FIRST REGULAR SESSION

[PERFECTED]

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 924, 714, 685, 756, 734 & 518

91ST GENERAL ASSEMBLY

Taken up for Perfection April 4, 2001.

House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 & 518 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

2090L.05P

AN ACT

To repeal sections 142.803, 144.440, 144.700, 144.805, 226.200, 227.100, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069, 302.505, 302.510, 302.520, 302.541, 577.010, 577.012 and 577.037, RSMo 2000, and to enact in lieu thereof thirty-four new sections relating to transportation, with penalty provisions and a referendum clause.

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

Section A. Sections 142.803, 144.440, 144.700, 144.805, 226.200, 227.100, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069, 302.505, 302.510, 302.520, 302.541, 577.010, 577.012 and 577.037, RSMo 2000, are repealed and thirty-four new sections enacted in lieu thereof, to be known as sections 43.275, 136.045, 142.803, 142.804, 142.805, 144.022, 144.440, 144.700, 144.805, 226.200, 226.1000, 226.1005, 226.1010, 227.025, 227.100, 227.107, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069, 302.505, 302.510, 302.520, 302.541, 577.010, 577.012, 577.037, 622.017, 644.038 and Section 3, to read as follows:

43.275. There is hereby created in the state treasury the "State Highway Patrol

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

Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the state highway patrol fund shall not revert to the general revenue fund. All interest received on the state highway patrol fund shall be credited to the fund. Moneys in the fund are to be used for the purpose of administering and enforcing state motor vehicle laws or traffic regulations.

136.045. There is hereby created in the state treasury the "Department of Revenue Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the department of revenue fund shall not revert to the general revenue fund. All interest received on the department of revenue fund shall be credited to the fund. Moneys in the fund are to be used for the purpose of collection of all state revenue derived from highway users as an incident to their use or right to use the highways of the state.

142.803. 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

(1) Motor fuel, seventeen cents per gallon. **[**Beginning April 1, 2008,**] Upon the effective date of the motor fuel tax levied and imposed pursuant to section 142.804 and 142.805,** the tax rate **pursuant to this section** shall become eleven cents per gallon;

(2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;

(3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080, RSMo, to be collected as required under this chapter.

2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax.

142.804. 1. In addition to the tax levied and imposed pursuant to subdivision (1) of subsection 1 of section 142.803, an additional tax of six cents per gallon is hereby levied and imposed on motor fuel.

2. The additional tax is imposed upon the ultimate consumer, but is to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of

this state for the precollection of the tax.

142.805. 1. In addition to the tax levied and imposed pursuant to subdivision (1) of subsection 1 of section 142.803 and subsection 1 of section 142.804, an additional tax of three cents per gallon is hereby levied and imposed on motor fuel.

2. The additional tax is imposed upon the ultimate consumer, but is to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax.

144.022. In addition to the tax levied and imposed pursuant to subdivisions (1), (2), (3), (4), (5), (6), (7) and (8) of subsection 1 of section 144.020, an additional tax of three fourths of one percent is hereby levied and imposed on tangible personal property and services as enumerated in section 144.020 to be used exclusively for the purposes contained within this act.

144.440. 1. In addition to all other taxes now or hereafter levied and imposed upon every person for the privilege of using the highways or waterways of this state, there is hereby levied and imposed a tax equivalent to four **and three-fourths** percent of the purchase price, as defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri.

2. At the time the owner of any such motor vehicle, trailer, boat, or outboard motor makes application to the director of revenue for an official certificate of title and the registration of the same as otherwise provided by law, he shall present to the director of revenue evidence satisfactory to the director showing the purchase price paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or cause to be paid to the director of revenue the tax provided herein.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by the director.

4. No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard motor unless the tax for the privilege of using the highways or waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection 5 of this section.

5. The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020

at the time of registration or in lieu thereof may pay a use tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A use tax shall be charged and paid on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an affidavit to that effect in such form as the director of revenue shall require and shall remit the tax due at such times as the director of revenue shall require.

6. In the event that any leasing company which rents or leases motor vehicles, trailers, boats, or outboard motors elects to collect a use tax, all of its lease receipt would be subject to the use tax, regardless of whether or not the leasing company previously paid a sales tax when the vehicle, trailer, boat, or outboard motor was originally purchased.

