

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
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FOR
SENATE BILLS NOS. 970, 968, 921, 867, 868 & 738
AN ACT

2 To repeal sections 136.055, 142.803, 144.020,
3 144.021, 144.805, 155.080, 226.030, 226.134,
4 226.200, 226.540, 226.550, 226.573, 226.580,
5 226.585, 226.670, 227.040, 227.050, 227.060,
6 227.100, 301.129, 302.720, 304.001, and
7 305.230, RSMo, and to enact in lieu thereof
8 thirty-four new sections relating to
9 transportation, with penalty provisions and a
10 referendum clause.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
12 AS FOLLOWS:

13 Section A. Sections 136.055, 142.803, 144.020, 144.021,
14 144.805, 155.080, 226.030, 226.134, 226.200, 226.540, 226.550,
15 226.573, 226.580, 226.585, 226.670, 227.040, 227.050, 227.060,
16 227.100, 301.129, 302.720, 304.001, and 305.230, RSMo, are
17 repealed and thirty-four new sections enacted in lieu thereof, to
18 be known as sections 43.272, 136.055, 142.803, 144.020, 144.021,

1 144.805, 155.080, 226.030, 226.134, 226.137, 226.200, 226.540,
2 226.550, 226.573, 226.580, 226.585, 226.670, 226.730, 227.040,
3 227.050, 227.060, 227.100, 227.107, 227.108, 234.032, 301.129,
4 302.720, 304.001, 304.370, 305.230, 307.205, 307.207, 307.209,
5 and 307.211, to read as follows:

6 43.272. 1. There is hereby created in the state treasury
7 the "Missouri State Highway Patrol Fund", which shall consist of
8 moneys distributed pursuant to subsection 3 of section 144.020,
9 RSMo. The fund shall be administered by the department of public
10 safety. Upon appropriation, moneys in the fund shall be used
11 exclusively for purposes authorized in this chapter.

12 2. Notwithstanding the provisions of section 33.080, RSMo,
13 to the contrary, any moneys remaining in the fund at the end of
14 the biennium shall not revert to the credit of the general
15 revenue fund.

16 3. The state treasurer shall invest moneys in the fund in
17 the same manner as other funds are invested. Any interest and
18 moneys earned on such investments shall be credited to the fund.

19 136.055. 1. Any person who is selected or appointed by the
20 state director of revenue to act as an agent of the department of
21 revenue, whose duties shall be the sale of motor vehicle licenses
22 and the collection of motor vehicle sales and use taxes under the
23 provisions of section 144.440, RSMo, and who receives no salary
24 from the department of revenue, shall be authorized to collect
25 from the party requiring such services additional fees as

1 compensation in full and for all services rendered on the
2 following basis:

3 (1) For each motor vehicle or trailer license sold, renewed
4 or transferred--two dollars and fifty cents beginning January 1,
5 1998; and four dollars beginning July 1, 2000[,]; and five
6 dollars beginning January 1, 2003, for those licenses biennially
7 renewed pursuant to section 301.147, RSMo. Beginning July 1,
8 2003, for each motor vehicle or trailer license sold, renewed or
9 transferred--three dollars and fifty cents and seven dollars for
10 those licenses sold or biennially renewed pursuant to section
11 301.147, RSMo;

12 (2) For each application or transfer of title--two dollars
13 and fifty cents beginning January 1, 1998;

14 (3) For each chauffeur's, operator's or driver's license --
15 two dollars and fifty cents beginning January 1, 1998; and four
16 dollars beginning July 1, 2000[,]; and five dollars beginning
17 July 1, 2003, for six-year licenses issued or renewed;

18 (4) For each notice of lien processed--two dollars and
19 fifty cents beginning August 28, 2000;

20 (5) No notary fee or other fee or additional charge shall
21 be paid or collected except for electronic telephone transmission
22 reception--two dollars.

23 2. [This section shall not apply to agents appointed by the
24 state director of revenue in any city, other than a city not

1 within a county, where the department of revenue maintains an
2 office.] All fees charged shall not exceed those in this
3 section.

4 3. Beginning July 1, 2003, the fees imposed by this section
5 shall be collected by all permanent branch offices and all full-
6 time or temporary offices maintained by the department of
7 revenue. The fees collected pursuant to this section by all
8 permanent branch offices and all full time or temporary offices
9 maintained by the department of revenue shall be deposited in a
10 subaccount of the state highways and transportation department
11 fund to be known as the "Department of Revenue Collection
12 Subaccount" which is hereby created. All fees collected by such
13 offices shall be forwarded to the director of revenue and
14 deposited in the state treasury to the credit of the department
15 of revenue collection subaccount. Moneys from such subaccount
16 shall be used, subject to appropriation by the general assembly,
17 by the department of revenue to pay for the cost of collecting
18 state revenues derived from highway users as an incident to their
19 use or right to use the highways of the state. Notwithstanding
20 the provisions of section 33.080, RSMo, to the contrary, moneys
21 in the subaccount shall not be transferred to general revenue at
22 the end of each biennium.

23 [3.] 4. Any person acting as agent of the department of
24 revenue for the sale and issuance of licenses and other documents

1 related to motor vehicles shall have an insurable interest in all
2 license plates, licenses, tabs, forms and other documents held on
3 behalf of the department.

4 [4.] 5. The fee increases authorized by this section and
5 approved by the general assembly were requested by the fee
6 agents. All fee agent offices shall display a three foot by four
7 foot sign with black letters of at least three inches in height
8 on a white background which states:

9 The increased fees approved by the
10 Missouri Legislature and charged by
11 this fee office were requested by the
12 fee agents.

13 142.803. 1. A tax is levied and imposed on all motor fuel
14 used or consumed in this state as follows:

15 (1) Motor fuel, seventeen cents per gallon[. Beginning
16 April 1, 2008, the tax rate shall become eleven cents per
17 gallon];

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

1 potential equivalent of such alternative fuel shall be prima
2 facie correct;

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

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

13 144.020. 1. A tax is hereby levied and imposed upon all
14 sellers for the privilege of engaging in the business of selling
15 tangible personal property or rendering taxable service at retail
16 in this state. The rate of tax shall be as follows:

17 (1) Upon every retail sale in this state of tangible
18 personal property, including but not limited to motor vehicles,
19 trailers, motorcycles, mopeds, motortricycles, boats and outboard
20 motors, a tax equivalent to four percent of the purchase price
21 paid or charged, or in case such sale involves the exchange of
22 property, a tax equivalent to four percent of the consideration
23 paid or charged, including the fair market value of the property
24 exchanged at the time and place of the exchange, except as
25 otherwise provided in section 144.025;

26 (2) A tax equivalent to four percent of the amount paid for

1 admission and seating accommodations, or fees paid to, or in any
2 place of amusement, entertainment or recreation, games and
3 athletic events;

4 (3) A tax equivalent to four percent of the basic rate paid
5 or charged on all sales of electricity or electrical current,
6 water and gas, natural or artificial, to domestic, commercial or
7 industrial consumers;

8 (4) A tax equivalent to four percent on the basic rate paid
9 or charged on all sales of local and long distance
10 telecommunications service to telecommunications subscribers and
11 to others through equipment of telecommunications subscribers for
12 the transmission of messages and conversations and upon the sale,
13 rental or leasing of all equipment or services pertaining or
14 incidental thereto; except that, the payment made by
15 telecommunications subscribers or others, pursuant to section
16 144.060, and any amounts paid for access to the Internet or
17 interactive computer services shall not be considered as amounts
18 paid for telecommunications services;

19 (5) A tax equivalent to four percent of the basic rate paid
20 or charged for all sales of services for transmission of messages
21 of telegraph companies;

22 (6) A tax equivalent to four percent on the amount of sales
23 or charges for all rooms, meals and drinks furnished at any
24 hotel, motel, tavern, inn, restaurant, eating house, drugstore,
25 dining car, tourist cabin, tourist camp or other place in which
26 rooms, meals or drinks are regularly served to the public;

1 (7) A tax equivalent to four percent of the amount paid or
2 charged for intrastate tickets by every person operating a
3 railroad, sleeping car, dining car, express car, boat, airplane
4 and such buses and trucks as are licensed by the division of
5 motor carrier and railroad safety of the department of economic
6 development of Missouri, engaged in the transportation of persons
7 for hire;

8 (8) A tax equivalent to four percent of the amount paid or
9 charged for rental or lease of tangible personal property,
10 provided that if the lessor or renter of any tangible personal
11 property had previously purchased the property under the
12 conditions of "sale at retail" as defined in subdivision [(8)]
13 (10) of section 144.010 or leased or rented the property and the
14 tax was paid at the time of purchase, lease or rental, the
15 lessor, sublessor, renter or subrenter shall not apply or collect
16 the tax on the subsequent lease, sublease, rental or subrental
17 receipts from that property. The purchase, rental or lease of
18 motor vehicles, trailers, motorcycles, mopeds, motortricycles,
19 boats, and outboard motors shall be taxed and the tax paid as
20 provided in this section and section 144.070. In no event shall
21 the rental or lease of boats and outboard motors be considered a
22 sale, charge, or fee to, for or in places of amusement,
23 entertainment or recreation nor shall any such rental or lease be
24 subject to any tax imposed to, for, or in such places of
25 amusement, entertainment or recreation. Rental and leased boats
26 or outboard motors shall be taxed [under the provisions of]

1 pursuant to the sales tax laws as provided under such laws for
2 motor vehicles and trailers. Tangible personal property which is
3 exempt from the sales or use tax [under] pursuant to section
4 144.030 upon a sale thereof is likewise exempt from the sales or
5 use tax upon the lease or rental thereof.

6 2. All tickets sold which are sold [under the provisions
7 of] pursuant to sections 144.010 to 144.525 which are subject to
8 the sales tax shall have printed, stamped or otherwise endorsed
9 thereon, the words "This ticket is subject to a sales tax."

