

HOUSE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILLS NOS. 915, 710 & 907

1 AN ACT

2 To repeal sections 142.803, 144.020, 144.021,  
3 144.440, 144.805, 155.080, 226.030, 226.134,  
4 226.200, 226.585, 227.100, 302.341, 302.720,  
5 and 304.001, RSMo, section 304.157 as enacted  
6 by senate bill no. 17 of the first regular  
7 session of the ninetieth general assembly and  
8 section 304.157 as enacted by conference  
9 committee substitute for house substitute for  
10 senate substitute for senate committee  
11 substitute for senate bill no. 19 of the  
12 first regular session of the ninetieth  
13 general assembly, and to enact in lieu  
14 thereof sixty-six new sections relating to  
15 measures to increase funding for  
16 transportation, with a referendum clause,  
17 effective date and a contingent termination  
18 date for certain sections.

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

21 Section A. Sections 142.803, 144.020, 144.021,  
22 144.440, 144.805, 155.080, 226.030, 226.134, 226.200,  
23 226.585, 227.100, 302.341, 302.720, and 304.001, RSMo,  
24 section 304.157 as enacted by senate bill no. 17 of the  
25 first regular session of the ninetieth general assembly  
26 and section 304.157 as enacted by conference committee  
27 substitute for house substitute for senate substitute

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in boldface type in the above law is new proposed language.**

1 for senate committee substitute for senate bill no. 19 of the  
2 first regular session of the ninetieth general assembly, are  
3 repealed and sixty-six new sections enacted in lieu thereof, to  
4 be known as sections 37.095, 37.096, 43.272, 67.1800, 67.1802,  
5 67.1804, 67.1806, 67.1808, 67.1810, 67.1812, 67.1814, 67.1816,  
6 67.1818, 67.1820, 67.1822, 142.803, 144.020, 144.021, 144.440,  
7 144.805, 155.080, 226.030, 226.134, 226.200, 226.201, 226.585,  
8 226.1000, 226.1002, 227.100, 233.298, 302.341, 302.720, 302.721,  
9 304.001, 304.153, 304.157, 305.700, 305.702, 305.704, 305.706,  
10 305.708, 305.710, 305.712, 305.714, 307.205, 307.207, 307.209,  
11 307.211, 307.402, 436.300, 436.303, 436.306, 436.309, 436.312,  
12 436.315, 436.318, 436.321, 436.324, 436.327, 436.330, 436.333,  
13 436.336, 1, 2, 3, and 4, to read as follows:

14 37.095. Provisions of section 37.090, RSMo,  
15 notwithstanding, all proceeds generated by the sale of a surplus  
16 vehicle, except proceeds generated from the department of  
17 transportation, the department of conservation, the Missouri  
18 state highway patrol, and all state colleges and universities,  
19 may be deposited in the state treasury to the credit of the  
20 office of administration revolving administrative trust fund and  
21 credited to the state agency owning the vehicle at the time of  
22 sale. Upon appropriation, moneys credited to agencies from the  
23 sale of surplus state fleet vehicles shall be used solely for the  
24 purchase of vehicles for the respective agency.

1           37.096. 1. As used in this section, the following terms  
2 mean:

3           (1) "Commissioner", the commissioner of the office of  
4 administration;

5           (2) "Fleet manager", the state vehicle fleet manager  
6 created pursuant to subsection 2 of this section;

7           (3) "State vehicle fleet", all vehicles used by the state  
8 or titled to the state for the purpose of conducting state  
9 business;

10           (4) "Vehicle", as defined pursuant to section 301.010,  
11 RSMo.

12           2. There is hereby created within the office of  
13 administration the position of state vehicle fleet manager. The  
14 fleet manager shall be appointed by the commissioner of  
15 administration pursuant to chapter 36, RSMo.

16           3. The fleet manager shall institute and supervise a state  
17 vehicle fleet tracking system in which the cost of owning and  
18 operating each state vehicle is documented by the agency owning  
19 the vehicle. All state agencies shall report the purchase and  
20 the sale of any vehicle to the fleet manager and provide any  
21 additional information requested by the fleet manager in the  
22 format, manner, and frequency determined by the office of  
23 administration. The fleet manager shall have the authority to  
24 suspend any agency's use of its credits established pursuant to

1 section 37.095 if the agency does not comply with the  
2 requirements of this section or section 307.402, RSMo, until he  
3 or she is satisfied that such compliance is achieved.

4 4. The fleet manager shall submit an annual report to the  
5 speaker of the house of representatives, the president pro  
6 tempore of the senate, and the governor before January thirty-  
7 first of each year. The fleet manager's report shall consist of  
8 the status of the state vehicle fleet and any recommendations for  
9 improvements and changes necessary for more efficient management  
10 of the fleet.

11 5. The office of administration shall establish guidelines  
12 for determining the most cost-effective and reasonable mode of  
13 travel under the circumstances for single trips from the  
14 following options: passenger rail; vehicle rental; fleet  
15 checkout; and reimbursement for personal car use.

16 6. The commissioner shall issue policies governing the  
17 acquisition, assignment, use, replacement, and maintenance of  
18 state-owned vehicles.

19 7. Each agency shall pay a state vehicle fleet fee, as  
20 determined by the office of administration, for each vehicle it  
21 owns for the purpose of funding the state vehicle fleet tracking  
22 system and for other administrative expenses incurred in  
23 management of the state vehicle fleet. Any agency that owns at  
24 least one thousand vehicles shall receive a credit against the

1 state vehicle fleet fee for the internal fleet management  
2 services performed by such agency, provided such agency furnishes  
3 all information required by the fleet manager.

4 8. State agencies shall be responsible for ensuring that  
5 state vehicles are used only for state business and not for  
6 private purposes.

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

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

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

20 67.1800. As used in sections 67.1800 to 67.1822, the  
21 following terms mean:

22 (1) "Airport authority", an entity established by city  
23 ordinance regarding governance of the airport with  
24 representatives appointed by the chief executives of the city,

1 county, and other approximate counties within the region;

2 (2) "Airport", Lambert-St. Louis International Airport and  
3 any other airport located within the district and designated by a  
4 chief executive;

5 (3) "Airport taxicab", a taxicab which picks up passengers  
6 for hire at the airport, transports them to places they designate  
7 by no regular specific route, and the charge is made on the basis  
8 of distance traveled as indicated by the taximeter;

9 (4) "Chief executive", the mayor of the city and the county  
10 executive of the county;

11 (5) "City", a city not within a county;

12 (6) "Commission", the regional taxicab commission created  
13 in section 67.1804;

14 (7) "County", a county with a charter form of government  
15 and with more than one million inhabitants;

16 (8) "District", the geographical area encompassed by the  
17 regional taxicab commission;

18 (9) "Driver", an individual operator of a motor vehicle and  
19 may be an employee or independent contractor;

20 (10) "Hotel and restaurant industry", the group of  
21 enterprises actively engaged in the business of operating lodging  
22 and dining facilities for transient guests;

23 (11) "Municipality", a city, town, or village which has  
24 been incorporated in accordance with the laws of the state of

1 Missouri;

2 (12) "On-call/reserve taxicab", any motor vehicle or  
3 nonmotorized carriage engaged in the business of carrying persons  
4 for hire on the streets of the district, whether the same is  
5 hailed on the streets by a passenger or is operated from a street  
6 stand, from a garage on a regular route, or between fixed termini  
7 on a schedule, and where no regular or specific route is  
8 traveled, passengers are taken to and from such places as they  
9 designate, and the charge is made on the basis of distance  
10 traveled as indicated by a taximeter;

11 (13) "Premium sedan", any motor vehicle engaged in the  
12 business of carrying persons for hire on the streets of the  
13 district which seats a total of five or less passengers in  
14 addition to a driver and which carries in each vehicle a manifest  
15 or trip ticket containing the name and pickup address of the  
16 passenger or passengers who have arranged for the use of the  
17 vehicle, and the charge is a prearranged fixed contract price  
18 quoted for transportation between termini selected by the  
19 passenger;

20 (14) "Taxicab", airport taxicabs, on-call/reserve taxicabs  
21 and premium sedans referred to collectively as taxicabs;

22 (15) "Taxicab company", the use of one or more taxicabs  
23 operated as a business carrying persons for hire;

24 (16) "Taximeter", a meter instrument or device attached to

1 an on-call taxicab or airport taxicab which measures mechanically  
2 or electronically the distance driven and the waiting time upon  
3 which the fare is based.

4 67.1802. There is hereby established a "Regional Taxicab  
5 District", with boundaries which shall encompass any city not  
6 within a county and any county with a charter form of government  
7 and with more than one million inhabitants, including all  
8 incorporated municipalities located within such county.