7. The provisions of this section, and the tax imposed by this section, shall not apply to manufactured homes.

144.700. 1. All revenue received by the director of revenue from the tax imposed by sections 144.010 to 144.430 and 144.600 to 144.745, **including any payments of taxes made under protest, shall be deposited in the state general revenue fund** except **[**that**]** **for: (1) the** revenue derived from the rate of one cent on the dollar of the tax which shall be held and distributed in the manner provided in sections 144.701 and 163.031, RSMo, **[**shall be deposited in the state general revenue fund, including any payments of the taxes made under protest**]** **(2) the revenue derived from the rate of one-fourth of one percent of the tax which shall be held and distributed in the manner prescribed in section 226.1010, RSMo; (3) nine million, six hundred thousand dollars per month that shall be deposited, held and used in the manner prescribed in section 43.275, RSMo; (4) four million, fifty thousand dollars per month that shall be deposited, held and used in the manner prescribed in section 136.045, RSMo; (5) two hundred, fifty-one thousand dollars per month that shall be deposited, held and used in the manner prescribed in section 622.017, RSMo; and (6) all of the revenue derived from the tax imposed by sections 144.010 to 144.430 on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which shall be held and distributed in the manner provided by section 226.1000, RSMo**.

2. The director of revenue shall keep accurate records of any payment of the tax made under protest. In the event any payment shall be made under protest:

(1) A protest affidavit shall be submitted to the director of revenue within thirty days after the payment is made; and

(2) An appeal shall be taken in the manner provided in section 144.261 from any decision of the director of revenue disallowing the making of the payment under protest or an application shall be filed by a protesting taxpayer with the director of revenue for a stay of the period for appeal on the ground that a case is presently pending in the courts involving the same

question, with an agreement by the taxpayer to be bound by the final decision in the pending case.

3. Nothing in this section shall be construed to apply to any refund to which the taxpayer would be entitled under any applicable provision of law.

4. All payments deposited in the state general revenue fund that are made under protest shall be retained in the state treasury if the taxpayer does not prevail. If the taxpayer prevails, then taxes paid under protest shall be refunded to the taxpayer, with all interest income derived therefrom, from funds appropriated by the general assembly for such purpose.

144.805. 1. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, all sales of aviation jet fuel in a given calendar year to common carriers engaged in the interstate air transportation of passengers and cargo, and the storage, use and consumption of such aviation jet fuel by such common carriers, if such common carrier has first paid to the state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption of such aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand dollars of state sales and use taxes in such calendar year.

2. To qualify for the exemption prescribed in subsection 1 of this section, the common carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant to this section is applicable to the aviation jet fuel so purchased, stored, used and consumed. The director of revenue shall permit any such common carrier to enter into a direct-pay agreement with the department of revenue, pursuant to which such common carrier may pay directly to the department of revenue any applicable sales and use taxes on such aviation jet fuel up to the maximum aggregate amount of one million five hundred thousand dollars in each calendar year. The director of revenue shall adopt appropriate rules and regulations to implement the provisions of this section, and to permit appropriate claims for refunds of any excess sales and use taxes collected in calendar year 1993 or any subsequent year with respect to any such common carrier and aviation jet fuel.

3. The provisions of this section shall apply to all purchases and deliveries of aviation jet fuel from and after May 10, 1993.

4. Effective September 1, 1998, all sales and use tax revenues upon aviation jet fuel received pursuant to this chapter, less the amounts specifically designated pursuant to the

constitution or pursuant to section 144.701, for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 305.230, RSMo[; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed five million dollars in each calendar year.

5. The provisions of this section and section 144.807 shall expire on December 31, 2003].

226.200. 1. There is hereby created a "[State Highways and] Transportation Department Fund" into which shall be paid or transferred all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes), and all other revenue received or held for expenditure by or under the department of transportation or the [state highways and] transportation commission, except:

(1) Money arising from the sale of bonds;

(2) Money received from the United States government; or

(3) Money received for some particular use or uses other than for the payment of principal and interest on outstanding state road bonds.

2. Subject to the limitations of subsection 3 of this section, from said fund shall be paid or credited the cost:

(1) [Of collection of all said state revenue derived from highway users as an incident to their use or right to use the highways of the state;

(2)] Of maintaining the [state highways and] transportation commission;

[(3)] **(2)** Of maintaining the state transportation department;

[(4)] **(3)** Of any workers' compensation for state transportation department employees; **and**

[(5)] **(4)** Of the share of the transportation department in any [retirement] **fringe benefit** program for state employees, only as may be provided by law[; and

(6) Of administering and enforcing any state motor vehicle laws or traffic regulations].

3. [For all future fiscal years,] The total amount of appropriations from the [state highways and] transportation department fund for all state offices and departments shall [not exceed the total amount appropriated for such offices and departments from said fund] **be zero** for **the first full** fiscal year [2001] **following voter approval and all fiscal years thereafter**.

