

## Missouri

### **Chapter 300 Model Traffic Ordinance Section 300.348**

#### **All-terrain vehicles, prohibited--exceptions, operation of all-terrain vehicles under an exception--prohibited uses--penalty.**

300.348. 1. No person shall operate an all-terrain vehicle, as defined in section 300.010, upon the streets and highways of this city, except as follows:

- (1) All-terrain vehicles owned and operated by a governmental entity for official use;
- (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;
- (3) All-terrain vehicles whose operators carry a special permit issued by this city pursuant to section 304.013, RSMo.

2. No person shall operate an off-road vehicle, as defined in section 304.001, RSMo, within any stream or river in this city, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this section shall have a valid license issued by a state authorizing such person to operate a motor vehicle, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

4. No person shall operate an all-terrain vehicle:

- (1) In any careless way so as to endanger the person or property of another;
- (2) While under the influence of alcohol or any controlled substance; or
- (3) Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen years of age.

5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

6. A violation of this section shall be a class C misdemeanor.

## **Chapter 301 Registration and Licensing of Motor Vehicles**

### **Definitions.**

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

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

### **Titling, transfer of all-terrain vehicle, how--fees, deposited in general revenue fund.**

301.700. All-terrain vehicles shall be treated in the same manner as motor vehicles, pursuant to this chapter, for the purposes of transfer, titling, perfection of liens and encumbrances, and the collection of all taxes, fees and other charges. Funds collected by the department of revenue pursuant to sections 301.700 to 301.714 shall be deposited by the director in the state treasury to the credit of the general revenue fund.

### **Unlawful to operate without certificate of ownership, when.**

301.703. It shall be unlawful for any person to own an all-terrain vehicle in this state unless a certificate of ownership has been issued as herein provided. Application for a certificate of ownership shall be made within thirty days after the applicant acquires the all-terrain vehicle, or within one hundred twenty days after April 19, 1988, whichever is later.

### **Operation, where allowed--sovereign immunity, when--persons under sixteen may not operate without supervision, exception.**

301.705. 1. No person shall operate an all-terrain vehicle on private property without the consent of the owner of or lessor thereof. Any person operating an all-terrain vehicle upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representatives and, if requested to do so by the landowner, shall promptly remove the all-terrain vehicle from the premises.

2. The state may, in its discretion, determine whether or not a road or area shall be closed to vehicular traffic. Adequate notices of such designation and determination shall be displayed in such areas or by such roads.

3. Sections 537.600 to 537.650, RSMo, establishing the doctrine of sovereign immunity for governmental entities, and exceptions thereto, shall apply to any death, personal injury or property damage caused in whole or in part, directly or indirectly, by activity involving the use of an all-terrain vehicle on lands in which any such governmental entity has an ownership, leasehold, or other possessory interest or an easement.

4. No person under the age of sixteen shall operate an all-terrain vehicle in this state unless such person is accompanied by and under the direct supervision of a parent or guardian or is accompanied by and under the direct supervision of an adult who is authorized by the operator's parent or guardian to

supervise the operator. This subsection shall not apply on private property owned by the parent or guardian of such person operating the all-terrain vehicle.

**Chapter 301 Registration and Licensing of Motor Vehicles Section 301.707 August 28, 2005  
Registration required, exceptions.**

301.707. 1. No person shall operate an all-terrain vehicle within the state unless the all-terrain vehicle has been registered with the department of revenue.

2. A registration is not required for the following:

(1) All-terrain vehicles owned and operated by the United States, another state, or a political subdivision thereof;

(2) All-terrain vehicles owned and operated by this state or by any municipality or political subdivision thereof;

(3) All-terrain vehicles covered by a valid registration of another state or country that have not been within this state for more than thirty days.

3. No person under sixteen years of age shall be allowed to register an all-terrain vehicle.

**Application, contents.**

301.709. Application for registration shall be made to the department of revenue on a form as the director shall prescribe, which shall contain a complete description of the all-terrain vehicle, including the manufacturer's identification number and the name and address of the owner of the all-terrain vehicle.

**Decal issued, placement of decal--fees--duplicate decals--fees deposited in general revenue fund.**

301.711. 1. Upon receipt of the application for registration and the appropriate fee, the department of revenue shall issue a decal showing the registration number and expiration date. The decal shall be displayed at all times and be affixed to the right front fork or frame of the all-terrain vehicle where it is clearly visible.

2. The fee for registration of an all-terrain vehicle shall be ten dollars. The registration of an all-terrain vehicle shall be valid for a period of three years. The penalty fee of five dollars shall be paid on all delinquent registrations at the time the owner makes application for registration.

3. In the event of the loss, mutilation or destruction of any certificate of registration or decal issued by the director of revenue, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, and shall on the payment of seven dollars and fifty cents, obtain a duplicate of such certificate of registration or decal.

4. The director of revenue shall deposit all fees collected pursuant to sections 301.707 to 301.714 in the state treasury to the credit of the general revenue fund.

**Chapter 301 Registration and Licensing of Motor Vehicles Section 301.714** August 28, 2005  
**Transfer of all-terrain vehicle, new owner to register.**

301.714. Upon the transfer of ownership of any currently registered all-terrain vehicle, the certificate of registration and decal shall expire and it shall be unlawful for any person other than the person to whom such certificate of registration and decal were originally issued to have such certificate of registration or decal in his possession, unless such person has made application to the department of revenue in his name and paid the registration fee.

