

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
**SENATE BILL NO. 244**  
**91ST GENERAL ASSEMBLY**

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Reported from the Committee on Transportation, May 2, 2001, with recommendation that the House Committee Substitute for Senate Substitute for Senate Bill No. 244 Do Pass.

TED WEDEL, Chief Clerk

0857L.09C

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**AN ACT**

To repeal sections 301.260, 304.035 and 304.580, RSMo 2000, and to enact in lieu thereof five new sections relating to motor vehicles and equipment, with penalty provisions.

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

Section A. Sections 301.260, 304.035 and 304.580, RSMo 2000, are repealed and five  
2 new sections enacted in lieu thereof, to be known as sections 301.260, 302.286, 304.035,  
3 304.580 and 431.181, to read as follows:

301.260. 1. The director of revenue shall issue certificates for all cars owned by the state  
2 of Missouri and shall assign to each of such cars two plates bearing the words: "State of  
3 Missouri, official car number ....." (with the number inserted thereon), which plates  
4 shall be displayed on such cars when they are being used on the highways. No officer or  
5 employee or other person shall use such a motor vehicle for other than official use.

6 2. Motor vehicles used as ambulances, patrol wagons and fire apparatus, owned by any  
7 municipality of this state, shall be exempt from all of the provisions of sections 301.010 to  
8 301.440 while being operated within the limits of such municipality, but the municipality may  
9 regulate the speed and use of such motor vehicles owned by them; and all other motor vehicles  
10 owned by municipalities, counties and other political subdivisions of the state shall be exempt  
11 from the provisions of sections 301.010 to 301.440 requiring registration, proof of ownership and  
12 display of number plates; provided, however, that there shall be displayed on each side of such  
13 motor vehicle, in letters not less than three inches in height with a stroke of not less than  
14 three-eighths of an inch wide, the name of such municipality, county or political subdivision, the  
15 department thereof, and a distinguishing number. Provided, further, that when any motor vehicle

16 is owned and operated exclusively by any school district and used solely for transportation of  
17 school children, the commissioner shall assign to each of such motor vehicles two plates bearing  
18 the words "School Bus, State of Missouri, car no. ...." (with the number inserted thereon),  
19 which plates shall be displayed on such motor vehicles when they are being used on the  
20 highways. No officer, or employee of the municipality, county or subdivision, or any other  
21 person shall operate such a motor vehicle unless the same is marked as herein provided, and no  
22 officer, employee or other person shall use such a motor vehicle for other than official purposes.

23 3. For registration purposes only, a public school or college shall be considered the  
24 temporary owner of a vehicle acquired from a new motor vehicle franchised dealer which is to  
25 be used as a courtesy vehicle or a driver training vehicle. The school or college shall present to  
26 the director of revenue a copy of a lease agreement with an option to purchase clause between  
27 the authorized new motor vehicle franchised dealer and the school or college and a photo copy  
28 of the front of the dealer's vehicle manufacturer's statement of origin, and shall make application  
29 for and be granted a nonnegotiable certificate of ownership and be issued the appropriate license  
30 plates. Registration plates are not necessary on a driver training vehicle when the motor vehicle  
31 is plainly marked as a driver training vehicle while being used for such purpose and such vehicle  
32 can also be used in conjunction with the activities of the educational institution.

33 4. As used in this section, the term "political subdivision" is intended to include any  
34 township, road district, sewer district, school district, municipality, town or village, **sheltered**  
35 **workshop, as defined in section 178.900, RSMo,** and any interstate compact agency which  
36 operates a public mass transportation system.

**302.286. 1. No person shall drive a motor vehicle so as to cause it to leave the**  
2 **premises of an establishment at which motor fuel offered for retail sale was dispensed into**  
3 **the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel**  
4 **dispensed has been made. A person found guilty or pleading guilty to stealing pursuant**  
5 **to section 570.030, RSMo, for the theft of motor fuel as described in this section shall have**  
6 **his or her driver's license suspended.**

7 **2. The person shall submit the driver's license to the court upon conviction and the**  
8 **court shall forward the driver's license to the department of revenue.**

9 **3. Suspension of a driver's license pursuant to this section shall be made as follows:**

10 **(1) For the first offense, suspension shall be for sixty days, provided that persons**  
11 **may apply for hardship licenses pursuant to subsections 3 and 4 of section 302.309 at any**  
12 **time following the first thirty days of such suspension;**

13 **(2) For the second offense, suspension shall be for ninety days, provided that**  
14 **persons may apply for hardship licenses pursuant to subsections 3 and 4 of section 302.309**  
15 **at any time following the first sixty days of such suspension; and**

16           **(3) For the third or any subsequent offense, suspension shall be for one hundred**  
17 **eighty days, provided that persons may apply for hardship licenses pursuant to subsections**  
18 **3 and 4 of section 302.309 at any time following the first ninety days of such suspension.**

19           **4. At the expiration of the suspension period, and upon payment of a reinstatement**  
20 **fee of twenty-five dollars, the director shall terminate the suspension and shall return the**  
21 **person's driver's license. The reinstatement fee shall be in addition to any other fees**  
22 **required by law, and shall be deposited in the state treasury to the credit of the state**  
23 **highway department fund, pursuant to section 302.228.**