10 3. (1) In addition to the tax levied and imposed pursuant
11 to subdivisions (1) to (8) of subsection 1 of this section, an
12 additional tax of one percent is hereby levied and imposed upon
13 all sellers for the privilege of engaging in the business of
14 selling tangible personal property or rendering taxable service
15 at retail in this state, and in addition to the tax levied and
16 imposed pursuant to section 144.440, there is hereby levied and
17 imposed upon every person for the privilege of using the highways
18 or waterways of this state an additional tax equivalent to one
19 percent of the purchase price, as defined in section 144.070,
20 which is paid and charged on new and used motor vehicles,
21 trailers, boats, and outboard motors purchased or acquired for
22 use on the highways or waters of this state which are required to
23 be registered pursuant to the laws of Missouri. Except for the
24 revenue derived from the additional one percent rate imposed upon
25 the sale of motor vehicles, trailers, motorcycles, and
26 motortricycles, and the additional one percent imposed upon the

1 purchase price of new and used motor vehicles, trailers, boats,
2 and outboard motors for the privilege of using the highways or
3 waterways of this state, which shall be distributed pursuant to
4 article IV, section 30(b) of the Missouri Constitution, the
5 revenue derived from the additional one percent rate imposed
6 pursuant to this section shall be deposited and used exclusively
7 as follows:

8 (a) One-sixteenth of such revenue to be deposited in the
9 Missouri state highway patrol fund; these funds shall not reduce
10 or offset any future appropriation to the Missouri state highway
11 patrol and shall be in addition to any appropriation for the
12 Missouri state highway patrol.

13 (b) Ten percent of such revenue to be deposited in the
14 state transportation fund;

15 (c) The remainder of such revenue to be deposited in the
16 state road fund.

17 (2) The additional revenue derived from the tax imposed by
18 this subsection shall not be part of the total state revenue
19 within the meaning of article X, sections 17 and 18 of the
20 Missouri Constitution. The expenditure of this revenue shall not
21 be an expense of state government pursuant to article X, section
22 20 of the Missouri Constitution. The additional tax imposed by
23 this subsection shall expire on December 31, 2022.

24 144.021. The purpose and intent of sections 144.010 to
25 144.510 is to impose a tax upon the privilege of engaging in the
26 business, in this state, of selling tangible personal property

1 and those services listed in section 144.020. The primary tax
2 burden is placed upon the seller making the taxable sales of
3 property or service and is levied at the rate provided for in
4 section 144.020. Excluding sections 144.070, 144.440 and
5 144.450, the extent to which a seller is required to collect the
6 tax from the purchaser of the taxable property or service is
7 governed by section 144.285 and in no way affects sections
8 144.080 and 144.100, which require all sellers to report to the
9 director of revenue their "gross receipts", defined herein to
10 mean the aggregate amount of the sales price of all sales at
11 retail, and remit tax at [four] five percent of their gross
12 receipts.

13 144.805. 1. In addition to the exemptions granted pursuant
14 to the provisions of section 144.030, there shall also be
15 specifically exempted from the provisions of sections 144.010 to
16 144.525, sections 144.600 to 144.748, and section 238.235, RSMo,
17 and the provisions of any local sales tax law, as defined in
18 section 32.085, RSMo, and from the computation of the tax levied,
19 assessed or payable pursuant to sections 144.010 to 144.525,
20 sections 144.600 to 144.748, and section 238.235, RSMo, and the
21 provisions of any local sales tax law, as defined in section
22 32.085, RSMo, all sales of aviation jet fuel in a given calendar
23 year to common carriers engaged in the interstate air
24 transportation of passengers and cargo, and the storage, use and
25 consumption of such aviation jet fuel by such common carriers, if
26 such common carrier has first paid to the state of Missouri, in

1 accordance with the provisions of this chapter, state sales and
2 use taxes pursuant to the foregoing provisions and applicable to
3 the purchase, storage, use or consumption of such aviation jet
4 fuel in a maximum and aggregate amount of one million five
5 hundred thousand dollars of state sales and use taxes in such
6 calendar year.

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

23 3. The provisions of this section shall apply to all
24 purchases and deliveries of aviation jet fuel from and after May
25 10, 1993.

26 4. [Effective September 1, 1998,] All sales and use tax

1 revenues upon aviation jet fuel received pursuant to this
2 chapter, less the amounts specifically designated pursuant to the
3 constitution or pursuant to section 144.701, for other purposes,
4 shall be deposited to the credit of the aviation trust fund
5 established pursuant to section 305.230, RSMo[; provided however,
6 the amount of such state sales and use tax revenues deposited to
7 the credit of such aviation trust fund shall not exceed five
8 million dollars in each calendar year].

9 5. The provisions of this section and section 144.807 shall
10 expire on December 31, [2003] 2008.

11 155.080. 1. There is hereby imposed a use tax on each
12 gallon of aviation fuel used in propelling aircraft with
13 reciprocating engines. The tax is imposed at the rate of nine
14 cents per gallon. Such tax is to be collected and remitted to
15 this state or paid to this state in the same manner and method
16 and at the same time as is prescribed by chapter 142, RSMo, for
17 the collection of the motor fuel tax imposed on each gallon of
18 motor fuel used in propelling motor vehicles upon the public
19 highways of Missouri.

20 2. All applicable provisions contained in chapter 142,
21 RSMo, governing administration, collection and enforcement of the
22 state motor fuel tax shall apply to this section, including but
23 not limited to reporting, penalties and interest.

24 3. Each commercial agricultural aircraft operator may apply
25 for a refund of the tax it has paid for aviation fuel used in a
26 commercial agricultural aircraft. All such applications for

1 refunds shall be made in accordance with the procedures specified
2 in chapter 142, RSMo, for refunds of motor fuel taxes paid. If
3 any person who is eligible to receive a refund of aviation fuel
4 tax fails to apply for a refund as provided in chapter 142, RSMo,
5 [he makes a gift of his refund to the aviation trust fund] the
6 refund amount shall be deposited to the credit of the aviation
7 trust fund pursuant to section 305.230, RSMo.

8 226.030. [The state highways and transportation commission
9 shall consist of six members, who shall be appointed by the
10 governor, by and with the advice and consent of the senate, not
11 more than three thereof to be members of the same political
12 party. Each commissioner shall be a taxpayer and resident of
13 state for at least five years prior to his appointment. Any
14 commissioner may be removed by the governor if fully satisfied of
15 his inefficiency, neglect of duty, or misconduct in office. All
16 commissioners appointed prior to October 13, 1965, shall serve
17 the term for which they were appointed. Commissioners appointed
18 pursuant to this section shall be appointed for terms of six
19 years. Upon the expiration of each of the foregoing terms of
20 these commissioners a successor shall be appointed for a term of
21 six years or until his successor is appointed and qualified which
22 term of six years shall thereafter be the length of term of each
23 member of the commission unless removed as above provided. The
24 members of the commission shall receive as compensation for their
25 services twenty-five dollars per day for the time spent in the

1 performance of their official duties, and also their necessary
2 traveling and other expenses incurred while actually engaged in
3 the discharge of their official duties.]

4 1. A transportation commission appointed by the governor,
5 by and with the advice and consent of the senate, shall consist
6 of six members appointed to six-year terms, except that the
7 present members of the transportation commission shall serve for
8 the remainder of their terms as follows: members whose terms
9 otherwise expire December 1, 2003, shall serve with terms
10 expiring July 1, 2004; a member whose term otherwise expires
11 December 1, 2005, shall serve with a term expiring July 1, 2006;
12 a member whose term otherwise expires December 1, 2007, shall
13 serve with a term expiring July 1, 2008; and of the members whose
14 terms otherwise expire December 13, 2007, one member shall serve
15 with a term expiring July 1, 2006, and the other member shall
16 serve with a term expiring July 1, 2008, as determined by the
17 governor. The house and senate leadership, which shall mean the
18 speaker of the house of representatives, the president pro
19 tempore of the senate, and the minority floor leaders of the
20 house and of the senate, from the same political party shall by
21 party supply three candidates to the governor for selection as
22 members of the commission. The governor shall select one
23 candidate from each party. The candidates shall be appointed by
24 July first in even-numbered years. In the event of a vacancy on

1 the commission, the house and senate leadership of that political
2 party of the vacating member shall submit three candidates for
3 selection as a member to the commission to the governor within
4 thirty days of the vacancy. The governor shall have fifteen days
5 to select a new member of the commission. The new member of the
6 commission shall serve only the remainder of the unexpired six-
7 year term of the vacating member.

8 2. No more than one-half of the members of the
9 transportation commission shall be of the same political party.
10 The selection and removal of all employees of the department of
11 transportation shall be without regard to political affiliation.

12 3. The present members of the transportation commission
13 shall serve as members of the transportation commission for the
14 remainder of the terms for which they were appointed, except as
15 provided in subsection 2 of this section.

16 4. All references to the highway commission or the highways
17 and transportation commission and the department of highways in
18 the statutes shall mean the transportation commission and the
19 department of transportation.

20 226.134. All projects funded by bonds authorized in section
21 226.133 and 226.137 shall be funded in conformity with the
22 priorities established in the 1992 plan developed by the
23 transportation department.

24 226.137. 1. The general assembly may authorize the
25 highways and transportation commission to issue bonds or other

1 evidence of indebtedness from fiscal year 2007 to fiscal year
2 2022. The principal amount of such bonds shall be no less than
3 one hundred fifty million dollars nor greater than two hundred
4 fifty million dollars in any one fiscal year. Net proceeds,
5 after costs of issuance have been paid, from the issuance of the
6 bonds shall be provided to the highways and transportation
7 commission to pay for the cost of construction engineering and
8 construction. The proceeds from the bonds shall not be used to
9 pay for administrative expenses, including but not limited to
10 planning and design expenses. Contracted final design shall not
11 be considered an administrative expense, but shall not exceed
12 seven percent of any project.

13 2. To obtain authorization for the issuance of bonds, the
14 highways and transportation commission shall annually present to
15 the general assembly, by the tenth legislative day, a proposed
16 plan and an analysis demonstrating the feasibility and
17 appropriateness thereof. The plan to issue bonds shall become
18 effective no later than forty-five calendar days after the plan
19 proposed by the highways and transportation commission is
20 submitted to a regular session of the general assembly, unless it
21 is disapproved within forty-five calendar days of its submission
22 to a regular session by a concurrent resolution introduced within
23 fourteen calendar days of the submission of the plan to a regular
24 session of the general assembly and adopted by a majority vote of
25 the elected members of each house. If no concurrent resolution
26 disapproving of the highway plan is introduced within fourteen

1 calendar days of the submission of the plan to the legislature,
2 then the plan shall become effective immediately. The presiding
3 officer of each house in which a concurrent resolution
4 disapproving of a plan to issue bonds has been introduced, unless
5 the resolution has been previously accepted or rejected by that
6 house, shall submit it to a vote of the membership not sooner
7 than seven calendar days or later than fourteen calendar days
8 after introduction of the concurrent resolution pertaining to the
9 department of transportation plan. The presiding officer of the
10 house passing a concurrent resolution disapproving of a plan to
11 issue bonds shall immediately forward the bill to the other house
12 and the presiding officer of that house shall submit it to a vote
13 of the membership not sooner than seven calendar days or later
14 than fourteen calendar days of its receipt from the other
15 legislative body. The plan submitted by the highways and
16 transportation commission shall not be subject to amendment by
17 either chamber and may only be rejected in its entirety.