4. The provisions of subsection 3 of this section shall not apply to appropriations from the [state highways and] transportation department fund to the [highways and] transportation commission and the state transportation department or to appropriations to the office of

administration for department of transportation employee fringe benefits and OASDHI payments, or to appropriations to the department of revenue for motor vehicle fuel tax refunds [under] **pursuant to** chapter 142, RSMo, or to appropriations to the department of revenue for refunds or overpayments or erroneous payments from the [state highways and] transportation department fund.

5. All interest earned upon the [state highways and] transportation department fund shall be deposited in and to the credit of such fund.

6. Any balance remaining in said fund after payment of said costs shall be transferred to the state road fund.

7. Notwithstanding the provisions of subsection 2 of this section to the contrary, any funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372, RSMo, after April 1, 1992, shall not be used for administrative purposes or administrative expenses of the transportation department.

226.1000. 1. Notwithstanding the provisions of sections 144.701 and 226.1010, RSMo, one-half of all of the revenue derived from the tax imposed by sections 144.010 to 144.430, RSMo, on all motor vehicles, trailers, motorcycles, mopeds and motortricycles shall be dedicated for highway and transportation use and distributed pursuant to subsection 2 of section 30(b) of article IV of the Missouri Constitution. One-half of the revenue derived from the rate of one cent on the dollar of the tax imposed by sections 144.010 to 144.430, RSMo, on all motor vehicles, trailers, motorcycles, mopeds and motortricycles shall be held and distributed in the manner provided in sections 144.701 and 163.031, RSMo. All of the remaining revenue derived from the tax imposed by sections 144.010 to 144.430, RSMo, on all motor vehicles, trailers, motorcycles, mopeds and motortricycles, shall be deposited by the state treasurer as follows:

(1) Sixty-five percent of the moneys to the "Public Transit Fund" which is hereby established in the state treasury. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the public transit fund shall not revert to the general revenue fund. All interest received on the public transit fund shall be credited to the fund. Moneys in the fund are to be used for the purpose of planning, locating, relocating, establishing, acquiring, constructing, administering, developing, maintaining or operating public transit systems in the state;

(2) Twenty percent of the moneys to the "Multimodal Fund", which is hereby established in the state treasury; and

(3) Fifteen percent of the moneys to the state road fund.

Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the

multimodal fund shall not revert to the general revenue fund. All interest received on the multimodal fund shall be credited to the fund. Moneys in the fund are to be used for the purpose of paying for transportation projects other than highway projects and public transit projects, including but not limited to projects for aviation, railroads, ports, waterborne commerce, multimodal transportation centers, and bike and pedestrian trails and accommodations.

2. Expenditure of funds from the public transit fund and the multimodal fund shall be subject to appropriation by the general assembly.

226.1005. After approval by the voters of additional transportation funds pursuant to this act, no such transportation funds, less funds required to cover administrative and maintenance costs, shall be allocated until a formula based on quantitative factors is established by the commission, in cooperation with the department, metropolitan planning organizations and regional planning commissions. In addition, upon passage of a constitutional amendment which authorizes a secretary of transportation, the secretary shall include all previously authorized highway funds in the allocation formula.

226.1010. 1. The revenue derived from the rate of one-fourth of one percent of the taxes imposed by sections 144.010 to 144.430, RSMo, and sections 144.600 to 144.745, RSMo, shall be deposited by the state treasurer as follows:

(1) One-fourth of the moneys to the "State-Local Cooperation Fund" which is hereby established in the state treasury. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the state-local cooperation fund shall not revert to the general revenue fund. All interest received on the state-local cooperation fund shall be credited to the fund. Subject to appropriation, the secretary of transportation, with input from the ex officio members of the transportation commission, may award grants from the fund to any county commission or to any municipal corporation for locally identified transportation projects, including, but not limited to, transportation improvement projects on the state highway system or off-system transportation improvements, related to economic development or public safety, and bike and pedestrian trails and accommodations. The secretary of transportation shall, as a condition precedent to making a grant, require such county or municipal corporation to provide funding for a portion of the project costs in an amount or percentage to be determined by the secretary of transportation in its discretion; provided, however, such amount shall not exceed fifty percent of the total cost of the project; and

(2) The remaining three-fourths of the moneys to the "Interstate Improvement Fund" which is hereby established in the state treasury. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the interstate improvement fund shall

not revert to the general revenue fund. All interest received on the interstate improvement fund shall be credited to the fund. Fund revenues may be used for principal and interest payments on bonds, maintenance, preservation, improvement, construction, expansion and reconstruction of the state's interstate highway system. The department of transportation may request appropriations from the interstate improvement fund through its annual budget submission. Accompanying any such requests, the department shall provide a plan detailing the proposed uses of the moneys including such information as the governor and general assembly may require for evaluation purposes.