**Special enforcement procedures.**

301.716. 1. An arrest for violations of the provisions of sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304, RSMo, or 307, RSMo, as such provisions relate to all-terrain vehicles may be made by the duly authorized law enforcement officer of any political subdivision of the state, the highway patrol and the state water patrol.

2. Violations of sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304, RSMo, or 307, RSMo, as such provisions relate to all-terrain vehicles or any rule or order hereunder may be referred to the proper prosecuting attorney or circuit attorney who may, with or without such reference, institute appropriate criminal proceedings.

3. Nothing in sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304, RSMo, or 307, RSMo, as such provisions relate to all-terrain vehicles limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

**Definitions for chapter 304 and chapter 307.**

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

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

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

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

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

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

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

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

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

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

(a) Including, without limitation, the following:

a. Jeeps;

b. All-terrain vehicles;

c. Dune buggies;

d. Multiwheel drive or low-pressure tire vehicles;

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

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

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

(b) Excluding the following:

a. Registered motorboats;

b. Aircraft;

c. Any military, fire or law enforcement vehicle;

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

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

f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used exclusively for their designed purpose; and

g. Any vehicle being used for the purpose of transporting a handicapped person;

(10) "Person", any natural person, corporation, or other legal entity;

(11) "Right-of-way", the entire width of land between the boundary lines of a state highway, including any roadway;

- (12) "Roadway", that portion of a state highway ordinarily used for vehicular travel, exclusive of the berm or shoulder;
- (13) "State highway", a highway constructed or maintained by the state highways and transportation commission with the aid of state funds or United States government funds, or any highway included by authority of law in the state highway system, including all right-of-way;
- (14) "Towing company", any person or entity which tows, removes or stores abandoned property;
- (15) "Urbanized area", an area with a population of fifty thousand or more designated by the Bureau of the Census, within boundaries to be fixed by the state highways and transportation commission and local officials in cooperation with each other and approved by the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the Census.

**Chapter 304 Traffic Regulations Section 304.013** August 28, 2005

**All-terrain vehicles, prohibited on highways, rivers or streams of this state, exceptions, operational requirements--special permits--prohibited uses--penalty.**

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

- (1) All-terrain vehicles owned and operated by a governmental entity for official use;
- (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;
- (3) All-terrain vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;
- (4) Governing bodies of cities may issue special permits to licensed drivers for special uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;
- (5) Governing bodies of counties may issue special permits to licensed drivers for special uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

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

3. A person operating an all-terrain vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating

such vehicle pursuant to subdivision (3) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

4. No persons shall operate an all-terrain vehicle:

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

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

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

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

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

#### **Chapter 307 Vehicle Equipment Regulations Section 307.198 August 28, 2005**

##### **All-terrain vehicles, equipment required--penalty.**

307.198. 1. Every all-terrain vehicle, except those used in competitive events, shall have the following equipment:

(1) A lighted headlamp and tail lamp which shall be in operation at any time in which an all-terrain vehicle is being used on any street or highway in this state pursuant to section 304.013, RSMo;

(2) An equilateral triangular emblem, to be mounted on the rear of such vehicle at least two feet above the roadway when such vehicle is operated upon any street or highway pursuant to section 300.348, RSMo, or 304.013, RSMo. The emblem shall be constructed of substantial material with a fluorescent yellow-orange finish and a reflective, red border at least one inch in width. Each side of the emblem shall measure at least ten inches;

(3) A breaking system maintained in good operating condition;

(4) An adequate muffler system in good working condition, and a United States Forest Service qualified spark arrester.

2. A violation of this section shall be a class C misdemeanor.

## Missouri Regulations

### Department of Public Safety/ Missouri State Highway Patrol

#### **11 CSR 50-2.340 Off-Highway Use Vehicles (ATV-OHV)**

*PURPOSE: This rule provides inspection standards for vehicles which are classified as either all-terrain vehicles or off-highway use vehicles with four or more wheels. These standards and procedures are necessary because these vehicles present special problems during inspection.*

(1) Vehicles which are designed and primarily intended by the manufacturer for off-highway use are commonly referred to as all-terrain vehicles (ATV) or off-highway vehicles (OHV). These vehicles, when operated as intended and for which designed, need not be inspected. If operated on a public highway, however, these vehicles must be inspected and registered as passenger vehicles or motor tricycles.

(2) The inspection standards and procedures which are to be followed will be the same as those prescribed for identified items for all other motor vehicles, except a brake performance test will be required to check the service brakes of these vehicles instead of pulling a wheel to inspect the condition of a brake and 1967 and earlier models with less than fifty (50) cubic inch internal combustion engines do not require emissions components.

(3) The following items of vehicular equipment are optional, but if equipped with these items, the following will apply:

(A) Signalling Devices. If equipped with turn signals and a stop light, both must function properly and have properly installed lenses;

(B) Springs and Shock Absorbers. If equipped by the manufacturer with springs



and shock absorbers, both shall be properly installed;

(C) Glazing. If glass is installed at any location, the established glazing standard shall apply; and

(D) Windshield Wipers. If equipped with a windshield, a properly operating windshield wiper must be installed on the driver's side and it must comply with the standards prescribed for all vehicles.