 2. The operator of a low-speed vehicle shall observe all traffic laws and local
8 ordinances regarding the rules of the road. A low-speed vehicle shall not be operated on a
9 street or a highway with a posted speed limit greater than thirty-five miles per hour. The
10 provisions of this subsection shall not prohibit a low-speed vehicle from crossing a street or
11 highway with a posted speed limit greater than thirty-five miles per hour.

12 3. **No person shall operate a low-speed vehicle upon a highway in the state
13 without displaying a lighted head lamp and a lighted tail lamp.**

14 4. **The operator and passengers in a low-speed vehicle shall be required to wear
15 seat belts.**

16 5. A low-speed vehicle shall be exempt from the requirements of sections 307.350 to
17 307.402 for purposes of titling and registration. Low-speed vehicles shall comply with the
18 standards in 49 CFR 571.500, as amended.

19 ~~[4-]~~ 6. Every operator of a low-speed vehicle shall maintain financial responsibility
20 on such low-speed vehicle as required by chapter 303 if the low-speed vehicle is to be
21 operated upon the highways of this state.

22 ~~[5-]~~ 7. Each person operating a low-speed vehicle on a highway in this state shall
23 possess a valid driver's license issued pursuant to chapter 302.

24 ~~[6-]~~ 8. For purposes of this section a "low-speed vehicle" shall have the meaning
25 ascribed to it in 49 CFR, section 571.3, as amended.

26 ~~[7-]~~ 9. All low-speed vehicles shall be manufactured in compliance with the National
27 Highway Traffic Safety Administration standards for low-speed vehicles in 49 CFR 571.500,
28 as amended.

29 ~~[8-]~~ 10. Nothing in this section shall prevent county or municipal governments from
30 adopting more stringent local ordinances governing low-speed vehicle operation if the
31 governing body of the county or municipality determines that such ordinances are necessary
32 in the interest of public safety. The department of transportation may prohibit the operation
33 of low-speed vehicles on any highway under its jurisdiction if it determines that the
34 prohibition is necessary in the interest of public safety.

304.032. 1. No person shall operate a utility vehicle, as defined in section 301.010,
2 upon the highways of this state, except as follows:

3 (1) Utility vehicles owned and operated by a governmental entity for official use;

4 (2) Utility vehicles operated for agricultural purposes or industrial on-premises
5 purposes ~~[between the official sunrise and sunset on the day of operation, unless equipped~~
6 ~~with proper lighting];~~

7 (3) Utility vehicles operated by handicapped persons for short distances occasionally
8 only on the state's secondary roads when operated between the hours of sunrise and sunset;

9 (4) Governing bodies of cities may issue special permits for utility vehicles to be used
10 on highways within the city limits by licensed drivers. Fees of fifteen dollars may be
11 collected and retained by cities for such permits;

12 (5) Governing bodies of counties may issue special permits for utility vehicles to be
13 used on county roads within the county by licensed drivers. Fees of fifteen dollars may be
14 collected and retained by the counties for such permits;

15 (6) Municipalities may by resolution or ordinance allow utility vehicle operation on
16 streets or highways under the governing body's jurisdiction. ~~[Any person operating a utility~~
17 ~~vehicle pursuant to a municipal resolution or ordinance shall maintain proof of financial~~
18 ~~responsibility in accordance with section 303.160 or maintain any other insurance policy~~
19 ~~providing equivalent liability coverage for a utility vehicle.]~~

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

29 3. A person operating a utility vehicle on a highway pursuant to an exception covered
30 in this section shall have a valid operator's or chauffeur's license, except ~~[that]~~ a handicapped
31 person operating such vehicle under subdivision (3) of subsection 1 of this section, but shall
32 not be required to have passed an examination for the operation of a motorcycle, and the
33 vehicle shall be operated at speeds of less than forty-five miles per hour.

34 4. **A person operating a utility vehicle on a highway pursuant to an exception**
35 **covered in this section shall maintain proof of financial responsibility in accordance with**
36 **section 303.160 or maintain any other insurance policy providing equivalent liability**
37 **coverage for a utility vehicle.**

38 **5. No person shall operate a utility vehicle on a highway pursuant to an**
39 **exception covered in this section unless the utility vehicle is equipped with an equilateral**
40 **triangular emblem, to be mounted in the rear of such vehicle at least two feet above the**
41 **roadway. The emblem shall be constructed of substantial material with a fluorescent**
42 **yellow-orange finish and a reflective red border at least one inch in width. Each side of**
43 **the emblem shall measure at least ten inches.**

44 **6.** No persons shall operate a utility vehicle:

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

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

47 ~~[5-]~~ **7.** No operator of a utility vehicle shall carry a passenger, except for agricultural
48 purposes. The provisions of this subsection shall not apply to any utility vehicle in which the
49 seat of such vehicle is designed to carry more than one person. **The operator and**
50 **passengers in a utility vehicle shall be required to wear seat belts, and no passengers**
51 **shall ride in an unenclosed bed or other area not designated for seating.**

52 ~~[6-]~~ **8.** A violation of this section shall be a class C misdemeanor. In addition to other
53 legal remedies, the attorney general or county prosecuting attorney may institute a civil action
54 in a court of competent jurisdiction for injunctive relief to prevent such violation or future
55 violations and for the assessment of a civil penalty not to exceed one thousand dollars per day
56 of violation.

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

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

5 (2) Recreational off-highway vehicles operated for agricultural purposes or industrial
6 on-premises purposes;

7 (3) Recreational off-highway vehicles operated within three miles of the operator's
8 primary residence. The provisions of this subdivision shall not authorize the operation of a
9 recreational off-highway vehicle in a municipality unless such operation is authorized by such
10 municipality as provided for in subdivision (5) of this subsection;

11 (4) Recreational off-highway vehicles operated by handicapped persons for short
12 distances occasionally only on the state's secondary roads;

13 (5) Governing bodies of cities may issue special permits to licensed drivers for
14 special uses of recreational off-highway vehicles on highways within the city limits. Fees of
15 fifteen dollars may be collected and retained by cities for such permits;

16 (6) Governing bodies of counties may issue special permits to licensed drivers for
17 special uses of recreational off-highway vehicles on county roads within the county. Fees of
18 fifteen dollars may be collected and retained by the counties for such permits.

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

29 3. A person operating a recreational off-highway vehicle on a highway pursuant to an
30 exception covered in this section shall have a valid operator's or chauffeur's license, except
31 ~~that~~ a handicapped person operating such vehicle pursuant to subdivision (4) of subsection 1
32 of this section, but shall not be required to have passed an examination for the operation of a
33 motorcycle. **Any person operating a recreational, off-highway vehicle upon a highway of
34 this state shall maintain proof of financial responsibility in accordance with section
35 303.160 or maintain any other insurance policy providing equivalent liability coverage.**
36 An individual shall not operate a recreational off-highway vehicle upon a highway in this
37 state without displaying a lighted headlamp and a lighted tail lamp. A person ~~may~~ **shall** not
38 operate a recreational off-highway vehicle upon a highway of this state unless such person
39 wears a seat belt. **Passengers in a recreational, off-highway vehicle shall be required to
40 wear seat belts, and no passengers shall ride in an unenclosed bed or other area not
41 designated for seating.** When operated on a highway, a recreational off-highway vehicle
42 shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an
43 occupant of the vehicle in case of the vehicle's rollover.

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