18 3. The highways and transportation commission shall offer
19 such bonds at public sale or negotiated sale. The bonds shall be
20 for a period of not less than ten years and not more than twenty
21 years from their date of issue and shall bear interest at a rate
22 or rates not exceeding the rate permitted by law.

23 4. The net proceeds of the sale or sales of any bonds
24 issued pursuant to this section shall be paid into the state road
25 fund to be expended for the purpose specified pursuant to section
26 226.220.

1 5. Bonds issued pursuant to this section shall be state
2 road bonds as such term is used in section 30(b) of article IV of
3 the Missouri Constitution, and as such, principal and interest
4 payments on such bonds shall be made from the state road fund as
5 provided in section 30(b) of article IV of the Missouri
6 Constitution. Bonds issued pursuant to this section shall not be
7 deemed to constitute a debt or liability of the state or a pledge
8 of the full faith and credit of the state, and the principal and
9 interest on such bonds shall be payable solely from the state
10 road fund. Bonds issued pursuant to this section, the interest
11 thereon, or any proceeds from such bonds shall be exempt from
12 taxation in the state of Missouri for all purposes except for the
13 state estate tax.

14 6. Bonds may be issued for the purpose of refunding, either
15 at maturity or in advance of maturity, any bonds issued pursuant
16 to this section. The net proceeds of such refunding bonds, after
17 costs of issuance have been paid, may either be applied to the
18 payment of the bonds being refunded or deposited in trust and
19 maintained in cash or investments for the retirement of the bonds
20 being refunded, as shall be specified by the highways and
21 transportation commission and the authorizing resolution or trust
22 indenture securing such refunding bonds. The authorizing
23 resolution or trust indenture securing the refunding bonds shall
24 specify the amount and other terms of the refunding bonds and may
25 provide that the refunding bonds shall have the same security for
26 their payment as provided for the bonds being refunded. The

1 refunding bonds shall be for a period of not less than ten years
2 and not more than twenty years from their date of issue and shall
3 bear interest at a rate or rates not exceeding the rate permitted
4 by law. The principal amount of refunding bonds issued pursuant
5 to this section shall not be counted toward the limit on the
6 principal amount of bonds permitted pursuant to this section.

7 226.200. 1. There is hereby created a "State Highways and
8 Transportation Department Fund" into which shall be paid or
9 transferred all state revenue derived from highway users as an
10 incident to their use or right to use the highways of the state,
11 including all state license fees and taxes upon motor vehicles,
12 trailers, and motor vehicle fuels, and upon, with respect to, or
13 on the privilege of the manufacture, receipt, storage,
14 distribution, sale or use thereof (excepting the sales tax on
15 motor vehicles and trailers, and all property taxes), and all
16 other revenue received or held for expenditure by or under the
17 department of transportation or the state highways and
18 transportation commission, except:

19 (1) Money arising from the sale of bonds;
20 (2) Money received from the United States government; or
21 (3) Money received for some particular use or uses other
22 than for the payment of principal and interest on outstanding
23 state road bonds.

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

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

4 (2) Of maintaining the state highways and transportation
5 commission;

6 (3) Of maintaining the state transportation department;

7 (4) Of any workers' compensation for state transportation
8 department employees;

9 (5) Of the share of the transportation department in any
10 retirement program for state employees, only as may be provided
11 by law; and

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

14 3. For all future fiscal years, the total amount of
15 appropriations from the state highways and transportation
16 department fund for all state offices and departments, except for
17 the Missouri highway patrol, shall not exceed the total amount
18 appropriated for such offices and departments from said fund for
19 fiscal year 2001.

20 4. The provisions of subsection 3 of this section shall not
21 apply to appropriations from the state highways and
22 transportation department fund to the highways and transportation
23 commission and the state transportation department or to
24 appropriations to the office of administration for department of

1 transportation employee fringe benefits and OASDHI payments, or
2 to appropriations to the department of revenue for motor vehicle
3 fuel tax refunds under chapter 142, RSMo, or to appropriations to
4 the department of revenue for refunds or overpayments or
5 erroneous payments from the state highways and transportation
6 department fund.

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

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

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

18 226.540. Notwithstanding any other provisions of sections
19 226.500 to 226.600, outdoor advertising shall be permitted within
20 six hundred and sixty feet of the nearest edge of the
21 right-of-way of [any interstate or primary highway] highways
22 located on the interstate, federal-aid primary system as it
23 existed on June 1, 1991, or the national highway system as
24 amended in areas zoned industrial, commercial or the like and in

1 unzoned commercial and industrial areas as defined in this
2 section, subject to the following regulations which are
3 consistent with customary use in this state:

4 (1) Lighting:

5 (a) No revolving or rotating beam or beacon of light that
6 simulates any emergency light or device shall be permitted as
7 part of any sign. No flashing, intermittent, or moving light or
8 lights will be permitted except scoreboards and other illuminated
9 signs designating public service information, such as time, date,
10 or temperature, or similar information, will be allowed; tri-
11 vision, projection and other changeable message signs shall be
12 allowed subject to Missouri highway and transportation commission
13 regulations;

14 (b) External lighting, such as floodlights, thin line and
15 gooseneck reflectors are permitted, provided the light source is
16 directed upon the face of the sign and is effectively shielded so
17 as to prevent beams or rays of light from being directed into any
18 portion of the main traveled way of the federal-aid primary
19 highways as of June 1, 1991, and all highways designated as part
20 of the National Highway System by the National Highway System
21 Designation Act of 1995 and those highways subsequently
22 designated as part of the National Highway System and the lights
23 are not of such intensity so as to cause glare, impair the vision
24 of the driver of a motor vehicle, or otherwise interfere with a

1 driver's operation of a motor vehicle;

2 (c) No sign shall be so illuminated that it interferes with
3 the effectiveness of, or obscures, an official traffic sign,
4 device, or signal;

5 (2) Size of signs:

6 (a) The maximum area for any one sign shall be eight
7 hundred square feet with a maximum height of thirty feet and a
8 maximum length of seventy-two feet, inclusive of border and trim
9 but excluding the base or apron, supports, and other structural
10 members. The area shall be measured as established herein and in
11 rules promulgated by the commission. In determining the size of
12 a conforming or nonconforming sign structure, temporary cutouts
13 and extensions installed for the length of a specific display
14 contract shall not be [included in calculating] considered a
15 substantial increase to the size of the permanent display;
16 provided the actual square footage of such temporary cutouts or
17 extensions may not exceed thirty-three percent of the permanent
18 display area. Signs erected in accordance with the provisions of
19 sections 226.500 to 226.600 prior to the effective date of this
20 provision which fail to meet the requirements of this provision
21 shall be deemed legal nonconforming as defined herein;

22 (b) The maximum size limitations shall apply to each side
23 of a sign structure, and signs may be placed back to back, double
24 faced, or in V-type construction with not more than two displays

1 to each facing, but such sign structure shall be considered as
2 one sign;

3 (c) After August 28, 1999, no new sign structure shall be
4 erected in which two or more displays are stacked one above the
5 other. Stacked structures existing on or before August 28, 1999,
6 in accordance with sections 226.500 to 226.600 shall [not] be
7 deemed legal nonconforming [for failure to meet the requirements
8 of this section until such sign's structure is modified,
9 repaired, replaced or rebuilt] and may be maintained in
10 accordance with the provisions sections of 226.500 to 226.600.

11 Structures displaying more than one display on a horizontal basis
12 shall be allowed, provided that total display areas do not exceed
13 the maximum allowed square footage for a sign structure pursuant
14 to the provisions of paragraph (a) of subdivision (2) of this
15 section;

16 (3) Spacing of signs:

17 (a) On all interstate highways, [and] freeways [on the] and
18 nonfreeway federal-aid primary highways as of June 1, 1991, and
19 all highways designated as part of the National Highway System by
20 the National Highway System Designation Act of 1995 and those
21 highways subsequently designated as part of the National Highway
22 System:

23 a. No sign structure shall be erected within [five hundred]
24 one thousand four hundred feet of an existing sign on the same

1 side of the highway;

2 b. Outside of incorporated municipalities, no structure may
3 be located adjacent to or within five hundred feet of an
4 interchange, intersection at grade, or safety rest area. Such
5 five hundred feet shall be measured from the beginning or ending
6 of the pavement widening at the exit from or entrance to the main
7 traveled way. For purpose of this subparagraph, the term
8 "incorporated municipalities" shall include "urban areas", except
9 that such "urban areas" shall not be considered "incorporated
10 municipalities" if it is finally determined that such would have
11 the effect of making Missouri be in noncompliance with the
12 requirements of Title 23, United States Code, Section 131;

13 (b) [Nonfreeway federal-aid primary highways as of June 1,
14 1991, and all highways designated as part of the National Highway
15 System by the National Highway System Designation Act of 1995 and
16 those highways subsequently designated as part of the National
17 Highway System:

18 a. Outside incorporated municipalities, no structure shall
19 be erected within five hundred feet of an existing sign on the
20 same side of the highway. Sign structures existing prior to
21 August 28, 1999, which complied with the requirements of this
22 section when erected shall not be deemed nonconforming for
23 failure to comply with the spacing provisions of this section
24 until such sign's structure is modified, repaired, replaced or

1 rebuilt;

2 b. Within incorporated municipalities, no structure shall
3 be erected within five hundred feet of an existing sign. Sign
4 structures existing prior to August 28, 1999, which complied with
5 the requirements of this section when erected shall not be deemed
6 nonconforming for failure to comply with the spacing provisions
7 of this section until such sign's structure is modified,
8 repaired, replaced or rebuilt;