9 67.1804. For the regional taxicab district, there is hereby  
10 established a "Regional Taxicab Commission", which shall be a  
11 body politic and corporate vested with all the powers expressly  
12 granted to it herein and created for the public purposes of  
13 recognizing taxicab service as a public transportation system,  
14 improving the quality of the system, and exercising primary  
15 authority over the provision of licensing, control and  
16 regulations of taxicab services within the district.

17 67.1806. 1. The regional taxicab commission shall consist  
18 of a chairperson plus eight members, four of whom shall be  
19 appointed by the chief executive of the city with approval of the  
20 board of aldermen, and four of whom shall be appointed by the  
21 chief executive of the county with approval of the governing body  
22 of the county. Of the eight members first appointed, one city  
23 appointee and one county appointee shall be appointed to a four-  
24 year term, two city appointees and two county appointees shall be

1 appointed to a three-year term, and one city appointee and one  
2 county appointee shall be appointed to a one-year term. Members  
3 appointed after the expiration of these initial terms shall serve  
4 a four-year term. The chief executive officer of the city and  
5 the chief executive officer of the county shall alternately  
6 appoint a chairperson who shall serve a term of three years. The  
7 respective chief executive who appoints the members of the  
8 commission shall appoint members to fill unexpired terms  
9 resulting from any vacancy of a person appointed by that chief  
10 executive. All members and the chairperson must reside within  
11 the district while serving as a member. All members shall serve  
12 without compensation. Nothing shall prohibit a representative of  
13 the taxicab industry from being chairperson.

14 2. In making the eight appointments set forth in subsection  
15 1 of this section, the chief executive officer of the city and  
16 the chief executive officer of the county shall collectively  
17 select four representatives of the taxicab industry. Such four  
18 representatives of the taxicab industry shall include at least  
19 one from each of the following:

20 (1) An owner or designated assignee of a taxicab company  
21 which holds at least one but no more than one hundred taxicab  
22 licenses;

23 (2) An owner or designated assignee of a taxicab company  
24 which holds at least one hundred one taxicab licenses or more;

1           (3) A taxicab driver, excluding any employee or independent  
2 contractor of a company currently represented on the commission.

3 The remaining five commission members shall be designated "at  
4 large" and shall not be a representative of the taxicab industry  
5 or be the spouse of any such person nor be an individual who has  
6 a direct material or financial interest in such industry. If any  
7 representative of the taxicab industry resigns or is otherwise  
8 unable to serve out the term for which such representative was  
9 appointed, a similarly situated representative of the taxicab  
10 industry shall be appointed to complete the specified term.

11           67.1808. The regional taxicab commission is empowered to:

12           (1) Develop and implement plans, policies, and programs to  
13 improve the quality of taxicab service and encourage minority  
14 participation within the district;

15           (2) Cooperate and collaborate with the hotel and restaurant  
16 industry to:

17           (a) Restrict the activities of those doormen employed by  
18 hotels and restaurants who accept payment from taxicab drivers or  
19 taxicab companies in exchange for the doormen's assistance in  
20 obtaining passengers for such taxicab drivers and companies; and

21           (b) Obtain the adherence of hotel shuttle vehicles to the  
22 requirement that they operate solely on scheduled trips between  
23 fixed termini and shall have authority to create guidelines for

1 hotel and commercial shuttles;

2 (3) Cooperate and collaborate with other governmental  
3 entities, including the government of the United States, this  
4 state, and political subdivisions of this and other states;

5 (4) Cooperate and collaborate with governmental entities  
6 whose boundaries adjoin those of the district to assure that any  
7 taxicab or taxicab company neither licensed by the commission nor  
8 officed within its boundaries shall nonetheless be subject to  
9 those aspects of the taxicab code applicable to taxicabs  
10 operating within the district's boundaries;

11 (5) Contract with any public or private agency, individual,  
12 partnership, association, corporation or other entity, consistent  
13 with law, for the provision of services necessary to improve the  
14 quality of taxicab service within the district;

15 (6) Accept grants and donations from public or private  
16 entities for the purpose of improving the quality of taxicab  
17 service within the district;

18 (7) Execute contracts, sue, and be sued;

19 (8) Adopt a taxicab code to license and regulate taxicab  
20 companies and individual taxicabs within the district consistent  
21 with existing ordinances, and to provide for the enforcement of  
22 such code for the purpose of improving the quality of taxicab  
23 service within the district;

24 (9) Collect reasonable fees in an amount sufficient to fund

1 the commission's licensing, regulatory, inspection, and  
2 enforcement functions; except that, for the first year after the  
3 regional taxicab commission's taxicab code becomes effective, any  
4 increase in fees shall not exceed twenty percent of the total  
5 fees collected and for subsequent years, the fees may be adjusted  
6 annually based on the rate of inflation according to the Consumer  
7 Price Index; and

8 (10) Establish accounts with appropriate banking  
9 institutions, borrow money, buy, sell, or lease property for the  
10 necessary functions of the commission.

11 67.1810. 1. To implement internally the powers which it  
12 has been granted, the commission shall:

13 (1) Elect its own vice chair, secretary, and such other  
14 officers as it deems necessary, make such rules as are necessary  
15 and consistent with the commission's powers;

16 (2) Provide for the expenditure of funds necessary for the  
17 proper administration of the commission's assigned duties;

18 (3) Convene monthly meetings of the entire commission or  
19 more often if deemed necessary by the commission members;

20 (4) Make decisions by affirmative vote of the majority of  
21 the commission; provided that each of the commissioners,  
22 including the chairperson, shall be entitled to one vote on each  
23 matter presented for vote and provided further that at least two  
24 city appointees and two county appointees, excluding the

1 chairperson, must be included in each majority vote of the  
2 commission.

3 2. The commission shall not exceed or expend moneys in  
4 excess of any fees collected and any moneys provided to the  
5 commission pursuant to section 67.1820.

6 67.1812. Following the appointment of the commissioners,  
7 the regional taxicab commission shall meet for the purpose of  
8 establishing and adopting a district-wide taxicab code. In  
9 promulgating the taxicab code, the commission shall seek, to the  
10 extent reasonably practical, to preserve within the code  
11 provisions similar to those contained in chapter 8.98 of the  
12 city's municipal ordinance and chapter 806 of the county  
13 ordinances, both relating to taxicab issues such as licensing,  
14 regulation, inspection, and enforcement while avoiding  
15 unnecessary overlaps or inconsistencies between the ordinances.  
16 The commission shall present a draft of its district-wide taxicab  
17 code at public hearings, one of which will be held in the city  
18 and another in the county, following prior public notice of same.  
19 Notice of the public hearing shall be given by publication at  
20 least twice, the first publication to be not more than thirty  
21 days and the second publication to be not more than ten days  
22 prior to each hearing in a newspaper of general circulation in  
23 the city and county. The commission shall adopt its taxicab code  
24 no later than one hundred eighty days after the appointment of

1 the initial commission members. The commission shall have the  
2 power to amend the taxicab code from time to time following the  
3 initial adoption without the requirement of public notice or  
4 hearings.

5 67.1814. The commission shall further seek the input of the  
6 city, county, and airport authority generally regarding the  
7 taxicab code and, in particularly with reference to airport  
8 taxicabs, shall seek to ensure:

9 (1) Continuous, smooth airport service during any  
10 transition period from the current city and county operation to  
11 the new regional taxicab commission;

12 (2) The need of the airport authority to provide services  
13 at the airport's passenger terminals; and

14 (3) Airport authority involvement as to the servicing of  
15 the airport by airport taxicabs.

16 The commission shall not regulate the airport or airport taxicabs  
17 as to cab parking, circulation, cab stands, or passenger loading  
18 at the airport, or the payment by airport taxicabs for use of the  
19 airport or its facilities.

20 67.1816. The city and county's ordinances relating to  
21 taxicabs shall remain in full force and effect and be enforced as  
22 such by the city and county until one hundred twenty days after  
23 the regional taxicab commission adopts its taxicab code, at which

1 time such city and county ordinances shall be deemed to be  
2 rescinded as well as ordinances adopted by municipalities within  
3 the county. Upon the effective date of the taxicab code:

4 (1) All licensing, regulations, inspections, inspections of  
5 taxicabs, and enforcement of the taxicab code shall rest  
6 exclusively with the regional taxicab commission;

7 (2) All taxicabs subject to the taxicab code shall be  
8 required to comply fully with the taxicab code, notwithstanding  
9 any previously issued licenses or certificates of convenience;

10 (3) All permits valid and effective as of August 28, 2002,  
11 shall remain valid and effective until the date of expiration or  
12 renewal of such permit; and

13 (4) All available taxicab licensing, inspection, and  
14 related fees previously collected and remaining unspent by other  
15 jurisdictions shall be immediately paid over the regional taxicab  
16 commission for its future use in administering the taxicab code.