227.025. An additional fifty-eight and four-tenths center-line miles of arterial roadways in any city not within a county which are functionally classified as of January 1, 2001, by the United States Department of Transportation as principal arterial highways shall be owned, improved and maintained as public roads by the department of transportation as part of the "state highway system" as required by section 227.020. The department of transportation and such city shall mutually agree on those roadways to be included pursuant to this section.

227.100. 1. All contracts for the construction of said work shall be let to the lowest responsible bidder or bidders after notice and publication of an advertisement in a newspaper published in the county where the work is to be done, and in such other publications as the [commission] **secretary of transportation** may determine[; provided, that in all cases where the project advertised shall be for the construction of more than ten miles of road, such advertisement shall provide for bids on sections of said road not to exceed ten miles, as well as on the project as a whole, and such contract shall then be let so as to provide for the most economical construction of said project].

2. Each bid shall be accompanied by a certified check or a cashier's check or a bid bond, guaranteed by a surety company authorized by the director of the department of insurance to conduct surety business in the state of Missouri, equal to five percent of the bid, which certified check, cashier's check, or bid bond shall be deposited with the commissioner as a guaranty and forfeited to the state treasurer to the credit of the state road fund in the event the successful bidder fails to comply with the terms of the proposal, and return to the successful bidder on execution and delivery of the performance bond provided for in subsection 4. The checks of the unsuccessful bidders shall be returned to them in accordance with the terms of the proposal.

3. All notices of the letting of contracts under this section shall state the time and place when and where bids will be received and opened, and all bids shall be sealed and opened only at the time and place mentioned in such notice and in the presence of some member of the [commission] **secretary of transportation** or some person named by the [commission] **secretary of transportation** for such purpose.

4. The successful bidders for the construction of said work shall enter into contracts furnished and prescribed by the [commission] **secretary of transportation** and shall give good and sufficient bond, in a sum equal to the contract price, to the state of Missouri, with sureties approved by the [commission] **secretary of transportation** and to ensure the proper and prompt completion of said work in accordance with the provisions of said contracts, and plans and specifications; provided, that if, in the opinion of the majority of the members of the [commission] **secretary of transportation**, the lowest bid or bids for the construction of any of the roads, or parts of roads, herein authorized to be constructed, shall be excessive, then, and in that event, said [commission] **secretary of transportation** shall have the right, and it is hereby empowered and authorized to reject any or all bids, and to construct, under its own direction and supervision, all of such roads and bridges, or any part thereof.

227.107. 1. Notwithstanding any provision of section 227.100 to the contrary, as an alternative to the requirements and procedures specified by sections 227.040 to 227.100, the state highways and transportation commission is authorized to enter into one interstate highway design-build pilot project contract within ten years of the effective date of this section. Authority for design-build authorized by this section shall expire upon completion of the project selected, unless reauthorized by law.

2. For the purpose of this section a "design-builder" is defined as an individual, corporation, partnership, joint venture or other entity, including combinations of such entities making a proposal to perform or performing a design-build highway project contract.

3. For the purpose of this section, "design-build highway project contract" is defined as the procurement of all materials and services necessary for the design, construction, reconstruction or improvement of a state highway project in a single contract with a design-builder capable of providing the necessary materials and services.

4. For the purpose of this section, "highway project" is defined as the design, construction, reconstruction or improvement of highways or bridges under contract with the state highways and transportation commission, which is funded by state, federal or local funds or any combination of such funds.

5. In using a design-build highway project contract, the commission shall establish a written procedure by rule for prequalifying design-builders before such design-builders will be allowed to make a proposal on the project.

6. In any design-build highway project contract, whether involving state or federal funds, the commission shall require that each person submitting a request for qualifications provide a detailed disadvantaged business enterprise participation plan. The plan shall provide information describing the experience of the person in meeting

disadvantaged business enterprise participation goals, how the person will meet the department of transportation's disadvantaged business enterprise participation goal and such other qualifications that the commission considers to be in the best interest of the state.

7. The commission is authorized to issue a request for proposals to a maximum of five design-builders prequalified in accordance with subsection 5 of this section.