9 (c)] The spacing between structure provisions of
10 subdivision (3) of this section do not apply to signs which are
11 separated by buildings, natural surroundings, or other
12 obstructions in such manner that only one sign facing located
13 within such distance is visible at any one time. Directional or
14 other official signs or those advertising the sale or lease of
15 the property on which they are located, or those which advertise
16 activities on the property on which they are located, including
17 products sold, shall not be counted, nor shall measurements be
18 made from them for the purpose of compliance with spacing
19 provisions;

20 [(d)] (c) No sign shall be located in such manner as to
21 obstruct or otherwise physically interfere with the effectiveness
22 of an official traffic sign, signal, or device or obstruct or
23 physically interfere with a motor vehicle operator's view of
24 approaching, merging, or intersecting traffic;

1 [(e)] (d) The measurements in this section shall be the
2 minimum distances between outdoor advertising sign structures
3 measured along the nearest edge of the pavement between points
4 directly opposite the signs along each side of the highway and
5 shall apply only to outdoor advertising sign structures located
6 on the same side of the highway involved;

7 (4) As used in this section, the words "unzoned commercial
8 and industrial land" shall be defined as follows: that area not
9 zoned by state or local law or ordinance and on which there is
10 located one or more permanent structures used for a commercial
11 business or industrial activity or on which a commercial or
12 industrial activity is actually conducted together with the area
13 along the highway extending outwardly [six hundred] seven hundred
14 fifty feet from and beyond the edge of such activity. All
15 measurements shall be from the outer edges of the regularly used
16 improvements, buildings, parking lots, landscaped, storage or
17 processing areas of the commercial or industrial activity and
18 along and parallel to the edge of the pavement of the highway.
19 [On nonfreeway federal-aid primary highways as of June 1, 1991,
20 and all highways designated as part of the National Highway
21 System by the National Highway System Designation Act of 1995 and
22 those highways subsequently designated as part of the National
23 Highway System, where there is an unzoned commercial or
24 industrial area on one side of the road as described in this

1 section, the term "unzoned commercial or industrial land" shall
2 also include those lands directly opposite on the other side of
3 the highway to the extent of the same dimensions.] Unzoned land
4 shall not include:

5 (a) Land on the opposite side of [an interstate or freeway
6 primary] the highway from an unzoned commercial or industrial
7 area as defined in this section and located adjacent to highways
8 located on the interstate, federal-aid primary system as it
9 existed on June 1, 1991, or the national highway system as
10 amended, unless the opposite side of the highway qualifies as a
11 separate unzoned commercial or industrial area; or

12 (b) Land zoned by a state or local law, regulation, or
13 ordinance;

14 [(c) Land on the opposite side of a nonfreeway primary
15 highway which is determined by the proper state authority to be a
16 scenic area;]

17 (5) "Commercial or industrial activities" as used in this
18 section means those which are generally recognized as commercial
19 or industrial by zoning authorities in this state, except that
20 none of the following shall be considered commercial or
21 industrial:

22 (a) Outdoor advertising structures;

23 (b) Agricultural, forestry, ranching, grazing, farming, and
24 related activities, including seasonal roadside fresh produce

1 stands;

2 (c) Transient or temporary activities;

3 (d) Activities more than six hundred sixty feet from the
4 nearest edge of the right-of-way or not visible from the main
5 traveled way;

6 (e) Activities conducted in a building principally used as
7 a residence;

8 (f) Railroad tracks and minor sidings;

9 (6) The words "unzoned commercial or industrial land" shall
10 also include all areas not specified in this section which
11 constitute an "unzoned commercial or industrial area" within the
12 meaning of the present Section 131 of Title 23 of the United
13 States Code, or as such statute may be amended. As used in this
14 section, the words "zoned commercial or industrial area" shall
15 refer to those areas zoned commercial or industrial by the duly
16 constituted zoning authority of a municipality, county, or other
17 lawfully established political subdivision of the state, or by
18 the state and which is within seven hundred fifty feet of one or
19 more permanent commercial or industrial activities. [Unzoned]
20 Commercial or industrial activities as used in this section are
21 limited to those activities:

22 (a) In which the primary use of the property is commercial
23 or industrial in nature;

24 (b) Which are clearly visible from the highway and

1 recognizable as a commercial business;

2 (c) Which are permanent as opposed to temporary or
3 transitory and of a nature that would customarily be restricted
4 to commercial or industrial zoning in areas comprehensively
5 zoned; and

6 (d) In determining whether the primary use of the property
7 is commercial or industrial pursuant to paragraph (a) of this
8 subdivision, the state highways and transportation commission
9 shall consider the following factors:

10 a. The presence of a permanent and substantial building;

11 b. The existence of utilities and [required] local business
12 licenses, if any, for the commercial activity;

13 c. On-premise signs or other identification;

14 d. [Communication with the business owner that can be
15 accomplished at regular intervals either in person, by telephone,
16 by fax machine, by electronic mail or by some other business
17 means] The presence of an owner or employee on the premises for
18 at least 20 hours per week;

19 (7) In zoned commercial and industrial areas, whenever a
20 state, county or municipal zoning authority has adopted laws or
21 ordinances which include regulations with respect to the size,
22 lighting and spacing of signs, which regulations are consistent
23 with the intent of sections 226.500 to 226.600 and with customary
24 use, then from and after the effective date of such regulations,

1 and so long as they shall continue in effect, the provisions of
2 this section shall not apply to the erection of signs in such
3 areas. Notwithstanding any other provisions of this section,
4 after August 28, 1992, with respect to any outdoor advertising
5 which is regulated by the provisions of subdivision (1), (3) or
6 (4) of section 226.520 or subsection 1 of section 226.527:

7 (a) No county or municipality shall issue a permit to allow
8 a regulated sign to be newly erected without a permit issued by
9 the state highways and transportation commission;

10 (b) A county or municipality may charge a reasonable
11 one-time permit or inspection fee to assure compliance with local
12 wind load and electrical requirements when the sign is first
13 erected, but a county or municipality may not charge a permit or
14 inspection fee for such sign after such initial fee. Changing
15 the display face or performing routine maintenance shall not be
16 considered as erecting a new sign;

17 (8) The state highways and transportation commission on
18 behalf of the state of Missouri, may seek agreement with the
19 Secretary of Transportation of the United States under Section
20 131 of Title 23, United States Code, as amended, that sections
21 226.500 to 226.600 are in conformance with that Section 131 and
22 provides effective control of outdoor advertising signs as set
23 forth therein. If such agreement cannot be reached and the
24 penalties under subsection (b) of Section 131 are invoked, the

1 attorney general of this state shall institute proceedings
2 described in subsection (1) of that Section 131.

3 226.550. 1. No outdoor advertising which is regulated by
4 subdivision (1), (3) or (4) of section 226.520 or subsection 1 of
5 section 226.527 shall be erected or maintained on or after August
6 28, 1992, without a one-time permanent permit issued by the state
7 highways and transportation commission. Application for permits
8 shall be made to the state highways and transportation commission
9 on forms furnished by the commission and shall be accompanied by
10 a permit fee of [twenty-eight dollars and fifty cents] two
11 hundred dollars for all signs; except that, tax-exempt religious
12 organizations as defined in subdivision (11) of section 313.005,
13 RSMo, service organizations as defined in subdivision (12) of
14 section 313.005, RSMo, veterans' organizations as defined in
15 subdivision (14) of section 313.005, RSMo, and fraternal
16 organizations as defined in subdivision (8) of section 313.005,
17 RSMo, shall be granted a permit for signs less than seventy-six
18 square feet without payment of the fee. In the event a permit
19 holder fails to erect a sign structure within twenty-four months
20 of issuance, said permit shall expire and a new permit must be
21 obtained prior to any construction.

22 2. No outdoor advertising which is regulated by subdivision
23 (1), (3) or (4) of section 226.520 or subsection 1 of section
24 226.527 which was erected prior to August 28, 1992, shall be

1 maintained without a one-time permanent permit for outdoor
2 advertising issued by the state highways and transportation
3 commission. If a one-time permanent permit was issued by the
4 state highways and transportation commission after March 30,
5 1972, and before August 28, 1992, it is not necessary for a new
6 permit to be issued. If a one-time permanent permit was not
7 issued for a lawfully erected and lawfully existing sign by the
8 state highways and transportation commission after March 30,
9 1972, and before August 28, 1992, a one-time permanent permit
10 shall be issued by the commission for each sign which is lawfully
11 in existence on the day prior to August 28, 1992, upon
12 application and payment of a permit fee of [twenty-eight dollars
13 and fifty cents] two hundred dollars. All applications and fees
14 due pursuant to this subsection shall be submitted before
15 December 31, 1992.

16 3. For purposes of sections 226.500 to 226.600, the
17 terminology "structure lawfully in existence" or "lawfully
18 existing" sign or outdoor advertising shall, nevertheless,
19 include the following signs unless the signs violate the
20 provisions of subdivisions (3) to (7) of subsection 1 of section
21 226.580:

22 (1) All signs erected prior to January 1, 1968;

23 (2) All signs erected before March 30, 1972, but on or
24 after January 1, 1968, which would otherwise be lawful but for

1 the failure to have a permit for such signs prior to March 30,
2 1972, except that any sign or structure which was not in
3 compliance with sizing, spacing, lighting, or location
4 requirements of sections 226.500 to 226.600 as the sections
5 appeared in the revised statutes of Missouri 1969, wheresoever
6 located, shall not be considered a lawfully existing sign or
7 structure;

8 (3) All signs erected after March 30, 1972, which are in
9 conformity with sections 226.500 to 226.600;

10 (4) All signs erected in compliance with sections 226.500
11 to 226.600, RSMo, prior to the effective date of this act.

12 4. On or after August 28, 1992, the state highways and
13 transportation commission may, in addition to the fees authorized
14 by subsections 1 and 2 of this section, collect a biennial
15 inspection fee every two years after a state permit has been
16 issued. Biennial inspection fees due after August 28, [1992]
17 2002, and prior to August 28, 2003, shall be [twenty-eight
18 dollars and fifty cents] fifty dollars. Biennial inspection fees
19 due on or after August 28, 2003, shall be seventy-five dollars.
20 Biennial inspection fees due on or after August 28, 2004, shall
21 be one hundred dollars; except that, tax-exempt religious
22 organizations as defined in subdivision (11) of section 313.005,
23 RSMo, service organizations as defined in subdivision (12) of
24 section 313.005, RSMo, veterans' organizations as defined in

1 subdivision (14) of section 313.005, RSMo, and fraternal
2 organizations as defined in subdivision (8) of section 313.005,
3 RSMo, shall not be required to pay such fee.