17 The provisions of this section notwithstanding, existing  
18 municipal regulations relating to taxicab curb locations and curb  
19 fees as well as local business licenses which do not seek to  
20 regulate taxicab use shall not be preempted by the taxicab code  
21 except by agreement between the commission and applicable  
22 municipality.

23 67.1818. The commission shall establish as part of the

1 taxicab code its own internal, administrative procedure for  
2 decisions involving the granting, denying, suspending, or  
3 revoking of licenses. The commission shall study and take into  
4 account rate and fee structures as well as the number of existing  
5 taxicab licenses within the district in considering new  
6 applications for such licenses. The internal procedures set  
7 forth in the taxicab code shall allow appeals from license-  
8 related decisions to be conducted by independent hearing  
9 officers.

10 67.1820. The regional taxicab commission shall initially  
11 establish, subject to public hearings thereon, an annual fee-  
12 generated budget required for the effective implementation and  
13 enforcement of the taxicab code, taking into account staffing  
14 requirements and related expenses as well as all revenue sources,  
15 including collection of fees previously paid to and unspent by  
16 other enforcing jurisdictions and future fees projected to be  
17 collected by the commission. Recognizing the elimination of  
18 duties and costs associated with the regulatory and enforcement  
19 functions of taxicab administration previously borne by the city  
20 and county and being assumed by the commission, the city and  
21 county shall have the authority to appropriate additional  
22 budgetary funding for the commission's needs.

23 67.1822. 1. Before the second Monday in April of each  
24 year, the regional taxicab commission shall make an annual report

1 to the chief executive officers and to the governing bodies of  
2 the city and county stating the conditions of the commission as  
3 of the first day of January of that year, and the sums of money  
4 received and distributed by it during the preceding calendar  
5 year.

6 2. Before the close of the regional taxicab commission's  
7 first fiscal year and at the close of each fiscal year  
8 thereafter, the chief executives of the city and the county shall  
9 appoint one or more certified public accountants who shall  
10 annually examine the books, papers, documents, accounts, and  
11 vouchers of the commission, and who shall report thereon to the  
12 chief executives of the city and the county and to the regional  
13 taxicab commission. The commission shall produce and submit for  
14 examination all books, papers, documents, accounts, and vouchers,  
15 and shall in every way assist such certified public accountants  
16 in the performance of their duties pursuant to this section.

17 142.803. 1. A tax is levied and imposed on all motor fuel  
18 used or consumed in this state as follows:

19 (1) Motor fuel, seventeen cents per gallon. [Beginning  
20 April 1, 2008, the tax rate shall become eleven cents per  
21 gallon;]

22 (2) Alternative fuels, not subject to the decal fees as  
23 provided in section 142.869, with a power potential equivalent of  
24 motor fuel. In the event alternative fuel, which is not commonly

1 sold or measured by the gallon, is used in motor vehicles on the  
2 highways of this state, the director is authorized to assess and  
3 collect a tax upon such alternative fuel measured by the nearest  
4 power potential equivalent to that of one gallon of regular grade  
5 gasoline. The determination by the director of the power  
6 potential equivalent of such alternative fuel shall be prima  
7 facie correct;

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

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

18 144.020. 1. A tax is hereby levied and imposed upon all  
19 sellers for the privilege of engaging in the business of selling  
20 tangible personal property or rendering taxable service at retail  
21 in this state. The rate of tax shall be as follows:

22 (1) Upon every retail sale in this state of tangible  
23 personal property, including but not limited to motor vehicles,  
24 trailers, motorcycles, mopeds, motortricycles, boats and outboard

1 motors, a tax equivalent to four percent of the purchase price  
2 paid or charged, or in case such sale involves the exchange of  
3 property, a tax equivalent to four percent of the consideration  
4 paid or charged, including the fair market value of the property  
5 exchanged at the time and place of the exchange, except as  
6 otherwise provided in section 144.025;

7 (2) A tax equivalent to four percent of the amount paid for  
8 admission and seating accommodations, or fees paid to, or in any  
9 place of amusement, entertainment or recreation, games and  
10 athletic events;

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

15 (4) A tax equivalent to four percent on the basic rate paid  
16 or charged on all sales of local and long distance  
17 telecommunications service to telecommunications subscribers and  
18 to others through equipment of telecommunications subscribers for  
19 the transmission of messages and conversations and upon the sale,  
20 rental or leasing of all equipment or services pertaining or  
21 incidental thereto; except that, the payment made by  
22 telecommunications subscribers or others, pursuant to section  
23 144.060, and any amounts paid for access to the Internet or  
24 interactive computer services shall not be considered as amounts

1 paid for telecommunications services;

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

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

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

17 (8) A tax equivalent to four percent of the amount paid or  
18 charged for rental or lease of tangible personal property,  
19 provided that if the lessor or renter of any tangible personal  
20 property had previously purchased the property under the  
21 conditions of "sale at retail" as defined in subdivision [(8)]  
22 (10) of section 144.010 or leased or rented the property and the  
23 tax was paid at the time of purchase, lease or rental, the  
24 lessor, sublessor, renter or subrenter shall not apply or collect

1 the tax on the subsequent lease, sublease, rental or subrental  
2 receipts from that property. The purchase, rental or lease of  
3 motor vehicles, trailers, motorcycles, mopeds, motortricycles,  
4 boats, and outboard motors shall be taxed and the tax paid as  
5 provided in this section and section 144.070. In no event shall  
6 the rental or lease of boats and outboard motors be considered a  
7 sale, charge, or fee to, for or in places of amusement,  
8 entertainment or recreation nor shall any such rental or lease be  
9 subject to any tax imposed to, for, or in such places of  
10 amusement, entertainment or recreation. Rental and leased boats  
11 or outboard motors shall be taxed [under the provisions of]  
12 pursuant to the sales tax laws as provided under such laws for  
13 motor vehicles and trailers. Tangible personal property which is  
14 exempt from the sales or use tax [under] pursuant to section  
15 144.030 upon a sale thereof is likewise exempt from the sales or  
16 use tax upon the lease or rental thereof.

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

21 3. (1) In addition to the tax levied and imposed pursuant  
22 to subdivisions (1) to (8) of subsection 1 of this section, an  
23 additional tax of one percent is hereby levied and imposed upon  
24 all sellers for the privilege of engaging in the business of

1 selling tangible personal property or rendering taxable service  
2 at retail in this state, there is hereby levied and imposed upon  
3 every person for the privilege of using the highways or waterways  
4 of this state an additional tax equivalent to one percent of the  
5 purchase price, as defined in section 144.070, which is paid and  
6 charged on new and used motor vehicles, trailers, boats, and  
7 outboard motors purchased or acquired for use on the highways or  
8 waters of this state which are required to be registered pursuant  
9 to the laws of Missouri. Except for the revenue derived from the  
10 additional one percent rate imposed upon the sale of motor  
11 vehicles, trailers, motorcycles, and motortricycles, which shall  
12 be distributed pursuant to section 226.1000, RSMo, and the  
13 additional one percent imposed upon the purchase price of new and  
14 used motor vehicles, trailers, boats, and outboard motors for the  
15 privilege of using the highways or waterways of this state, which  
16 shall be distributed pursuant to article IV, section 30(b) of the  
17 Missouri Constitution, the revenue derived from the additional  
18 one percent rate imposed pursuant to this section shall be  
19 deposited and used exclusively as follows:

20 (a) One-sixteenth of such revenue to be deposited in the  
21 Missouri state highway patrol fund; these funds shall not reduce  
22 or offset any future appropriation to the Missouri state highway  
23 patrol and shall be in addition to any appropriation for the  
24 Missouri state highway patrol.

1           (b) Eighteen percent of such revenue to be deposited in the  
2 state transportation fund;

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

5           (2) The additional revenue derived from the tax imposed by  
6 this subsection shall not be part of the total state revenue  
7 within the meaning of article X, sections 17 and 18 of the  
8 Missouri Constitution. The expenditure of this revenue shall not  
9 be an expense of state government pursuant to article X, section  
10 20 of the Missouri Constitution. The additional tax imposed by  
11 this subsection shall expire on December 31, 2022.