8. The commission may require approval of any person performing subcontract work on the design-build highway project.

9. The bid bond and performance bond requirements of section 227.100 and the payment bond requirements of section 107.170, RSMo, shall apply to the design-build highway project.

10. The commission is authorized to prescribe the form of the contracts for the work.

11. The commission is empowered to make all final decisions concerning the performance of the work under the design-build highway project contract, including claims for additional time and compensation.

12. The provisions of sections 8.285 to 8.291, RSMo, shall not apply to the procurement of architectural, engineering or land surveying services for the design-build highway project, except that any person providing architectural, engineering or land surveying services for the design-builder on the design-build highway project must be licensed in Missouri to provide such services.

13. The commission shall pay a reasonable stipend to prequalified responsive design-builders who submit a proposal, but are not awarded the design-build highway project.

14. The commission shall comply with the provisions of any act of congress or any regulations of any federal administrative agency which provides and authorizes the use of federal funds for highway projects using the design-build process.

15. The commission shall promulgate administrative rules to implement this section or to secure federal funds. Such rules shall be published for comment in the Missouri Register and shall include prequalification criteria, the make-up of the prequalification review team, specifications for the design criteria package, the method of advertising, receiving and evaluating proposals from design-builders, the criteria for awarding the design-build highway project based on the design criteria package and a separate proposal stating the cost of construction, and other methods, procedures and criteria necessary to administer this section.

16. The commission shall make a status report to the members of the general

assembly and the governor following the award of the design-build project, as an individual component of the annual report submitted by the commission to the Joint Transportation Oversight Committee in accordance with the provisions of section 21.795, RSMo. The annual report prior to advertisement of the design-build highway project contract shall state the goals of the project in reducing costs and/or the time of completion for the project in comparison to the design-bid-build method of construction and objective measurements to be utilized in determining achievement of such goals. Subsequent annual reports shall include: the time estimated for design and construction of different phases or segments of the project and the actual time required to complete such work during the period; the amount of each progress payment to the design builder during the period and the percentage and a description of the portion of the project completed regarding such payment; the number and a description of design change orders issued during the period and the cost of each such change order; upon substantial and final completion, the total cost of the design-build highway project with a breakdown of costs for design and construction; and such other measurements as specified by rule. The annual report immediately after final completion of the project shall state an assessment of the advantages and disadvantages of the design-build method of contracting for highway and bridge projects in comparison to the design-bid-build method of contracting and an assessment of whether the goals of the project in reducing costs and/or the time of completion of the project were met.

17. The commission shall give public notice of a request for qualifications in at least two public newspapers that are distributed wholly or in part in this state and at least one construction industry trade publication that is distributed nationally.

18. The commission shall publish its cost estimates of the design-build highway project award and the project completion date along with its public notice of a request for qualifications of the design-build project.

19. If the commission fails to receive at least two responsive submissions from design-builders considered qualified, submissions shall not be opened and it shall readvertise the project.

20. The provisions of this section shall be applicable to one interstate pilot highway project which shall be selected by the commission and shall have a total maximum annual expenditure of one hundred twenty-five million dollars for the life of the design-build project.

21. The provisions of this section shall become effective upon approval of a transportation funding package by a lawful majority of voters casting ballots at an election after April 1, 2001.

301.057. The annual registration fee for property-carrying commercial motor vehicles, not including property-carrying local commercial motor vehicles, or land improvement contractors' commercial motor vehicles, based on gross weight is:

6,000 pounds and under	$ [25.50] **34.00**
6,001 pounds to 9,000 pounds	[38.00] **50.50**
9,001 pounds to 12,000 pounds	[38.00] **50.50**
12,001 pounds to 18,000 pounds	[63.00] **84.00**
18,001 pounds to 24,000 pounds	[100.50] **134.00**
24,001 pounds to 26,000 pounds	[127.00] **169.00**
26,001 pounds to 30,000 pounds	[180.00] **239.50**
30,001 pounds to 36,000 pounds	[275.50] **366.50**
36,001 pounds to 42,000 pounds	[413.00] **549.50**
42,001 pounds to 48,000 pounds	[550.50] **732.00**
48,001 pounds to 54,000 pounds	[688.00] **915.00**
54,001 pounds to 60,010 pounds	[825.50] **1,098.00**
60,011 pounds to 66,000 pounds	[1,100.50] **1,464.00**
66,001 pounds to 73,280 pounds	[1,375.50] **1,829.50**
73,281 pounds to 78,000 pounds	[1,650.50] **2,195.00**
Over 78,000 pounds	[1,719.50] **2,287.00**