4 5. [In order to effect collection from a sign owner of
5 delinquent and unpaid biennial inspection fees which are payable
6 pursuant to this section, or delinquent removal costs pursuant to
7 section 226.580, the state highways and transportation commission
8 may require any delinquent fees to be paid before a permit is
9 issued to the delinquent sign owner for any new sign.] In order
10 to effect the more efficient collection of biennial inspection
11 fees, the state highways and transportation commission is
12 encouraged to adopt a renewal system in which all permits in a
13 particular county are renewed in the same month. In conjunction
14 with the conversion to this renewal system, the state highways
15 and transportation commission is specifically authorized to
16 prorate renewal fees based on changes in renewal dates.

17 6. Sign owners or owners of the land on which signs are
18 located must apply to the state highways and transportation
19 commission for biennial inspection and submit any fees as
20 required by this section on or before December 31, 1992. For a
21 permitted sign which does not have a permit, a permit shall be
22 issued at the time of the next biennial inspection.

23 7. The state highways and transportation commission shall
24 deposit all fees received for outdoor advertising permits and

1 inspection fees in the state road fund, keeping a separate record
2 of such fees, and the same may be expended by the commission in
3 the administration of sections 226.500 to 226.600.

4 226.573. The state highways and transportation commission
5 is authorized to adopt administrative rules regulating the use of
6 new technology in outdoor advertising as allowed under federal
7 regulations for federal-aid primary highways as of June 1, 1991,
8 and all highways designated as part of the National Highway
9 System by the National Highway System Designation Act of 1995 and
10 those highways subsequently designated as part of the National
11 Highway System. Any rule or portion of a rule, as that term is
12 defined in section 536.010, RSMo, that is promulgated pursuant to
13 the authority delegated in this section shall become effective
14 only if it has been promulgated pursuant to the provisions of
15 chapter 536, RSMo. This section and chapter 536, RSMo, are
16 nonseverable and if any of the powers vested with the general
17 assembly pursuant to chapter 536, RSMo, to review, to delay the
18 effective date or to disapprove and annul a rule are subsequently
19 held unconstitutional, then the grant of rulemaking authority and
20 any rule proposed or adopted after [August 28, 1999,] the
21 effective date of this section shall be invalid and void.

22 226.580. 1. The following outdoor advertising within six
23 hundred sixty feet of the right-of-way of interstate or primary
24 highways is deemed unlawful and shall be subject to removal:

1 (1) Signs erected after March 30, 1972, contrary to the
2 provisions of sections 226.500 to 226.600 and signs erected on or
3 after January 1, 1968, but before March 30, 1972, contrary to the
4 sizing, spacing, lighting, or location provisions of sections
5 226.500 to 226.600 as they appeared in the revised statutes of
6 Missouri 1969; or

7 (2) Signs for which a permit is not obtained or a biennial
8 inspection fee is [not paid as prescribed in sections 226.500 to
9 226.600] more than twelve months past due; or

10 (3) Signs which are obsolete; (Signs shall not be
11 considered obsolete solely because they temporarily do not carry
12 an advertising message.) or

13 (4) Signs that are not in good repair; or

14 (5) Signs not securely affixed to a substantial structure;
15 or

16 (6) Signs which attempt or appear to attempt to regulate,
17 warn, or direct the movement of traffic or which interfere with,
18 imitate, or resemble any official traffic sign, signal, or
19 device; or

20 (7) Signs which are erected or maintained upon trees or
21 painted or drawn upon rocks or other natural features.

22 2. Signs erected after August 13, 1976, beyond six hundred
23 sixty feet of the right-of-way outside of urban areas, visible
24 from the main traveled way of the interstate or primary system

1 and erected with the purpose of their message being read from
2 such traveled way, except those signs described in subdivisions
3 (1) and (2) of section 226.520 are deemed unlawful and shall be
4 subject to removal.

5 3. If a sign is deemed to be unlawful for any of the
6 reasons set out in subsections 1 [and 2] through 7 of this
7 section, the state highways and transportation commission shall
8 give notice either by certified mail or by personal service to
9 the owner or occupant of the land on which advertising believed
10 to be unlawful is located and the owner of the outdoor
11 advertising structure. Such notice shall specify the basis for
12 the alleged unlawfulness, shall specify the remedial action which
13 is required to correct the unlawfulness and shall advise that a
14 failure to take the remedial action within [thirty] sixty days
15 will result in the sign being removed. Within [thirty] sixty
16 days after receipt of the notice as to him, the owner of the land
17 or of the structure may remove the sign or may take the remedial
18 action specified or may file an action for administrative review
19 pursuant to the provisions of sections 536.067 to 536.090, RSMo,
20 to review the action of the state highways and transportation
21 commission, or he may proceed under the provisions of section
22 536.150, RSMo, as if the act of the highways and transportation
23 commission was one not subject to administrative review.
24 Notwithstanding any other provisions of sections 226.500 to

1 226.600, no outdoor advertising structure erected prior to August
2 28, 1992, defined as a "structure lawfully in existence" or
3 "lawfully existing", by subdivision (1), (2) or (3) of subsection
4 2 of section 226.550, shall be removed for failure to have a
5 permit until a notice, as provided in this section, has been
6 issued which shall specify failure to obtain a permit or pay a
7 biennial inspection fee as the basis for alleged unlawfulness,
8 and shall advise that failure to take the remedial action of
9 applying for a permit or paying the inspection fee within
10 [thirty] sixty days will result in the sign being removed. Signs
11 for which biennial inspection fees are delinquent shall not be
12 removed unless the fees are more than twelve months past due and
13 actual notice of the delinquency has been provided to the sign
14 owner. Upon application made within the [thirty-day] sixty-day
15 period as provided in this section, and accompanied by the fee
16 prescribed by section 226.550, together with any inspection fees
17 that would have been payable if a permit had been timely issued,
18 the state highways and transportation commission shall issue a
19 one-time permanent permit for such sign. Such signs with respect
20 to which permits are so issued are hereby determined by the state
21 of Missouri to have been lawfully erected within the meaning of
22 "lawfully erected" as that term is used in Title 23, United
23 States Code, section 131(g), as amended, and shall only be
24 removed upon payment of just compensation, except that the

1 issuance of permits shall not entitle the owners of such signs to
2 compensation for their removal if it is finally determined that
3 such signs are not "lawfully erected" as that term is used in
4 section 131(g) of Title 23 of the United States Code.

5 4. If actual notice as provided in this section is given
6 and neither the remedial action specified is taken nor an action
7 for review is filed, or if an action for review is filed and is
8 finally adjudicated in favor of the state highways and
9 transportation commission, the state highways and transportation
10 commission shall have authority to immediately remove the
11 unlawful outdoor advertising. The owner of the structure shall
12 be liable for the costs of such removal. The commission shall
13 incur no liability for causing this removal, except for damage
14 caused by negligence of the commission, its agents or employees.

15 5. If notice as provided in this section is given and an
16 action for review is filed under the provisions of section
17 536.150, RSMo, or if administrative review pursuant to the
18 provisions of sections 536.067 to 536.090, RSMo, is filed and the
19 state highways and transportation commission enters its final
20 decision and order to remove the outdoor advertising structure,
21 the advertising message contained on the structure shall be
22 removed or concealed by the owner of the structure, at the
23 owner's expense, until the action for judicial review is finally
24 adjudicated. If the owner of the structure refuses or fails to

1 remove or conceal the advertising message, the commission may
2 remove or conceal the advertising message and the owner of the
3 structure shall be liable for the costs of such removal or
4 concealment. The commission shall incur no liability for causing
5 the removal or concealment of the advertising message while an
6 action for review is pending, except if the owner finally
7 prevails in its action for judicial review, the commission will
8 compensate the owner at the rate the owner is actually receiving
9 income from the advertiser pursuant to written lease from the
10 time the message is removed until the judicial review is final.

11 6. Any signs advertising tourist oriented type business
12 will be the last to be removed.

13 7. Any signs prohibited by section 226.527 which were
14 lawfully erected prior to August 13, 1976, shall be removed
15 pursuant to section 226.570.

16 8. The transportation department shall reimburse to the
17 lawful owners of any said nonconforming signs that are now in
18 existence as defined in sections 226.540, 226.550, 226.580 and
19 226.585, said compensation calculated and/or based on a fair
20 market value and not mere replacement cost.

21 226.585. 1. The state transportation department may cut
22 and trim any vegetation on the highway right-of-way which
23 interferes with the effectiveness of or obscures a lawfully
24 erected billboard, or the highways and transportation commission

1 shall promulgate reasonable rules and regulations to permit the
2 cutting and trimming of such vegetation on the highway or
3 right-of-way by the owner of such billboard. The right to a
4 vegetation permit by an outdoor advertising permit holder shall
5 be issued in accordance with the rules and regulations
6 promulgated by the highways and transportation commission. Such
7 rules and regulations shall be promulgated within twelve months
8 after August 28, 1992, or the commission shall suspend the
9 collection of the biennial inspection fees prescribed by section
10 226.550 until such rules are promulgated, and such rules may
11 include authority to charge a reasonable fee for such
12 [permission] permit. This section shall not apply if its
13 implementation would have the effect of making Missouri be in
14 noncompliance with requirements of Title 23, United States Code,
15 section 131.

16 226.670. No person shall operate, establish, or maintain a
17 junkyard, any portion of which is within one thousand feet of the
18 nearest edge of the right-of-way of any interstate or primary
19 highway, without obtaining a license from the state highways and
20 transportation commission of Missouri. The state highways and
21 transportation commission shall have authority to issue a license
22 for the establishment, operation, and maintenance of junkyards
23 within the limits established in the preceding section and shall
24 charge [an annual] a permit fee of [ten] fifty dollars, payable

1 in advance. All licenses shall expire on the first day of
2 January following the date of issue and the commission may charge
3 a pro rata part of the annual license fee for portions of a year.
4 Licenses shall be renewed from year to year on payment of [the
5 license fee] a twenty-five dollar renewal fee. Such fee shall be
6 deposited in the highway fund and be expended by the state
7 highways and transportation commission in the administration of
8 provisions of sections 226.650 to 226.720.