12           144.021. The purpose and intent of sections 144.010 to  
13 144.510 is to impose a tax upon the privilege of engaging in the  
14 business, in this state, of selling tangible personal property  
15 and those services listed in section 144.020. The primary tax  
16 burden is placed upon the seller making the taxable sales of  
17 property or service and is levied at the rate provided for in  
18 section 144.020. Excluding sections 144.070, 144.440 and  
19 144.450, the extent to which a seller is required to collect the  
20 tax from the purchaser of the taxable property or service is  
21 governed by section 144.285 and in no way affects sections  
22 144.080 and 144.100, which require all sellers to report to the  
23 director of revenue their "gross receipts", defined herein to  
24 mean the aggregate amount of the sales price of all sales at  
25 retail, and remit tax at [four] five percent of their gross

1 receipts.

2 144.440. 1. In addition to all other taxes now or  
3 hereafter levied and imposed upon every person for the privilege  
4 of using the highways or waterways of this state, there is hereby  
5 levied and imposed a tax equivalent to [four] five percent of the  
6 purchase price, as defined in section 144.070, which is paid or  
7 charged on new and used motor vehicles, trailers, boats, and  
8 outboard motors purchased or acquired for use on the highways or  
9 waters of this state which are required to be registered under  
10 the laws of the state of Missouri.

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

23 3. In the event that the purchase price is unknown or  
24 undisclosed, or that the evidence thereof is not satisfactory to

1 the director of revenue, the same shall be fixed by appraisement  
2 by the director.

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

8 5. The owner of any motor vehicle, trailer, boat, or  
9 outboard motor which is to be used exclusively for rental or  
10 lease purposes may pay the tax due thereon required in section  
11 144.020 at the time of registration or in lieu thereof may pay a  
12 use tax as provided in sections 144.010, 144.020, 144.070 and  
13 144.440. A use tax shall be charged and paid on the amount  
14 charged for each rental or lease agreement while the motor  
15 vehicle, trailer, boat, or outboard motor is domiciled in the  
16 state. If the owner elects to pay upon each rental or lease, he  
17 shall make an affidavit to that effect in such form as the  
18 director of revenue shall require and shall remit the tax due at  
19 such times as the director of revenue shall require.

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

1 outboard motor was originally purchased.

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

4 144.805. 1. In addition to the exemptions granted pursuant  
5 to the provisions of section 144.030, there shall also be  
6 specifically exempted from the provisions of sections 144.010 to  
7 144.525, sections 144.600 to 144.748, and section 238.235, RSMo,  
8 and the provisions of any local sales tax law, as defined in  
9 section 32.085, RSMo, and from the computation of the tax levied,  
10 assessed or payable pursuant to sections 144.010 to 144.525,  
11 sections 144.600 to 144.748, and section 238.235, RSMo, and the  
12 provisions of any local sales tax law, as defined in section  
13 32.085, RSMo, all sales of aviation jet fuel in a given calendar  
14 year to common carriers engaged in the interstate air  
15 transportation of passengers and cargo, and the storage, use and  
16 consumption of such aviation jet fuel by such common carriers, if  
17 such common carrier has first paid to the state of Missouri, in  
18 accordance with the provisions of this chapter, state sales and  
19 use taxes pursuant to the foregoing provisions and applicable to  
20 the purchase, storage, use or consumption of such aviation jet  
21 fuel in a maximum and aggregate amount of one million five  
22 hundred thousand dollars of state sales and use taxes in such  
23 calendar year.

24 2. To qualify for the exemption prescribed in subsection 1

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

16 3. The provisions of this section shall apply to all  
17 purchases and deliveries of aviation jet fuel from and after May  
18 10, 1993.

19 4. [Effective September 1, 1998,] All sales and use tax  
20 revenues upon aviation jet fuel received pursuant to this  
21 chapter, less the amounts specifically designated pursuant to the  
22 constitution or pursuant to section 144.701, for other purposes,  
23 shall be deposited to the credit of the aviation trust fund  
24 established pursuant to section 305.230, RSMo[; provided however,

1 the amount of such state sales and use tax revenues deposited to  
2 the credit of such aviation trust fund shall not exceed five  
3 million dollars in each calendar year].

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

6 155.080. 1. There is hereby imposed a use tax on each  
7 gallon of aviation fuel used in propelling aircraft with  
8 reciprocating engines. The tax is imposed at the rate of nine  
9 cents per gallon. Such tax is to be collected and remitted to  
10 this state or paid to this state in the same manner and method  
11 and at the same time as is prescribed by chapter 142, RSMo, for  
12 the collection of the motor fuel tax imposed on each gallon of  
13 motor fuel used in propelling motor vehicles upon the public  
14 highways of Missouri.

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

19 3. Each commercial agricultural aircraft operator may apply  
20 for a refund of the tax it has paid for aviation fuel used in a  
21 commercial agricultural aircraft. All such applications for  
22 refunds shall be made in accordance with the procedures specified  
23 in chapter 142, RSMo, for refunds of motor fuel taxes paid. If  
24 any person who is eligible to receive a refund of aviation fuel

1 tax fails to apply for a refund as provided in chapter 142, RSMo,  
2 [he makes a gift of his refund to the aviation trust fund] the  
3 refund amount shall be deposited to the credit of the aviation  
4 trust fund pursuant to section 305.230, RSMo.

5 226.030. [The state highways and transportation commission  
6 shall consist of six members, who shall be appointed by the  
7 governor, by and with the advice and consent of the senate, not  
8 more than three thereof to be members of the same political  
9 party. Each commissioner shall be a taxpayer and resident of  
10 state for at least five years prior to his appointment. Any  
11 commissioner may be removed by the governor if fully satisfied of  
12 his inefficiency, neglect of duty, or misconduct in office. All  
13 commissioners appointed prior to October 13, 1965, shall serve  
14 the term for which they were appointed. Commissioners appointed  
15 pursuant to this section shall be appointed for terms of six  
16 years. Upon the expiration of each of the foregoing terms of  
17 these commissioners a successor shall be appointed for a term of  
18 six years or until his successor is appointed and qualified which  
19 term of six years shall thereafter be the length of term of each  
20 member of the commission unless removed as above provided. The  
21 members of the commission shall receive as compensation for their  
22 services twenty-five dollars per day for the time spent in the  
23 performance of their official duties, and also their necessary  
24 traveling and other expenses incurred while actually engaged in

1 the discharge of their official duties.]

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

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

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

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

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

19 226.134. All projects funded by bonds authorized in section  
20 226.133 and 226.137 shall be funded in conformity with the  
21 priorities established in the 1992 plan developed by the  
22 transportation department. The sale of such bonds pursuant to  
23 this section and section 226.133 shall be negotiated, after a  
24 competitive selection process, with an underwriting group managed

1 by firms headquartered within the state of Missouri, as long as  
2 such firms are not deemed to be unqualified or price  
3 uncompetitive. The underwriting group so managed shall have as  
4 its first priority the sale of the bonds to Missouri individual  
5 investors as long as such sale is not inconsistent with deriving  
6 the lowest possible financing costs.

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

1 section, from said fund shall be paid or credited the cost:

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

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

7 (3) Of maintaining the state transportation department;

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

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

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

15 3. [For all future fiscal years,] Beginning in fiscal year  
16 2004, the total amount of appropriations from the state highways  
17 and transportation department fund for all state offices and  
18 departments except for the highway patrol; the department of  
19 revenue for actual costs of collecting taxes and fees that are  
20 deposited in the state highways and transportation department  
21 fund, state road fund and motor fuel tax fund; and actual costs  
22 incurred by the office of administration for or on behalf of the  
23 highway patrol and the department of revenue for actual  
24 collection costs as described in this subsection shall [not

1 exceed the total amount appropriated for such offices and  
2 departments from said fund for fiscal year 2001] be reduced by  
3 twenty percent from the total appropriated for such agencies from  
4 such fund for fiscal year 2001. Each subsequent fiscal year, the  
5 amount appropriated from the state highways and transportation  
6 department fund for such agencies shall be reduced by an  
7 additional twenty percent of the amount appropriated from said  
8 fund for fiscal year 2001 until the total appropriated to such  
9 agencies from the state highways and transportation department  
10 fund reaches zero in fiscal year 2008. Appropriations so reduced  
11 from such agencies shall be replaced by general revenue subject  
12 to appropriation.

13 4. The provisions of subsection 3 of this section shall not  
14 apply to appropriations from the state highways and  
15 transportation department fund to the highways and transportation  
16 commission and the state transportation department or to  
17 appropriations to the office of administration for department of  
18 transportation employee fringe benefits and OASDHI payments, or  
19 to appropriations to the department of revenue for motor vehicle  
20 fuel tax refunds under chapter 142, RSMo, or to appropriations to  
21 the department of revenue for refunds or overpayments or  
22 erroneous payments from the state highways and transportation  
23 department fund.

24 5. All interest earned upon the state highways and

1 transportation department fund shall be deposited in and to the  
2 credit of such fund.