301.058. 1. The annual registration fee for property-carrying local commercial motor vehicles, other than a land improvement contractors' commercial motor vehicles, based on gross weight is:

6,000 pounds and under	$ [15.50] **20.50**
6,001 pounds to 12,000 pounds	[18.00] **24.00**
12,001 pounds to 18,000 pounds	[20.50] **27.50**
18,001 pounds to 24,000 pounds	[27.50] **36.50**
24,001 pounds to 26,000 pounds	[33.50] **44.50**
26,001 pounds to 30,000 pounds	[45.50] **60.50**
30,001 pounds to 36,000 pounds	[67.50] **90.00**
36,001 pounds to 42,000 pounds	[100.50] **133.50**
42,001 pounds to 48,000 pounds	[135.50] **180.00**
48,001 pounds to 54,000 pounds	[170.50] **227.00**
54,001 pounds to 60,010 pounds	[200.50] **266.50**
60,011 pounds to 66,000 pounds	[270.50] **360.00**
66,001 pounds to 72,000 pounds	[335.50] **446.00**
Over 72,000 pounds	[350.50] **466.00**

2. Any person found to have improperly registered a motor vehicle in excess of fifty-four thousand pounds when he was not entitled to shall be required to purchase the proper license plates and, in addition to all other penalties provided by law, shall be subject to the annual registration fee for the full calendar year for the vehicle's gross weight as prescribed in section 301.057.

301.059. The annual registration fee for passenger-carrying commercial motor vehicles (not including passenger-carrying local commercial motor vehicles, school buses or local transit buses) based on seating capacity is:

10 passengers or less	$ [100.50] **133.50**
11 to 18 passengers	[180.50] **240.00**
19 to 25 passengers	[250.50] **333.00**
26 to 29 passengers	[290.50] **386.50**
30 to 33 passengers	[330.50] **439.50**
34 to 37 passengers	[370.50] **493.00**
38 to 41 passengers	[410.50] **546.00**
42 to 45 passengers	[450.50] **599.00**

301.061. The annual registration fee for passenger-carrying local commercial motor vehicles based on seating capacity is:

10 passengers or less	$ [50.50] **67.00**
11 to 18 passengers	[90.50] **120.50**
19 to 25 passengers	[125.50] **167.00**
26 to 29 passengers	[145.50] **193.50**
30 to 33 passengers	[165.50] **220.00**
34 to 37 passengers	[185.50] **247.00**
38 to 41 passengers	[205.50] **273.50**
42 to 45 passengers	[225.50] **300.00**

301.063. The annual registration fee for local transit buses based on seating capacity is:

40 passengers or less	$ [25.50] **34.00**
41 to 45 passengers	[35.50] **47.00**
Over 45 passengers	[50.50] **67.00**

301.065. The annual registration fee for each school bus, [twenty-five] **thirty-four** dollars[, fifty cents].

301.067. 1. For each trailer or semitrailer there shall be paid an annual fee of [seven] **ten** dollars [fifty cents], and in addition thereto such permit fee authorized by law against trailers used in combination with tractors operated under the supervision of the motor carrier and railroad safety division of the department of economic development. The fees for tractors used in any combination with trailers or semitrailers or both trailers and semitrailers (other than on passenger-carrying trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the combination with load.

2. Any trailer or semitrailer may at the option of the registrant be registered for a period of three years upon payment of a registration fee of [twenty-two] **thirty** dollars [and fifty cents].

3. Any trailer or semitrailer which is operated coupled to a towing vehicle by a fifth wheel and kingpin assembly or by a trailer converter dolly may, at the option of the registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars and fifty cents. The permanent plate and registration fee is vehicle specific. The plate and the registration fee paid is nontransferable and nonrefundable, except those covered under the provisions of section 301.442.

301.069. For each driveaway license there shall be paid an annual license fee of [forty-four] **fifty-nine** dollars [and fifty cents] for one set of plates or such insignia as the director may issue which shall be attached to the motor vehicle as prescribed in this chapter. For single trips the fee shall be [four] **five** dollars **and fifty cents**, and descriptive insignia shall be prepared and issued at the discretion of the director who shall also prescribe the type of equipment used to attach such vehicles in combinations.

302.505. 1. The department shall suspend or revoke the license of any person upon its determination that the person was arrested upon probable cause to believe such person was driving a motor vehicle while the alcohol concentration in the person's blood, breath, or urine was [ten-hundredths] **eight-hundredths** of one percent or more by weight, based on the definition of alcohol concentration in section 302.500, or where such person was less than twenty-one years of age when stopped and was stopped upon probable cause to believe such person was driving while intoxicated in violation of section 577.010, RSMo, or driving with excessive blood alcohol content in violation of section 577.012, RSMo, or upon probable cause to believe such person violated a state, county or municipal traffic offense and such person was driving with a blood alcohol content of two-hundredths of one percent or more by weight.