9 226.730. If a junkyard violates any provision of sections
10 226.650 to 226.720, the state highways and transportation
11 commission is authorized to give notice of violation either by
12 certified mail or by personal service to the owner or occupant of
13 the land on which the junkyard is located and to the owner of the
14 junkyard including any tenant interests. The notice of violation
15 shall specify the reason for the violation and shall specify the
16 remedial action which is required to correct the violation.
17 Remedial action may include removal of the junkyard. The notice
18 of violation shall also advise that a failure to take the
19 remedial action within thirty days of receipt of the notice of
20 violation or may request administrative review by the state
21 highways and transportation commission of the notice of
22 violation. Any administrative review shall be pursuant to
23 chapter 536. The state highways and transportation commission is
24 authorized to delegate the decision of administrative review to

1 the hearing officer or to an appeals board. In the event of such
2 delegation, the decision of the hearing officer or appeals board
3 in the administrative review shall be considered the decision of
4 the state highways and transportation commission. Any decision
5 may be judicially reviewed pursuant to chapter 536. The state
6 highways and transportation commission is authorized to remove or
7 abate the junkyard at the cost of the owner of such junkyard if
8 the specified remedial action is not taken and no timely request
9 for administrative review is made or if any decision on
10 administrative review is finally adjudicated in favor of the
11 state highways and transportation commission. The commission
12 shall incur no liability for causing the removal or abatement of
13 the junkyard except for damage caused by the negligence of the
14 commission, its agents, or employees.

15 227.100. 1. All contracts for the construction of said
16 work shall be let to the lowest responsible bidder or bidders
17 after notice and publication of an advertisement in a newspaper
18 published in the county where the work is to be done, and in such
19 other publications as the commission may determine[; provided,
20 that in all cases where the project advertised shall be for the
21 construction of more than ten miles of road, such advertisement
22 shall provide for bids on sections of said road not to exceed ten
23 miles, as well as on the project as a whole, and such contract
24 shall then be let so as to provide for the most economical
25 construction of said project], provided, that all contracts for

1 the construction of concrete-surfaced state highways shall be let
2 as provided herein in accordance with the lowest bid price upon
3 the acceptance of alternate bids submitted pursuant to plans and
4 specifications for alternate construction by portland cement
5 concrete and asphaltic concrete of comparable design.

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

18 3. All notices of the letting of contracts under this
19 section shall state the time and place when and where bids will
20 be received and opened, and all bids shall be sealed and opened
21 only at the time and place mentioned in such notice and in the
22 presence of some member of the commission or some person named by
23 the commission for such purpose.

24 4. The successful bidders for the construction of said work
25 shall enter into contracts furnished and prescribed by the
26 commission and shall give good and sufficient bond, in a sum

1 equal to the contract price, to the state of Missouri, with
2 sureties approved by the commission and to ensure the proper and
3 prompt completion of said work in accordance with the provisions
4 of said contracts, and plans and specifications; provided, that
5 if, in the opinion of the majority of the members of the
6 commission, the lowest bid or bids for the construction of any of
7 the roads, or parts of roads, herein authorized to be
8 constructed, shall be excessive, then, and in that event, said
9 commission shall have the right, and it is hereby empowered and
10 authorized to reject any or all bids, and to construct, under its
11 own direction and supervision, all of such roads and bridges, or
12 any part thereof.

13 227.107. 1. Notwithstanding any provision of section
14 227.100 to the contrary, as an alternative to the requirements
15 and procedures specified by sections 227.040 to 227.100, the
16 state highways and transportation commission is authorized to
17 enter into one highway design-build project contract. The
18 design-build pilot project authorized by this section shall be
19 selected by the highways and transportation commission from
20 projects approved by the East-West Gateway Coordinating Council
21 and included in the statewide transportation improvement program
22 approved by the commission. Authority to enter into design-build
23 projects granted by this section shall expire on July 1, 2012,
24 unless extended by statute. Any design-build pilot project
25 contract entered into before July 1, 2012, may be continued to
26 its completion through the design-build method of construction.

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

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

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

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

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

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

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

8 8. The design-builder awarded the contract for such project
9 shall perform work in actual construction of the project
10 amounting to not less than fifty percent of construction costs.
11 The commission may require approval of any person performing
12 subcontract work on the design-build highway project.

13 9. The bid bond and performance bond requirements of
14 section 227.100 and the payment bond requirements of section
15 107.170, RSMo, shall apply to the design-build highway project.

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

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

22 12. The provisions of sections 8.285 to 8.291, RSMo, shall
23 not apply to the procurement of architectural, engineering or
24 land surveying services for the design-build highway project,
25 except that any person providing architectural, engineering or
26 land surveying services for the design-builder on the design-

1 build highway project must be licensed in Missouri to provide
2 such services.

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

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

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

21 16. The commission shall make a status report to the
22 members of the general assembly and the governor following the
23 award of the design-build project, as an individual component of
24 the annual report submitted by the commission to the joint
25 transportation oversight committee in accordance with the
26 provisions of section 21.795, RSMo. The annual report prior to

1 advertisement of the design-build highway project contracts shall
2 state the goals of the project in reducing costs and/or the time
3 of completion for the project in comparison to the design-bid-
4 build method of construction and objective measurements to be
5 utilized in determining achievement of such goals. Subsequent
6 annual reports shall include: the time estimated for design and
7 construction of different phases or segments of the project and
8 the actual time required to complete such work during the period;
9 the amount of each progress payment to the design- builder during
10 the period and the percentage and a description of the portion of
11 the project completed regarding such payment; the number and a
12 description of design change orders issued during the period and
13 the cost of each such change order; upon substantial and final
14 completion, the total cost of the design-build highway project
15 with a breakdown of costs for design and construction; and such
16 other measurements as specified by rule. The annual report
17 immediately after final completion of the project shall state an
18 assessment of the advantages and disadvantages of the design-
19 build method of contracting for highway and bridge projects in
20 comparison to the design-bid-build method of contracting and an
21 assessment of whether the goals of the project in reducing costs
22 and/or the time of completion of the project were met.

23 17. The commission shall give public notice of a request
24 for qualifications in at least two public newspapers that are
25 distributed wholly or in part in this state and at least one

1 construction industry trade publication that is distributed
2 nationally.

3 18. The commission shall publish its cost estimates of the
4 design-build highway project award and the desired project
5 completion date along with its public notice requesting
6 qualifications of proposers for the design-build project.

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

11 227.040. The engineer shall proceed to cause surveys to be
12 made of the state highway system as designated in section
13 227.020, and to prepare detail plans and specifications for each
14 part thereof as soon as practicable; provided, however, that
15 wherever surveys have heretofore been made, it shall be the duty
16 of the engineer, when practicable, to adopt and utilize such
17 surveys, together with plans and specifications if any have been
18 made by the transportation department; provided, that all plans
19 and specifications for concrete-surfaced roadway shall include
20 provisions for alternate construction by portland cement concrete
21 and asphaltic concrete of comparable design.

22 227.050. The engineer shall, as soon as practicable, submit
23 to the commission in writing [his] recommendations as to detail
24 plans, width of right-of-way and surfaced roadway and type and
25 character of construction for each county, and at the same time
26 furnish a copy thereof to the county clerk for public

1 information. The commission may approve, disapprove, modify or
2 amend the proposals so recommended, [and the] provided that all
3 proposals approved for concrete-surfaced roadway shall include
4 provisions for alternate construction by portland cement concrete
5 and asphaltic concrete of comparable design. The action of the
6 commission thereon shall be the action of the department on such
7 subject, and shall not be modified or disturbed except by
8 subsequent action of the commission.

9 227.060. The commission shall determine the width of the
10 right-of-way and of the surface roadway of state highways and
11 shall also determine the type and character of construction.
12 Every determination of the type and character of construction for
13 concrete-surfaced roadway shall make provision for alternate
14 construction by portland cement concrete and asphaltic concrete
15 of comparable design. In making decision as to widths, types and
16 character of construction, there shall be taken into
17 consideration the probable volume and weight of intercounty and
18 intracounty vehicular traffic over such state highways, the
19 density of population and the character of the territory through
20 which such state highways are to be constructed. Durability and
21 low maintenance cost shall be considered in connection with the
22 probable volume and weight of such traffic; provided, that in the
23 construction of state roads, no width of less than twelve feet of
24 hard surface shall be considered.

25 227.108. In any construction contract, whether involving
26 state or federal funds, the highways and transportation

1 commission shall require that each person submitting a request
2 for qualifications provide a detailed disadvantaged business
3 enterprise participation plan. The plan shall provide
4 information describing the experience of the person in meeting
5 disadvantaged business enterprise participation goals, how the
6 person will meet the department of transportation's disadvantaged
7 business enterprise participation goal and such other
8 qualifications that the commission considers to be in the best
9 interest of the state.

10 234.032. 1. The general assembly may annually appropriate
11 up to one million dollars from the state revenue fund to fund a
12 project to upgrade nonstate highway system bridges. Moneys shall
13 be appropriated to the department of transportation, which shall
14 administer the project. Moneys appropriated for this project
15 shall be kept separate from all other funds of the department and
16 shall be expended for the purposes specified in this section and
17 for no other purpose. The department shall establish procedures
18 to ensure accountability for the project funds, and shall require
19 an annual report from the university and will provide such
20 information to the governor and the general assembly as required
21 in the annual report.

22 2. The department shall establish appropriate procedures,
23 in accordance with the purposes of this section for selection of
24 project bridges. The department shall utilize one of the

1 innovation centers authorized by section 348.271, RSMo, as the
2 contracting organization for this project.

3 3. Moneys from the project funds shall be used for the
4 analysis and improvement of existing nonstate highway system
5 bridges. Bridges that are currently under the responsibility for
6 repair or maintenance by the department of transportation shall
7 not be eligible for this project.

8 4. The project shall utilize the center for infrastructure
9 engineering studies at the University of Missouri-Rolla for
10 selection of the applicable bridges that can be improved and the
11 lifespan extended by use of technology that has been developed
12 and tested. The selection shall be approved by the department of
13 transportation. The selection of bridges may consider the
14 following criteria:

15 (1) Those bridges whose usage has been seriously hampered
16 by load posting;

17 (2) Those bridges that have been approved by the local
18 authority to be included in this project;

19 (3) Those bridges that restoration can provide the greatest
20 local economic impact; and

21 (4) Those bridges that, combined together, provide the best
22 overall impact on the state.

23 5. The center for infrastructure engineering studies at the
24 University of Missouri-Rolla shall create and lead an industry

1 consortium to perform the structural analysis and technology
2 application required for the improvement of the selected bridges,
3 create the required technical data, and provide technology
4 transfer to local communities.