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

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

11 226.201. 1. Beginning the first fiscal year following the  
12 effective date of this act, ten percent of the actual net general  
13 revenue receipts which exceed the actual net general revenue  
14 receipts received in the most recent fiscal year in which actual  
15 net receipts are known, shall be used to fund, subject to  
16 appropriation, the costs of state offices and departments no  
17 longer receiving appropriations from the state highways and  
18 transportation department fund pursuant to subsection 3 of  
19 section 226.200.

20 2. If the amount of actual net general revenue receipts  
21 collected under subsection 1 of this section exceeds the cost of  
22 such state agencies and departments, the excess shall be  
23 deposited in the state road fund, as established in section  
24 226.200.

1           226.585. 1. The state transportation department may cut  
2 and trim any vegetation on the highway right-of-way which  
3 interferes with the effectiveness of or obscures a lawfully  
4 erected billboard, or the highways and transportation commission  
5 shall promulgate reasonable rules and regulations to permit the  
6 cutting and trimming of such vegetation on the highway or  
7 right-of-way by the owner of such billboard. The right to a  
8 vegetation permit by an outdoor advertising permit holder shall  
9 be issued in accordance with the rules and regulations  
10 promulgated by the highways and transportation commission and  
11 shall not be denied without good cause. Such rules and  
12 regulations shall be promulgated within twelve months after  
13 August 28, 1992, or the commission shall suspend the collection  
14 of the biennial inspection fees prescribed by section 226.550  
15 until such rules are promulgated, and such rules may include  
16 authority to charge a reasonable fee for such [permission]  
17 permit. This section shall not apply if its implementation would  
18 have the effect of making Missouri be in noncompliance with  
19 requirements of Title 23, United States Code, section 131.

20           226.1000. Notwithstanding the provisions of sections  
21 144.700 and 144.701, RSMo, one-half of all of the revenue derived  
22 from the tax imposed by sections 144.010 to 144.430, RSMo, on all  
23 motor vehicles, trailers, motorcycles, mopeds and motortricycles  
24 shall be dedicated for highway and transportation use and

1 distributed pursuant to subsection 2 of section 30(b) of article  
2 IV of the Missouri Constitution. One-half of the revenue derived  
3 from the rate of one cent on the dollar of the tax imposed by  
4 sections 144.010 to 144.430, RSMo, on all motor vehicles,  
5 trailers, motorcycles, mopeds and motortricycles shall be held  
6 and distributed in the manner provided in sections 144.701 and  
7 163.031, RSMo. Beginning on the effective date of this act, all  
8 of the remaining revenue derived from the tax imposed by sections  
9 144.010 to 144.430, RSMo, on all motor vehicles, trailers,  
10 motorcycles, mopeds and motortricycles, shall be credited to the  
11 state road fund as provided in section 226.220.

12 226.1002. Beginning July 1, 2003, there shall be a  
13 moratorium on the closing of all state maintenance sheds operated  
14 by the department of transportation for a period of three years.  
15 One year following the effective date of this act, the department  
16 of transportation shall report on the total number of state  
17 maintenance sheds within the state, the costs of operating the  
18 maintenance sheds and what the department's plans are for the  
19 future operations of the maintenance sheds. This report shall be  
20 delivered to the individual members of the general assembly.  
21 Copies of the report shall also be delivered to the governor,  
22 state auditor and the state librarian.

23 227.100. 1. All contracts for the construction of said  
24 work shall be let to the lowest responsible bidder or bidders

1 after notice and publication of an advertisement in a newspaper  
2 published in the county where the work is to be done, and in such  
3 other publications as the commission may determine[; provided,  
4 that in all cases where the project advertised shall be for the  
5 construction of more than ten miles of road, such advertisement  
6 shall provide for bids on sections of said road not to exceed ten  
7 miles, as well as on the project as a whole, and such contract  
8 shall then be let so as to provide for the most economical  
9 construction of said project].

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

23 3. All notices of the letting of contracts under this  
24 section shall state the time and place when and where bids will

1 be received and opened, and all bids shall be sealed and opened  
2 only at the time and place mentioned in such notice and in the  
3 presence of some member of the commission or some person named by  
4 the commission for such purpose.

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

20 5. Any dispute or arising from a contract awarded pursuant  
21 to subdivision (9) of subsection 1 of section 226.130, RSMo,  
22 shall be arbitrated by a panel of three arbiters pursuant to the  
23 provisions of chapter 435, RSMo.

24 233.298. 1. Whenever a petition, signed by a majority of

1 the residents within a road district organized pursuant to  
2 sections 233.170 to 233.315, shall be filed with the county  
3 commission of any county of the first classification without a  
4 charter form of government and with more than one hundred four  
5 thousand six hundred but less than one hundred four thousand  
6 seven hundred inhabitants in which such district is situated,  
7 setting forth the name of the district and the name and address  
8 of each signer of such petition, the county commission shall have  
9 power, if in its opinion the public good will be thereby  
10 advanced, to disincorporate such road district. No such road  
11 district shall be disincorporated until notice is published in at  
12 least one newspaper of general circulation in the county where  
13 the district is situated for four weeks successively prior to the  
14 hearing of such petition.

15 2. Whenever a petition signed by at least fifty registered  
16 voters residing within the district is filed with the county  
17 clerk of the county in which the district is situated, setting  
18 forth the name of the district and requesting the  
19 disincorporation of such district, the county clerk shall certify  
20 for election the following question to be voted upon by the  
21 eligible voters of the district:

22 Shall the ..... incorporated road district  
23 organized pursuant to sections 233.170 to 233.315, RSMo, be  
24 dissolved?

1                    [ ] YES

[ ] NO

2     If a majority of the persons voting on the question are in favor  
3     of the proposition, then the county commission shall  
4     disincorporate the road district. All assets and equipment of  
5     the road district shall revert to the county in which the  
6     district is situated and any taxes levied for such road district  
7     shall no longer be assessed.

8             3. The petition filed pursuant to subsection 2 of this  
9     section shall be submitted to the clerk of the county no later  
10    than eight weeks prior to the next countywide election at which  
11    the question will be voted upon.

12            302.341. 1. If a Missouri resident charged with a moving  
13    traffic violation of this state or any county or municipality of  
14    this state fails to dispose of the charges of which he or she is  
15    accused through authorized prepayment of fine and court costs and  
16    fails to appear on the return date or at any subsequent date to  
17    which the case has been continued, or without good cause fails to  
18    pay any fine or court costs assessed against him or her for any  
19    such violation within the period of time specified or in such  
20    installments as approved by the court or as otherwise provided by  
21    law, any court having jurisdiction over the charges shall within  
22    ten days of the failure to comply inform the defendant by  
23    ordinary mail at the last address shown on the court records that

1 the court will order the director of revenue to suspend the  
2 defendant's driving privileges if the charges are not disposed of  
3 and fully paid within thirty days from the date of mailing.  
4 Thereafter, if the defendant fails to timely act to dispose of  
5 the charges and fully pay any applicable fines and court costs,  
6 the court shall notify the director of revenue of such failure  
7 and of the pending charges against the defendant. Upon receipt  
8 of this notification, the director shall suspend the license of  
9 the driver, effective immediately, and provide notice of the  
10 suspension to the driver at the last address for the driver shown  
11 on the records of the department of revenue. Such suspension  
12 shall remain in effect until the court with the subject pending  
13 charge requests setting aside the noncompliance suspension  
14 pending final disposition, or satisfactory evidence of  
15 disposition of pending charges and payment of fine and court  
16 costs, if applicable, is furnished to the director by the  
17 individual. Upon proof of disposition of charges and payment of  
18 fine and court costs, if applicable, and payment of the  
19 reinstatement fee as set forth in section 302.304, the director  
20 shall reinstate the license. The filing of financial  
21 responsibility with the bureau of safety responsibility,  
22 department of revenue, shall not be required as a condition of  
23 reinstatement of a driver's license suspended solely under the  
24 provisions of this section. If any city, town, or village

1 receives more than [forty-five] thirty-five percent of its  
2 [total] annual general operating revenue from fines and court  
3 costs for traffic violations occurring on state highways, all  
4 revenues from such violations in excess of [forty-five] thirty-  
5 five percent of the [total] annual general operating revenue of  
6 the city, town, or village shall be sent to the director of the  
7 department of revenue and shall be distributed annually to the  
8 schools of the county in the same manner that proceeds of all  
9 penalties, forfeitures and fines collected for any breach of the  
10 penal laws of the state are distributed. For the purpose of this  
11 section the words "state highways" shall mean any state or  
12 federal highway, including any such highway continuing through  
13 the boundaries of a city, town or village with a designated  
14 street name other than the state highway number.