2. The department shall make a determination of these facts on the basis of the report of a law enforcement officer required in section 302.510, and this determination shall be final unless a hearing is requested and held. If a hearing is held, the department shall review the matter and make a final determination on the basis of evidence received at the hearing.

3. The determination of these facts by the department is independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of those criminal charges shall not affect any suspension or revocation under this section.

302.510. 1. Except as provided in subsection 3 of this section, a law enforcement officer who arrests any person for a violation of any state statute related to driving while intoxicated or for a violation of a county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense, and in which the alcohol concentration in the person's blood, breath, or urine was **[**ten-hundredths**] eight-hundredths** of one percent or more by weight or two-hundredths of one percent or more by weight for anyone less than twenty-one years of age, shall forward to the department a verified report of all information relevant to the enforcement action, including information which adequately identifies the arrested person, a statement of the officer's grounds for belief that the person violated any state statute related to driving while intoxicated or was less than twenty-one years of age and was driving with two-hundredths of one percent or more by weight of alcohol in the person's blood, or a county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense, a report of the results of any chemical tests which were conducted, and a copy of the citation and complaint filed with the court.

2. The report required by this section shall be made on forms supplied by the department or in a manner specified by regulations of the department.

3. A county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol related traffic offense may not be the basis for suspension or revocation of a driver's license pursuant to sections 302.500 to 302.540, unless the arresting law enforcement officer, other than an elected peace officer or official, has been certified by the director of the department of public safety pursuant to the provisions of sections 590.100 to 590.180, RSMo.

302.520. 1. Whenever the chemical test results are available to the law enforcement officer while the arrested person is still in custody, and where the results show an alcohol concentration of **[**ten-hundredths**] eight-hundredths** of one percent or more by weight of alcohol in such person's blood or where such person is less than twenty-one years of age and the results show that there is two-hundredths of one percent or more of alcohol in the person's blood, the officer, acting on behalf of the department, shall serve the notice of suspension or revocation personally on the arrested person.

2. When the law enforcement officer serves the notice of suspension or revocation, the officer shall take possession of any driver's license issued by this state which is held by the person. When the officer takes possession of a valid driver's license issued by this state, the officer, acting on behalf of the department, shall issue a temporary permit which is valid for fifteen days after its date of issuance and shall also give the person arrested a notice which shall inform the person of all rights and responsibilities pursuant to sections 302.500 to 302.540. The notice shall be in such form so that the arrested person may sign the original as evidence of receipt thereof. The notice shall also contain a detachable form permitting the arrested person to request a hearing. Signing the hearing request form and mailing such request to the

department shall constitute a formal application for a hearing.

3. A copy of the completed notice of suspension or revocation form, a copy of any completed temporary permit form, a copy of the notice of rights and responsibilities given to the arrested person, including any request for hearing, and any driver's license taken into possession pursuant to this section shall be forwarded to the department by the officer along with the report required in section 302.510.

4. The department shall provide forms for notice of suspension or revocation, for notice of rights and responsibilities, for request for a hearing and for temporary permits to law enforcement agencies.

302.541. 1. In addition to other fees required by law, any person who has had a license to operate a motor vehicle suspended or revoked following a determination, pursuant to section 302.505, or section 577.010, 577.012, 577.041 or 577.510, RSMo, or any county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney, that such person was driving while intoxicated or with a blood alcohol content of **[**ten-hundredths**]** **eight-hundredths** of one percent or more by weight or, where such person was at the time of the arrest less than twenty-one years of age and was driving with a blood alcohol content of two-hundredths of one percent or more by weight, shall pay an additional fee of twenty-five dollars prior to the reinstatement or reissuance of the license.

2. Any person less than twenty-one years of age whose driving privilege has been suspended or revoked solely for a first determination pursuant to sections 302.500 to 302.540 that such person was driving a motor vehicle with two-hundredths of one percent or more blood alcohol content is exempt from filing proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, as a prerequisite for reinstatement of driving privileges or obtaining a restricted driving privilege as provided by section 302.525.

577.010. 1. A person commits the crime of "driving while intoxicated" if he operates a motor vehicle while in an intoxicated or drugged condition.

2. Driving while intoxicated is for the first offense, a class **[**B**]** **A** misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years.