5 6. The University of Missouri-Rolla shall match every two
6 dollars appropriated with this project pursuant to this section
7 with one dollar from its research funds. Research funding for
8 this project may come from:

9 (1) Local county, city, or townships;

10 (2) Transportation districts;

11 (3) Federal government; and

12 (4) Private contributions.

13 7. State-approved moneys in the projects funds shall in no
14 event be used to defray costs normally attributed to
15 institutional overhead. The chargeability of any disputed item
16 shall be determined by the department, and decisions of the
17 department with respect to selection of applied projects shall be
18 final.

19 8. Reasonable and necessary administrative costs for the
20 solicitation and evaluation of projects proposals, and for the
21 preparation of reports concerning the project funds, shall be
22 chargeable to the project, subject to the approval of the
23 department.

1 301.129. There is established in this section an advisory
2 committee for the department of revenue, which shall exist solely
3 to develop uniform designs and common colors for motor vehicle
4 license plates issued under this chapter and to determine
5 appropriate license plate parameters for all license plates
6 issued [under] pursuant to this chapter. The advisory committee
7 may adopt more than one type of design and color scheme for
8 license plates issued [under] pursuant to this chapter; however,
9 each license plate of a distinct type shall be uniform in design
10 and color scheme with all other license plates of that distinct
11 type. The specifications for the fully reflective material used
12 for the plates, as required by section 301.130, shall be
13 determined by the committee. Such plates shall meet any specific
14 requirements prescribed in this chapter. The advisory committee
15 shall consist of the director of revenue, the superintendent of
16 the highway patrol, the correctional enterprises administrator,
17 one person appointed by the governor, one state senator appointed
18 by the president pro tem of the senate and one state
19 representative appointed by the speaker of the house of
20 representatives. Prior to April 1, [1996] 2003, the committee
21 [shall] may meet, select a chairman from among their members, and
22 develop uniform design and license plate parameters for the motor
23 vehicle license plates issued [under] pursuant to this chapter
24 with particular emphasis on public safety. Prior to determining

1 the final design of the plates, the committee shall hold at least
2 three public meetings in different areas of the state to invite
3 public input on the final design. Members of the committee shall
4 be reimbursed for their actual and necessary expenses incurred in
5 the performance of their duties under this section out of funds
6 appropriated for that purpose. The committee shall direct the
7 director of revenue to implement its final design of the uniform
8 motor vehicle license plates and any specific parameters for all
9 license plates developed by the committee not later than April 1,
10 [1996] 2003. The committee shall be dissolved upon completion of
11 its duties [under] pursuant to this section.

12 302.720. 1. Except when operating under an instruction
13 permit as described in this section, no person may drive a
14 commercial motor vehicle unless the person has been issued a
15 commercial driver's license with applicable endorsements valid
16 for the type of vehicle being operated as specified in sections
17 302.700 to 302.780. A commercial driver's instruction permit
18 shall allow the holder of a valid license to operate a commercial
19 motor vehicle when accompanied by the holder of a commercial
20 driver's license valid for the vehicle being operated and who
21 occupies a seat beside the individual, or reasonably near the
22 individual in the case of buses, for the purpose of giving
23 instruction in driving the commercial motor vehicle. A
24 commercial driver's instruction permit shall be valid for the
25 vehicle being operated for a period of not more than six months,

1 and shall not be issued until the permit holder has met all other
2 requirements of sections 302.700 to 302.780, except for the
3 driving test. A permit holder, unless otherwise disqualified,
4 may be granted one six-month renewal within a one-year period.
5 The fee for such permit or renewal shall be five dollars. In the
6 alternative, a commercial driver's instruction permit shall be
7 issued for a thirty-day period to allow the holder of a valid
8 driver's license to operate a commercial motor vehicle if the
9 applicant has completed all other requirements except the driving
10 test. The permit may be renewed for one additional thirty-day
11 period and the fee for the permit and for renewal shall be five
12 dollars.

13 2. No person may be issued a commercial driver's license
14 until he has passed written and driving tests for the operation
15 of a commercial motor vehicle which complies with the minimum
16 federal standards established by the secretary and has satisfied
17 all other requirements of the Commercial Motor Vehicle Safety Act
18 of 1986 (Title XII of Pub. Law 99-570), as well as any other
19 requirements imposed by state law. Applicants for a hazardous
20 materials endorsement must also meet the requirements of the U.S.
21 Patriot Act of 2001 (Title X of Pub. Law 107-56) as specified and
22 required by regulations promulgated by the secretary. Nothing
23 contained in this subsection shall be construed as prohibiting
24 the director from establishing alternate testing formats for
25 those who are functionally illiterate; provided, however, that
26 any such alternate test must comply with the minimum requirements

1 of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of
2 Pub. Law 99-570) as established by the secretary.

3 (1) The written and driving tests shall be held at such
4 times and in such places as the director may designate. A
5 five-dollar examination fee shall be paid by the applicant upon
6 completion of any written or driving test. The director shall
7 delegate the power to conduct the examinations required under
8 sections 302.700 to 302.780 to any member of the highway patrol
9 or any person employed by the highway patrol qualified to give
10 driving examinations.

11 (2) The director shall adopt and promulgate rules and
12 regulations governing the certification of third-party testers by
13 the department of revenue. Such rules and regulations shall
14 substantially comply with the requirements of 49 CFR Part 383,
15 Section 383.75. A certification to conduct third-party testing
16 shall be valid for one year, and the department shall charge a
17 fee of one hundred dollars to issue or renew the certification of
18 any third-party tester. Any third-party tester who violates any
19 of the rules and regulations adopted and promulgated pursuant to
20 this section shall be subject to having his certification revoked
21 by the department. The department shall provide written notice
22 and an opportunity for the third-party tester to be heard in
23 substantially the same manner as provided in chapter 536, RSMo.
24 If any applicant submits evidence that he has successfully
25 completed a test administered by a third-party tester, the actual

1 driving test for a commercial driver's license may then be
2 waived.

3 (3) Every applicant for renewal of a commercial driver's
4 license shall provide such certifications and information as
5 required by the secretary and if such person transports a
6 hazardous material must also meet the requirements of the U.S.
7 Patriot Act of 2001 (Title X of Pub. Law 107-56) as specified and
8 required by regulations promulgated by the secretary, such person
9 shall be required to take the written test for such endorsement.
10 A five-dollar examination fee shall be paid for each test taken.

11 3. The director may waive the driving test for a commercial
12 driver's license if such applicant provides the certifications
13 required by regulations established by the secretary as a
14 substitute for the driving test and holds a valid license.

15 4. The certifications may include, but not be limited to,
16 stating that during the two-year period immediately prior to
17 applying for a commercial driver's license the applicant:

18 (1) Has not had more than one license;

19 (2) Has not had any license suspended, revoked, canceled or
20 disqualified;

21 (3) Has not had a conviction in any type of motor vehicle
22 for driving while intoxicated, driving while under the influence
23 of alcohol or controlled substance, leaving the scene of an
24 accident or felony involving the use of a commercial motor
25 vehicle;

1 (4) Has not violated any state law or county or municipal
2 ordinance relating to the operation of a motor vehicle in
3 connection with an accident; and

4 (5) Has no record of an accident in which such applicant
5 was at fault.

6 5. In order to be valid as a certification exempting the
7 applicant from the driving test, the applicant shall also provide
8 evidence and certify that:

9 (1) He is regularly employed in a job requiring him to
10 drive a commercial motor vehicle; and

11 (2) He has previously taken and passed a driving test given
12 by a state with a classified licensing and testing system, and
13 that the test was behind the wheel in a representative vehicle
14 for that applicant's license classification; or

15 (3) He has operated, for at least two years immediately
16 preceding application for a commercial driver's license, a
17 vehicle representative of the commercial motor vehicle the
18 applicant drives or expects to drive.

19 6. A commercial driver's license may not be issued to a
20 person while the person is disqualified from driving a commercial
21 motor vehicle, when a disqualification is pending in any state or
22 while the person's driver's license is suspended, revoked, or
23 canceled in any state; nor may a commercial driver's license be
24 issued unless the person first surrenders in a manner prescribed
25 by the director any commercial driver's license issued by another

1 state, which license shall be returned to the issuing state for
2 cancellation.

3 304.001. As used in this chapter and chapter 307, RSMo, the
4 following terms shall mean:

5 (1) "Abandoned property", any unattended motor vehicle,
6 trailer, all-terrain vehicle, outboard motor or vessel removed or
7 subject to removal from public or private property as provided in
8 sections 304.155 and 304.157, whether or not operational or any
9 motor vehicle involved in an accident whereby a law enforcement
10 official requests such vehicle to be removed from the scene
11 because the operator or owner is unable to arrange for the
12 abandoned property's timely removal;

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

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

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

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

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

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

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

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

18 (a) Including, without limitation, the following:

19 a. Jeeps;

20 b. All-terrain vehicles;

21 c. Dune buggies;

22 d. Multiwheel drive or low-pressure tire vehicles;

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

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

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

3 (b) Excluding the following:

4 a. Registered motorboats;

5 b. Aircraft;

6 c. Any military, fire or law enforcement vehicle;

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

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

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

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

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

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

21 (12) "Roadway", that portion of a state highway ordinarily
22 used for vehicular travel, exclusive of the berm or shoulder;

23 (13) "State highway", a highway constructed or maintained
24 by the state highways and transportation commission with the aid
25 of state funds or United States government funds, or any highway

1 included by authority of law in the state highway system,
2 including all right-of-way;

3 (14) "Towing company", any person or entity which tows,
4 removes or stores abandoned property;

5 (15) "Urbanized area", an area with a population of fifty
6 thousand or more designated by the Bureau of the Census, within
7 boundaries to be fixed by the state highways and transportation
8 commission and local officials in cooperation with each other and
9 approved by the Secretary of Transportation. The boundary of an
10 urbanized area shall, at a minimum, encompass the entire
11 urbanized area as designed by the Bureau of the Census.

12 304.370. 1. For the purpose of this section, hazardous
13 materials shall be defined pursuant to Part 397, Title 49, Code
14 of Federal Regulations, as adopted and amended.

15 2. No person shall transport hazardous materials in or
16 through any highway tunnel located beneath any airport runway in
17 this state. For purposes of this section, a tunnel shall be
18 defined as a horizontal subterranean passageway through or under
19 an obstruction of a length of one hundred yards or more.