15 2. If any city, town, or village fails to send such excess  
16 revenues to the director of the department of revenue in a timely  
17 fashion which shall be set forth by the director by rule, such  
18 city, town, or village shall submit to an annual audit by the  
19 state auditor pursuant to the authority of article IV, section 13  
20 of the Missouri Constitution. No rule or portion of a rule  
21 promulgated pursuant to the authority of this section shall  
22 become effective unless it has been promulgated pursuant to  
23 chapter 536, RSMo.

24 302.720. 1. Except when operating under an instruction

1 permit as described in this section, no person may drive a  
2 commercial motor vehicle unless the person has been issued a  
3 commercial driver's license with applicable endorsements valid  
4 for the type of vehicle being operated as specified in sections  
5 302.700 to 302.780. A commercial driver's instruction permit  
6 shall allow the holder of a valid license to operate a commercial  
7 motor vehicle when accompanied by the holder of a commercial  
8 driver's license valid for the vehicle being operated and who  
9 occupies a seat beside the individual, or reasonably near the  
10 individual in the case of buses, for the purpose of giving  
11 instruction in driving the commercial motor vehicle. A  
12 commercial driver's instruction permit shall be valid for the  
13 vehicle being operated for a period of not more than six months,  
14 and shall not be issued until the permit holder has met all other  
15 requirements of sections 302.700 to 302.780, except for the  
16 driving test. A permit holder, unless otherwise disqualified,  
17 may be granted one six-month renewal within a one-year period.  
18 The fee for such permit or renewal shall be five dollars. In the  
19 alternative, a commercial driver's instruction permit shall be  
20 issued for a thirty-day period to allow the holder of a valid  
21 driver's license to operate a commercial motor vehicle if the  
22 applicant has completed all other requirements except the driving  
23 test. The permit may be renewed for one additional thirty-day  
24 period and the fee for the permit and for renewal shall be five

1 dollars.

2 2. No person may be issued a commercial driver's license  
3 until he has passed written and driving tests for the operation  
4 of a commercial motor vehicle which complies with the minimum  
5 federal standards established by the secretary and has satisfied  
6 all other requirements of the Commercial Motor Vehicle Safety Act  
7 of 1986 (Title XII of Pub. Law 99-570), as well as any other  
8 requirements imposed by state law. Nothing contained in this  
9 subsection shall be construed as prohibiting the director from  
10 establishing alternate testing formats for those who are  
11 functionally illiterate; provided, however, that any such  
12 alternate test must comply with the minimum requirements of the  
13 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.  
14 Law 99-570) as established by the secretary.

15 (1) The written and driving tests shall be held at such  
16 times and in such places as the [director] superintendent may  
17 designate. A [five-dollar] twenty-five dollar examination fee  
18 shall be paid by the applicant upon completion of any written or  
19 driving test. The director shall delegate the power to conduct  
20 the examinations required under sections 302.700 to 302.780 to  
21 any member of the highway patrol or any person employed by the  
22 highway patrol qualified to give driving examinations.

23 (2) The director shall adopt and promulgate rules and  
24 regulations governing the certification of third-party testers by

1 the department of revenue. Such rules and regulations shall  
2 substantially comply with the requirements of 49 CFR Part 383,  
3 Section 383.75. A certification to conduct third-party testing  
4 shall be valid for one year, and the department shall charge a  
5 fee of one hundred dollars to issue or renew the certification of  
6 any third-party tester. Any third-party tester who violates any  
7 of the rules and regulations adopted and promulgated pursuant to  
8 this section shall be subject to having his certification revoked  
9 by the department. The department shall provide written notice  
10 and an opportunity for the third-party tester to be heard in  
11 substantially the same manner as provided in chapter 536, RSMo.  
12 If any applicant submits evidence that he has successfully  
13 completed a test administered by a third-party tester, the actual  
14 driving test for a commercial driver's license may then be  
15 waived.

16 (3) Every applicant for renewal of a commercial driver's  
17 license shall provide such certifications and information as  
18 required by the secretary and if such person transports a  
19 hazardous material, such person shall be required to take the  
20 written test for such endorsement. A [five-dollar] twenty-five  
21 dollar examination fee shall be paid [for each test taken] upon  
22 completion of such tests.

23 3. [The director may waive the driving test for a  
24 commercial driver's license if such applicant provides the

1       certifications required by regulations established by the  
2       secretary as a substitute for the driving test and holds a valid  
3       license.

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

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

8             (2) Has not had any license suspended, revoked, canceled or  
9       disqualified;

10            (3) Has not had a conviction in any type of motor vehicle  
11       for driving while intoxicated, driving while under the influence  
12       of alcohol or controlled substance, leaving the scene of an  
13       accident or felony involving the use of a commercial motor  
14       vehicle;

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

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

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

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

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

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

9           6.] A commercial driver's license may not be issued to a  
10 person while the person is disqualified from driving a commercial  
11 motor vehicle, when a disqualification is pending in any state or  
12 while the person's driver's license is suspended, revoked, or  
13 canceled in any state; nor may a commercial driver's license be  
14 issued unless the person first surrenders in a manner prescribed  
15 by the director any commercial driver's license issued by another  
16 state, which license shall be returned to the issuing state for  
17 cancellation.

18           302.721. 1. There is hereby created in the state treasury  
19 the "Commercial Driver License Examination Fund". The fund shall  
20 be administered by the department of revenue. Such moneys  
21 collected pursuant to subdivisions (1) and (3) of subsection 2 of  
22 section 302.720, shall be appropriated to the commercial driver  
23 license examination fund after the deposit and distribution  
24 pursuant to subsection 2 of section 30(b) of article IV of the

1 Missouri Constitution. Such moneys shall not be counted towards  
2 the spending limitations imposed pursuant to subsection 3 of  
3 section 226.200, RSMo. Any unexpended balance in the fund at the  
4 end of the fiscal year shall be exempt from the provisions of  
5 section 33.080, RSMo, relating to the transfer of unexpended  
6 balances to the general revenue fund.

7 2. There shall be created a "Third-Party Commercial Driver  
8 License Examination Program" within the department of revenue.  
9 The purpose of this program is to certify third-party commercial  
10 driver license examination programs and administer compliance  
11 requirements of third-party commercial driver license examination  
12 programs in the state of Missouri.

13 3. The director of revenue may annually expend revenues  
14 from the commercial driver license fund for administrative costs  
15 associated with initial certification and subsequent renewal  
16 certification requirements associated with third-party commercial  
17 driver license examination programs and determining compliance of  
18 all regulations which are required to be adhered to by third-  
19 party commercial driver license examination programs in the state  
20 of Missouri. Such annual expenditures shall also include any  
21 expenses incurred by the superintendent of the highway patrol for  
22 functions related to the testing, auditing, retesting, and  
23 compliance of commercial driver license third-party examination  
24 programs, and the administration of the state CDL testing

1 program.

2 (1) The director of revenue shall promulgate rules and  
3 regulations necessary to administer the certification and  
4 compliance programs established pursuant to this section. Any  
5 rule promulgated regarding commercial driver license third-party  
6 examination certification or compliance shall be promulgated in  
7 coordination with the superintendent of the highway patrol.

8 (2) Any rule promulgated by the director of revenue and the  
9 superintendent of the highway patrol regarding compliance  
10 requirements for third-party commercial driver license  
11 examination programs shall require the superintendent to  
12 reexamine a minimum of ten percent of those drivers who have  
13 passed the CDL skills examination administered by a certified  
14 third-party commercial driver license examination program in the  
15 state of Missouri.

16 4. No rule or portion of a rule promulgated pursuant to the  
17 authority of this section shall become effective unless it has  
18 been promulgated pursuant to the provisions of chapter 536, RSMo.