577.012. 1. A person commits the crime of "driving with excessive blood alcohol content" if such person operates a motor vehicle in this state with **[**ten-hundredths**]** **eight-hundredths** of one percent or more by weight of alcohol in such person's blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes

of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. For the first offense, driving with excessive blood alcohol content is a class **[**C**] A** misdemeanor.

577.037. 1. Upon the trial of any person for violation of any of the provisions of section 565.024, RSMo, or section 565.060, RSMo, or section 577.010 or 577.012, or upon the trial of any criminal action or violations of county or municipal ordinances or in any license suspension or revocation proceeding pursuant to the provisions of chapter 302, RSMo, arising out of acts alleged to have been committed by any person while driving a motor vehicle while in an intoxicated condition, the amount of alcohol in the person's blood at the time of the act alleged as shown by any chemical analysis of the person's blood, breath, saliva or urine is admissible in evidence and the provisions of subdivision (5) of section 491.060, RSMo, shall not prevent the admissibility or introduction of such evidence if otherwise admissible. If there was **[**ten-hundredths**] eight-hundredths** of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.

2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

3. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated.

4. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subsection 1 of this section, shall have been performed as provided in sections 577.020 to 577.041 and in accordance with methods and standards approved by the state department of health.

5. Any charge alleging a violation of section 577.010 or 577.012 or any county or municipal ordinance prohibiting driving while intoxicated or driving under the influence of alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood, saliva, or urine performed in accordance with sections 577.020 to 577.041 and rules promulgated thereunder by the state department of health demonstrate that there was less than **[**ten-hundredths**] eight-hundredths** of one percent of alcohol in the defendant's blood unless one or more of the following considerations cause the court to find a dismissal unwarranted:

(1) There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;

(2) There is evidence that the defendant was under the influence of a controlled

substance, or drug, or a combination of either or both with or without alcohol; or

(3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.

622.017. There is hereby created in the state treasury the "Motor Carrier and Railroad Safety Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the motor carrier and railroad safety fund shall not revert to the general revenue fund. All interest received on the motor carrier and railroad safety fund shall be credited to the fund. Moneys in the fund are to be used for the purposes outlined in chapter 622, RSMo.

644.038. Where applicable, pursuant to Section 404 of the Federal Clean Water Act, and where the United States Army Corps of Engineers has determined that a nationwide permit may be utilized for the construction of highways and bridges approved by the Missouri department of transportation, the department shall certify without conditions such nationwide permit as it applies to impacts on all waters of this state.

Section 3. Funds distributed under the provisions of this act to provide public conveyance or a facility of public transportation are subject to compliance with the Americans with Disabilities Act of 1990.

Section B. Section A of this act is hereby submitted to the qualified voters of this state for approval or rejection at a special election to be called by the governor for that purpose or at a general election to be conducted no later than the first Tuesday in November 2002, pursuant to the laws and constitutional provisions of this state applicable to elections. Sections 43.275, 136.045, 142.803, 142.804, 142.805, 144.020, 144.440, 144.700, 144.805, 226.1000, 226.1010 and 622.017 shall become effective on the first day of the month of the next calendar quarter after the provisions have been approved by voters. Sections 301.055, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067 and 301.069 shall become effective on the first day of the month four months following the month the provisions have been approved by voters.

Section C. The additional revenue provided by sections 142.803, 142.804, 142.805, 144.020, 144.440, 144.700, 144.805, 226.200, 226.1000, 226.1010, 227.025, 227.100, 227.107, 301.055, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069, 302.302, 302.505, 302.510, 302.520, 302.541, 577.010, 577.012 and 577.037 of this act shall not be part of the "total state revenue" within the meaning of sections 17 and 18 of article X of this Constitution. The expenditure of this revenue shall not be an "expense of state government" under section 20 of article X of this Constitution.

Section D. At the general election on the first Tuesday in November 2012, and every ten years thereafter, the secretary of state shall submit to the electors of this state the question "Shall the additional revenues for transportation be renewed and extended for ten years?". If a majority of the votes cast thereon is for the affirmative the additional revenues shall be continued. If a majority of the votes cast thereon is for the negative, the decennial referendum provision of this section, the rates included in sections 143.275, 136.045, 42.803, 142.804, 142.805, 144.020, 144.440, 301.055, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067 and 301.069, and sections 144.700, 226.200, 226.1000, 226.1010 and 622.017, directing deposit and use of revenues pursuant to this act shall expire on July first following the election and return to the provisions in effect on January 1, 2001.