20 3. No person shall park a vehicle containing hazardous
21 materials within three hundred feet of any highway tunnel located
22 beneath any airport runway in this state except as provided
23 pursuant to Part 397, Title 49, Code of Federal Regulations, as
24 such regulations have been and may periodically be amended.

25 4. Any person who is found or pleads guilty to a violation
26 of this section shall be guilty of a class B misdemeanor. Any

1 person who is found or pleads guilty to a second or subsequent
2 violation of this section shall be guilty of a class A
3 misdemeanor. Violations of this section shall be enforced
4 pursuant to section 390.201, RSMo.

5 305.230. 1. The state highways and transportation
6 commission shall administer an aeronautics program within this
7 state. The [state] commission shall encourage, foster and
8 participate with the political subdivisions of this state in the
9 promotion and development of aeronautics. The [state] commission
10 may provide financial assistance in the form of grants from funds
11 appropriated for such purpose to any political subdivision or
12 instrumentality of this state acting independently or jointly or
13 to the owner or owners of any privately owned airport designated
14 as a reliever by the Federal Aviation Administration for the
15 planning, acquisition, construction, improvement or maintenance
16 of airports, or for other aeronautical purposes.

17 2. Any political subdivision or instrumentality of this
18 state or the owner or owners of any privately owned airport
19 designated as a reliever by the Federal Aviation Administration
20 receiving state funds for the purchase, construction, or
21 improvement, except maintenance, of an airport shall agree before
22 any funds are paid to it to control by ownership or lease the
23 airport for a period equal to the useful life of the project as
24 determined by the [state] commission following the last payment
25 of state or federal funds to it. In the event an airport

1 authority ceases to exist for any reason, this obligation shall
2 be carried out by the governing body which created the authority.

3 3. Unless otherwise provided, grants to political
4 subdivisions, instrumentalities or to the owner or owners of any
5 privately owned airport designated as a reliever by the Federal
6 Aviation Administration shall be made from the aviation trust
7 fund. In making grants, the commission shall consider whether
8 the local community has given financial support to the airport in
9 the past. Priority shall be given to airports with local funding
10 for the past five years with no reduction in such funding. The
11 aviation trust fund is a revolving trust fund exempt from the
12 provisions of section 33.080, RSMo, relating to the transfer of
13 funds to the general revenue funds of the state by the state
14 treasurer. All interest earned upon the balance in the aviation
15 trust fund shall be deposited to the credit of the same fund.

16 4. The moneys in the aviation trust fund shall be
17 administered by the [state] commission and, when appropriated,
18 shall be used for the following purposes:

19 (1) As matching funds on an up to [eighty] ninety percent
20 [state/twenty] state/ten percent local basis, except in the case
21 where federal funds are being matched, when the ratio of state
22 and local funds used to match the federal funds shall be fifty
23 percent state/fifty percent local:

24 (a) For preventive maintenance of runways, taxiways and
25 aircraft parking areas, and for emergency repairs of the same;

1 (b) For the acquisition of land for the development and
2 improvement of airports;

3 (c) For the earthwork and drainage necessary for the
4 construction, reconstruction or repair of runways, taxiways, and
5 aircraft parking areas;

6 (d) For the construction, or restoration of runways,
7 taxiways, or aircraft parking areas;

8 (e) For the acquisition of land or easements necessary to
9 satisfy Federal Aviation Administration safety requirements;

10 (f) For the identification, marking or removal of natural
11 or manmade obstructions to airport control zone surfaces and
12 safety areas;

13 (g) For the installation of runway, taxiway, boundary,
14 ramp, or obstruction lights, together with any work directly
15 related to the electrical equipment;

16 (h) For the erection of fencing on or around the perimeter
17 of an airport;

18 (i) For purchase, installation or repair of air
19 navigational and landing aid facilities and communication
20 equipment;

21 (j) For engineering related to a project funded under the
22 provisions of this section and technical studies or consultation
23 related to aeronautics;

24 (k) For airport planning projects including master plans
25 and site selection for development of new airports, for updating

1 or establishing master plans and airport layout plans at existing
2 airports;

3 (1) For the purchase, installation, or repair of safety
4 equipment and such other capital improvements and equipment as
5 may be required for the safe and efficient operation of the
6 airport;

7 (2) As total funds, with no local match:

8 (a) For providing air markers, windsocks, and other items
9 determined to be in the interest of the safety of the general
10 flying public;

11 (b) For the printing and distribution of state aeronautical
12 charts and state airport directories on an annual basis, and a
13 newsletter on a quarterly basis or the publishing and
14 distribution of any public interest information deemed necessary
15 by the [state] commission;

16 (c) For the conducting of aviation safety workshops;

17 (d) For the promotion of aerospace education;

18 (3) As total funds with no local match, up to five hundred
19 thousand dollars per year may be used for the cost of operating
20 existing air traffic control towers that do not receive funding
21 from the Federal Aviation Administration or the United States
22 Department of Defense, except no more than one hundred
23 twenty-five thousand dollars per year may be used for any
24 individual control tower.

25 5. In the event of a natural or manmade disaster which
26 closes any runway or renders inoperative any electronic or visual

1 landing aid at an airport, any funds appropriated for the purpose
2 of capital improvements or maintenance of airports may be made
3 immediately available for necessary repairs once they are
4 approved by the [Missouri department of transportation]
5 commission. For projects designated as emergencies by the
6 [Missouri department of transportation] commission, all
7 requirements relating to normal procurement of engineering and
8 construction services are waived.

9 6. As used in this section, the term "instrumentality of
10 the state" shall mean any state educational institution as
11 defined in section 176.010, RSMo, or any state agency which owned
12 or operated an airport on January 1, 1997, and continues to own
13 or operate such airport.

14 307.205. 1. For the purposes of this section, "electric
15 personal assistive mobility device" (EPAMD) shall mean a self-
16 balancing, two nontandem wheeled device, designed to transport
17 only one person, with an electric propulsion system with an
18 average power of seven hundred fifty watts (one horsepower),
19 whose maximum speed on a paved level surface, when powered solely
20 by such a propulsion system while ridden by an operator who
21 weighs one hundred seventy pounds, is less than twenty miles per
22 hour.

23 2. An electric personal assistive mobility device may be
24 operated upon a street, highway, sidewalk, and bicycle path.
25 Every person operating such a device shall be granted all of the

1 rights and be subject to all of the duties applicable to a
2 pedestrian pursuant to chapter 304, RSMo.

3 3. Persons under sixteen years of age shall not operate an
4 electric personal assistive mobility device, except for an
5 operator with a mobility-related disability.

6 4. An electric personal assistive mobility device shall be
7 operated only on roadways with a speed limit of forty-five miles
8 per hour or less. This shall not prohibit the use of such device
9 when crossing roadways with speed limits in excess of forty-five
10 miles per hour.

11 5. A city or town shall have the authority to regulate the
12 operation of an electric personal assistive mobility device
13 within its city or town limits.

14 307.207. Every electric personal assistive mobility device
15 (EPAMD) when in use on a roadway during the period from one-half
16 hour after sunset to one-half hour before sunrise shall be
17 equipped with the following:

18 (1) A front-facing lamp on the front or carried by the
19 rider which shall emit a white light visible at night under
20 normal atmospheric conditions on a straight, level, unlighted
21 roadway at five hundred feet;

22 (2) A rear-facing red reflector, at least two square inches
23 in reflective surface area, or a rear-facing red lamp, on the
24 rear which shall be visible at night under normal atmospheric

1 conditions on a straight, level, unlighted roadway when viewed by
2 a vehicle driver under the lower beams of vehicle headlights at
3 six hundred feet.

4 307.209. Every person operating an electric personal
5 assistive mobility device (EPAMD) at less than the posted speed
6 or slower than the flow of traffic upon a street or highway shall
7 ride as near to the right side of the roadway as safe, exercising
8 due care when passing a standing vehicle or one proceeding in the
9 same direction, except when making a left turn, when avoiding
10 hazardous conditions, when the lane is too narrow to share with
11 another vehicle, or when on a one-way street.

12 307.211. Any person seventeen years of age or older who
13 violates any provision of sections 307.205 to 307.211 is guilty
14 of an infraction and, upon conviction thereof, shall be punished
15 by a fine of not less than five dollars nor more than twenty-five
16 dollars. Such an infraction does not constitute a crime and
17 conviction shall not give rise to any disability or legal
18 disadvantage based on conviction of a criminal offense. If any
19 person under seventeen years of age violates any provision of
20 section 307.205 to 307.211 in the presence of a peace officer
21 possessing the duty and power of arrest for violation of the
22 general criminal laws of the state or for violation of ordinances
23 of counties or municipalities of the state, said officer may
24 impound the electric personal assistive mobility device (EPAMD)

1 involved for a period not to exceed five days upon issuance of a
2 receipt to the child riding it or to its owner.

3 Section B. Section A of this act is hereby submitted to the
4 qualified voters of this state for approval or rejection at an
5 election which is hereby ordered and which shall be held and
6 conducted on the Tuesday immediately following the first Monday
7 in November, 2002, or at a special election to be called by the
8 governor for that purpose, pursuant to the laws and
9 constitutional provisions of this state applicable to general
10 elections and the submission of referendum measures by initiative
11 petition, and section A of this act shall become effective
12 January 1, 2003, if approved by a majority of the votes cast
13 thereon at such election and not otherwise.

14 Section C. At the general election on the first Tuesday
15 immediately following the first Monday in November 2022, and
16 every ten years thereafter, the secretary of state shall submit
17 to the electors of this state the question: "Shall the
18 additional revenues for transportation included in sections
19 144.020 and 144.021, as approved by the voters in the November
20 2002 general election or any special election called by the
21 governor for such purpose, be renewed and extended for ten
22 years?". If a majority of the votes cast thereon is for the
23 affirmative, the additional revenues shall be renewed and
24 extended for ten years. If a majority of the votes cast thereon
25 is for the negative, the decennial referendum provision of this
26 section, the increase in rates included in sections 144.020 and

1 144.021, as approved by the voters in the November 2002 general
2 election or any special election called by the governor for such
3 purpose and which direct the deposit and use of revenues pursuant
4 to section A of this act shall expire on July first following the
5 election and return to the provisions in effect on January 1,
6 2002.