19 304.001. As used in this chapter and chapter 307, RSMo, the  
20 following terms shall mean:

21 (1) "Abandoned property", any unattended motor vehicle,  
22 trailer, all-terrain vehicle, outboard motor or vessel removed or  
23 subject to removal from public or private property as provided in  
24 sections 304.155 and 304.157, whether or not operational. For

1 any vehicle towed from the scene of an accident at the request of  
2 law enforcement and not retrieved by the vehicle's owner within  
3 five working days of the accident, the agency requesting the tow  
4 shall be required to write an abandoned property report;

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

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

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

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

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

22 (7) "Interstate highway", a state highway included in the  
23 national system of interstate highways located within the  
24 boundaries of Missouri, as officially designated or as may be

1 hereafter designated by the state highways and transportation  
2 commission with the approval of the Secretary of Transportation,  
3 pursuant to Title 23, U.S.C., as amended;

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

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

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

13 a. Jeeps;

14 b. All-terrain vehicles;

15 c. Dune buggies;

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

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

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

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

23 (b) Excluding the following:

24 a. Registered motorboats;

1           b. Aircraft;

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

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

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

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

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

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

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

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

19          (13) "State highway", a highway constructed or maintained  
20 by the state highways and transportation commission with the aid  
21 of state funds or United States government funds, or any highway  
22 included by authority of law in the state highway system,  
23 including all right-of-way;

24          (14) "Towing company", any person or entity which tows,

1 removes or stores abandoned property;

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

9 304.153. 1. Upon approaching a stationary motor vehicle  
10 stopped on the shoulder of the roadway, the driver of every motor  
11 vehicle shall:

12 (1) Proceed with caution and, if possible with due regard  
13 to safety and traffic conditions, make a lane change into a lane  
14 not adjacent to that of the stationary vehicle, if on a roadway  
15 having at least four lanes with not less than two lanes  
16 proceeding in the same direction as the approaching vehicle; or

17 (2) Proceed with due caution and reduce the speed of the  
18 vehicle, maintaining a safe speed for road conditions, if  
19 changing lanes would be unsafe or impossible.

20 (3) Operators of motor vehicles shall treat tow trucks in  
21 the same manner as they are required to treat law enforcement  
22 vehicles, ambulances, or any other emergency vehicle.

23 2. Any person who violates the provisions of this section  
24 is guilty of an infraction.

1           [304.157. 1. If a person abandons  
2 property, as defined in section 304.001, on  
3 any real property owned by another without  
4 the consent of the owner or person in  
5 possession of the property, at the request of  
6 the person in possession of the real  
7 property, any member of the state highway  
8 patrol, state water patrol, sheriff, or other  
9 law enforcement officer within his  
10 jurisdiction may authorize a towing company  
11 to remove such abandoned property from the  
12 property in the following circumstances:

13           (1) The abandoned property is left  
14 unattended for more than forty-eight hours;  
15 or

16           (2) In the judgment of a law  
17 enforcement officer, the abandoned property  
18 constitutes a safety hazard or unreasonably  
19 interferes with the use of the real property  
20 by the person in possession.

21           2. The owner of real property or lessee  
22 or property or security manager in lawful  
23 possession of the real property may authorize  
24 a towing company to remove abandoned property  
25 or property parked in a restricted or  
26 assigned area without authorization by a law  
27 enforcement officer only when the owner,  
28 lessee or property or security manager of the  
29 real property is present. A property or  
30 security manager must be a full-time employee  
31 of a business entity. An authorization to  
32 tow under this subsection may be made only  
33 under any of the following circumstances:

34           (1) There is displayed, in plain view  
35 at all entrances to the property, a sign not  
36 less than seventeen by twenty-two inches in  
37 size, with lettering not less than one inch  
38 in height, prohibiting public parking and  
39 indicating that unauthorized abandoned  
40 property or property improperly parked in a  
41 restricted or assigned area will be removed  
42 at the owner's expense, disclosing the  
43 maximum fee for all charges related to towing  
44 and storage, and containing the telephone  
45 number of the local traffic law enforcement  
46 agency where information can be obtained; or  
47 a twenty-four-hour staffed emergency  
48 information telephone number, other than the

1 number of a towing company, by which the  
2 owner of the abandoned property or improperly  
3 parked property may call to receive  
4 information regarding the location of such  
5 owner's property; or

6 (2) The abandoned property is on  
7 private property and lacks an engine,  
8 transmission, wheels, tires, doors,  
9 windshield or any other major part or  
10 equipment necessary to operate safely on the  
11 highways, the owner or lessee of the private  
12 property has notified the city police or  
13 county sheriff, as appropriate, and  
14 ninety-six hours have elapsed since that  
15 notification; or

16 (3) The abandoned property is left  
17 unattended on private property, and the  
18 owner, lessee or agent of the real property  
19 in lawful possession of real property has  
20 notified the appropriate law enforcement  
21 agency, and ten days have elapsed since that  
22 notification.

23 3. Pursuant to this section, any owner  
24 or lessee in lawful possession of real  
25 property that requests a towing company to  
26 tow abandoned property without authorization  
27 from a law enforcement officer shall within  
28 one hour of the tow file an abandoned  
29 property report with the appropriate law  
30 enforcement agency where the property is  
31 located. The report shall contain the  
32 following:

33 (1) The year, model, make and abandoned  
34 property identification number of the  
35 property and the owner and any lienholders,  
36 if known;

37 (2) A description of any damage to the  
38 abandoned property noted by owner, lessee or  
39 property or security manager in possession of  
40 the real property;

41 (3) The license plate or registration  
42 number and the state of issuance, if  
43 available;

44 (4) The physical location of the  
45 property and the reason for requesting the  
46 property to be towed;

47 (5) The date the report is completed;

48 (6) The signature and printed name,

1 address and phone number of the owner, lessee  
2 or property or security manager in possession  
3 of the real property;

4 (7) The towing company's name and  
5 address;

6 (8) The signature of the towing  
7 operator;

8 (9) The name of the law enforcement  
9 agency notified of the abandoned property.

10 The department of revenue may design and make  
11 available to police agencies throughout the  
12 state a uniform "Authorization to Tow" form.  
13 The form shall contain lines for time, date,  
14 location, descriptive information of the  
15 vehicle, reason for towing, the tow operator  
16 and company and signature of authorizing  
17 officer. The cost of the forms shall be  
18 determined by the department of revenue. The  
19 completed form shall be issued by the  
20 authorizing officer to the tow operator for  
21 that company's records as proof of  
22 authorization to tow a particular vehicle.

23 4. The law enforcement agency receiving  
24 such abandoned property report must record  
25 the date the abandoned property report is  
26 filed with such agency and within five days  
27 of such filing make an inquiry into the  
28 national crime information center and any  
29 statewide Missouri law enforcement computer  
30 system to determine if the abandoned property  
31 has been reported as stolen. The law  
32 enforcement agency shall enter the  
33 information pertaining to the towed property  
34 into the statewide enforcement computer  
35 system. The department of revenue may design  
36 and sell to towing companies informational  
37 brochures outlining owner or lessee of real  
38 property obligations pursuant to this  
39 section.

40 5. Neither the law enforcement officer  
41 nor anyone having custody of abandoned  
42 property under his direction shall be liable  
43 for any damage to such abandoned property  
44 occasioned by a removal authorized by this  
45 section other than damages occasioned by  
46 negligence or by willful or wanton acts or  
47 omissions.

1           6. Any towing company which tows  
2 abandoned property without authorization from  
3 a law enforcement officer pursuant to  
4 subdivision (1) of subsection 2 of this  
5 section shall within one hour of the tow  
6 report the event and the circumstances to the  
7 local law enforcement agency where the  
8 abandoned property report was filed.

9           7. The law enforcement agency receiving  
10 notification that abandoned property has been  
11 towed by a towing company shall record the  
12 date the property was towed and shall forward  
13 a copy of the abandoned property report to  
14 the director of revenue.

15           8. If any owner or lessee of real  
16 property authorizes the removal of abandoned  
17 property pursuant to subsection 2 of this  
18 section and such property is so removed and  
19 no sign is displayed prior to such removal as  
20 required pursuant to subsection 2 of this  
21 section, then the owner or lessee shall be  
22 deemed guilty of a class C misdemeanor.]

23           304.157. 1. If a person abandons property, as defined in  
24 section 304.001, on any real property owned by another without  
25 the consent of the owner or person in possession of the property,  
26 at the request of the person in possession of the real property,  
27 any member of the state highway patrol, state water patrol,  
28 sheriff, or other law enforcement officer within his jurisdiction  
29 may authorize a towing company to remove such abandoned property  
30 from the property in the following circumstances:

31           (1) The abandoned property is left unattended for more than  
32 forty-eight hours; or

33           (2) In the judgment of a law enforcement officer, the  
34 abandoned property constitutes a safety hazard or unreasonably  
35 interferes with the use of the real property by the person in

1 possession.

2 2. A local government agency may also provide for the  
3 towing of motor vehicles from real property under the authority  
4 of any local ordinance providing for the towing of vehicles which  
5 are derelict, junk, scrapped, disassembled or otherwise harmful  
6 to the public health under the terms of the ordinance. Any local  
7 government agency authorizing a tow under this subsection shall  
8 report the tow to the local law enforcement agency within two  
9 hours with a crime inquiry and inspection report pursuant to  
10 section 304.155.

11 3. Neither the law enforcement officer, local government  
12 agency nor anyone having custody of abandoned property under his  
13 or her direction shall be liable for any damage to such abandoned  
14 property occasioned by a removal authorized by this section other  
15 than damages occasioned by negligence or by willful or wanton  
16 acts or omissions.