304.035. 1. When any person driving a vehicle approaches a railroad grade crossing, the  
2 driver of the vehicle shall operate the vehicle in a manner so he will be able to stop, and he shall  
3 stop the vehicle not less than fifteen feet and not more than fifty feet from the nearest rail of the  
4 railroad track and shall not proceed until he can safely do so if:

5           (1) A clearly visible electric or mechanical signal device warns of the approach of a  
6 railroad train; or

7           (2) A crossing gate is lowered or when a human flagman gives or continues to give a  
8 signal or warning of the approach or passage of a railroad train; or

9           (3) An approaching railroad train is visible and is in hazardous proximity to such  
10 crossing; or

11           (4) Any other traffic sign, device or any other act, rule, regulation or statute requires a  
12 vehicle to stop at a railroad grade crossing.

13           2. No person shall drive any vehicle through, around or under any crossing gate or barrier  
14 at a railroad crossing when a train is approaching while such gate or barrier is closed or is being  
15 opened or closed.

16           3. **No person shall drive a vehicle through a railroad crossing when there is not**  
17 **sufficient space to drive completely through the crossing.**

18           4. **No person shall drive a vehicle through a railroad crossing unless such vehicle**  
19 **has sufficient undercarriage clearance necessary to prevent the undercarriage of the**  
20 **vehicle from contacting the railroad crossing.**

21           5. Any person violating the provisions of this section is guilty of a class C misdemeanor.

304.580. 1. As used in this section, the term "construction zone" or "work zone" means  
2 any area upon or around any highway as defined in section 302.010, RSMo, which is visibly  
3 marked by the department of transportation as an area where construction, maintenance, or other  
4 work is temporarily occurring.

5           2. Upon a conviction or a plea of guilty by any person for a moving violation as defined  
6 in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess  
7 a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the

8 offense occurred within a construction zone or a work zone.

9       **3. Upon a conviction or plea of guilty by any person for a speeding violation**  
10 **pursuant to either section 304.009 or 304.010, the court shall assess a fine of two hundred**  
11 **fifty dollars in addition to any other fine authorized by law, if the offense occurred within**  
12 **a construction zone or a work zone and at the time the speeding violation occurred there**  
13 **was any person in such zone who was there to perform duties related to the reason for**  
14 **which the area was designated a construction zone or work zone. However, no person**  
15 **assessed an additional fine pursuant to this subsection shall also be assessed an additional**  
16 **fine pursuant to subsection 2 of this section, and no person shall be assessed an additional**  
17 **fine pursuant to this subsection if no signs have been posted pursuant to subsection 4 of**  
18 **this section.**

19       **4. The penalty authorized by subsection 3 of this section shall only be assessed by**  
20 **the court if the department of transportation or contractor performing work for the**  
21 **department of transportation has erected signs upon or around a construction or work**  
22 **zone which are clearly visible from the highway and which state substantially the following**  
23 **message: "Warning: \$250 fine for speeding in this work zone".**

24       **5. During any day in which no person is present in a construction zone or work**  
25 **zone established pursuant to subsection 3 of this section to perform duties related to the**  
26 **purpose of the zone, the sign warning of additional penalties shall not be visible to**  
27 **motorists. During any period of two hours or more in which no person is present in such**  
28 **zone on a day in which persons have been or will be present to perform duties related to**  
29 **the reason for which the area was designated as a construction zone or work zone, the sign**  
30 **warning of additional penalties shall not be visible to motorists. The department of**  
31 **transportation or contractor performing work for the department of transportation shall**  
32 **be responsible for compliance with provisions of this subsection. Nothing in this subsection**  
33 **shall prohibit warning or traffic control signs necessary for public safety in the**  
34 **construction or work zone being visible to motorists at all times.**

35       **6. This section shall not be construed to enhance the assessment of court costs or the**  
36 **assessment of points pursuant to section 302.302, RSMo.**

**431.181. 1. Any person who enters into a contract with a transportation of**  
2 **property provider or an agent acting for a transportation of property provider for the**  
3 **transportation of property shall, after the property has been delivered in good condition**  
4 **by the transportation provider to the agreed upon destination within the agreed upon time**  
5 **limitation, make all scheduled payments pursuant to the terms of the contract or within**  
6 **thirty days if no time is specified in the contract.**

7       **2. Any person who has not been paid in accordance with subsection 1 of this section**

8 may bring an action in a court of competent jurisdiction against any person who has failed  
9 to pay.

10           **3. Retailers who sell and service industrial, maintenance and construction power**  
11 **equipment or outdoor power equipment as defined in section 407.850, RSMo, and who do**  
12 **warranty repair work for a consumer under provisions of a manufacturer's express**  
13 **warranty, shall be reimbursed by the manufacturer for the warranty work at an hourly**  
14 **labor rate that is the same or greater than the hourly labor rate the retailer currently**  
15 **charges consumers for nonwarranty repair work.**