17 4. The owner of real property or lessee in lawful  
18 possession of the real property or the property or security  
19 manager of the real property may authorize a towing company to  
20 remove abandoned property or property parked in a restricted or  
21 assigned area without authorization by a law enforcement officer  
22 only when the owner, lessee or property or security manager of  
23 the real property is present. A property or security manager  
24 must be a full-time employee of a business entity. An

1 authorization to tow pursuant to this subsection may be made only  
2 under any of the following circumstances:

3 (1) There is displayed, in plain view at all entrances to  
4 the property, a sign not less than seventeen by twenty-two inches  
5 in size, with lettering not less than one inch in height,  
6 prohibiting public parking and indicating that unauthorized  
7 abandoned property or property parked in a restricted or assigned  
8 area will be removed at the owner's expense, disclosing the  
9 maximum fee for all charges related to towing and storage, and  
10 containing the telephone number of the local traffic law  
11 enforcement agency where information can be obtained or a  
12 twenty-four-hour staffed emergency information telephone number  
13 by which the owner of the abandoned property or property parked  
14 in a restricted or assigned area may call to receive information  
15 regarding the location of such owner's property;

16 (2) The abandoned property is left unattended on  
17 [owner-occupied] residential property with two to four  
18 residential units [or less], and the owner, lessee or agent of  
19 the real property in lawful possession has notified the  
20 appropriate law enforcement agency, and ten hours have elapsed  
21 since that notification; or

22 (3) The abandoned property is left unattended on private  
23 property, and the owner, lessee or agent of the real property in  
24 lawful possession of real property has notified the appropriate

1 law enforcement agency, and ninety-six hours have elapsed since  
2 that notification[.]; or

3 (4) The abandoned property is left unattended on owner-  
4 occupied single unit residential property, and the owner or agent  
5 of the owner has notified the appropriate law enforcement agency.

6 5. Pursuant to this section, any owner, agent of the owner  
7 of real property, or lessee in lawful possession of real property  
8 that requests a towing company to tow abandoned property without  
9 authorization from a law enforcement officer shall at that time  
10 complete an abandoned property report which shall be considered a  
11 legal declaration subject to criminal penalty pursuant to section  
12 575.060, RSMo. The report shall be in the form designed, printed  
13 and distributed by the director of revenue to all law enforcement  
14 agencies and towing companies and shall contain the following:

15 (1) The year, model, make and abandoned property  
16 identification number of the property and the owner and any  
17 lienholders, if known;

18 (2) A description of any damage to the abandoned property  
19 noted by owner, lessee or property or security manager in  
20 possession of the real property;

21 (3) The license plate or registration number and the state  
22 of issuance, if available;

23 (4) The physical location of the property and the reason  
24 for requesting the property to be towed;

1 (5) The date the report is completed;

2 (6) The printed name, address and phone number of the  
3 owner, lessee or property or security manager in possession of  
4 the real property;

5 (7) The towing company's name and address;

6 (8) The signature of the towing operator;

7 (9) The signature of the owner, lessee or property or  
8 security manager attesting to the facts that the property has  
9 been abandoned for the time required by this section if any and  
10 that all statements on the report are true and correct to the  
11 best of the person's knowledge and belief and that the person is  
12 subject to the penalties for making false statements;

13 (10) Space for the name of the law enforcement agency  
14 notified of the towing of the abandoned property and for the  
15 signature of the law enforcement official receiving the report;  
16 and

17 (11) Any additional information the director of revenue  
18 deems appropriate.

19 6. Any towing company which tows abandoned property without  
20 authorization from a law enforcement officer pursuant to  
21 subsection 4 of this section shall provide an abandoned property  
22 report for the owner, agent of the owner of real property, or  
23 lessee in lawful possession of real property to fill out and  
24 after it is filled out shall deliver a copy of the abandoned

1 property report to the local law enforcement agency having  
2 jurisdiction over the location from which the abandoned property  
3 was towed. The copy may be produced and sent by facsimile  
4 machine or other device which produces a near exact likeness of  
5 the print and signatures required, but only if the law  
6 enforcement agency receiving the report has the technological  
7 capability of receiving such copy and has registered the towing  
8 company for such purpose. The registration requirements shall  
9 not apply to law enforcement agencies located in counties of the  
10 third or fourth classification. The report shall be delivered  
11 within two hours if the tow was made from a signed location  
12 pursuant to subdivision (1) of subsection 4 of this section,  
13 otherwise the report shall be delivered within twenty-four hours.

14 7. The law enforcement agency receiving such abandoned  
15 property report must record the date on which the abandoned  
16 property report is filed with such agency and shall promptly make  
17 an inquiry into the national crime information center and any  
18 statewide Missouri law enforcement computer system to determine  
19 if the abandoned property has been reported as stolen. The law  
20 enforcement agency shall enter the information pertaining to the  
21 towed property into the statewide law enforcement computer  
22 system, and an officer shall sign the abandoned property report  
23 and provide the towing company with a signed copy. The department  
24 of revenue may design and sell to towing companies informational

1 brochures outlining owner or lessee of real property obligations  
2 pursuant to this section.

3 8. The law enforcement agency receiving notification that  
4 abandoned property has been towed by a towing company shall  
5 search the records of the department of revenue and provide the  
6 towing company with the latest owner and lienholder information  
7 on the abandoned property. If the abandoned property is not  
8 claimed within ten working days, the towing company shall send a  
9 copy of the abandoned property report signed by a law enforcement  
10 officer to the department of revenue.

11 9. If any owner or lessee of real property knowingly  
12 authorizes the removal of abandoned property in violation of this  
13 section, then the owner or lessee shall be deemed guilty of a  
14 class C misdemeanor.

15 305.700. 1. Sections 305.700 to 305.714 may be cited as  
16 the "Missouri Airport Protection Act".

17 2. As used in sections 305.700 to 305.714, the following  
18 terms mean:

19 (1) "Airport", an area of land or water that is used or  
20 intended to be used for the landing and takeoff of aircraft,  
21 including buildings, equipment, rights-of-way, property and  
22 appurtenant areas, that is open to the public;

23 (2) "Aviation hazard", any structure, object, or natural  
24 growth, or use of land which obstructs the air space required for

1 the flight of aircraft landing or taking off at any airport or is  
2 otherwise hazardous to such landing or taking off;

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

5 (4) "FAA", the Federal Aviation Administration or its  
6 successor agency;

7 (5) "Obstruction", any structure natural or man made,  
8 penetrating the navigable airspace as defined in the standards  
9 for determining obstructions and navigable airspace in section  
10 305.704;

11 (6) "Permit", an airport structure permit issued by the  
12 commission pursuant to sections 305.700 to 305.714;

13 (7) "Person", an individual, firm, partnership,  
14 corporation, association or political subdivision. Person  
15 includes a trustee, receiver, assignee or other similar  
16 representative of a person;

17 (8) "Public airport", an airport open to the public and  
18 eligible for public funding;

19 (9) "Structure", an object constructed or installed  
20 including, but not limited to, a building, tower, antenna,  
21 smokestack or overhead transmission line.

22 305.702. 1. The general assembly finds an aviation hazard  
23 endangers the lives and property of users of an airport and of  
24 occupants of land in its vicinity, and in effect reduces the size

1 of the area available for landing, taking off and maneuvering of  
2 aircraft, thus tending to destroy or impair the utility of an  
3 airport and the public investment therein. Certain structures  
4 are hazardous to aircraft in flight because of their height or  
5 location, especially during periods of reduced visibility and  
6 darkness. Structures determined to be hazards are not in the  
7 interest of public health, public safety or the general welfare  
8 of the people of Missouri.

9 2. The commission shall establish an airspace review and  
10 permit process to regulate structures that may be erected in  
11 proximity to public airports of the state and to ensure that they  
12 do not interfere with air navigation.

13 305.704. 1. A permit shall be required before erecting,  
14 adding to or replacing any structure:

15 (1) Within twelve thousand feet of the midpoint of the  
16 primary runway and one hundred feet or higher above the elevation  
17 of the public airport;

18 (2) Between twelve thousand one feet and seventeen thousand  
19 feet of the midpoint of the primary runway and one hundred fifty  
20 feet or higher above the elevation of the public airport.

21 2. The permit application shall include as a minimum the  
22 location of the airport, including latitude and longitude, ground  
23 elevation and maximum height of the proposed structure and the  
24 distance to, direction from, and elevation of the nearest airport

1 runway. The application will also include a 7.5 minute  
2 quadrangle topographical map showing the location of the proposed  
3 structure and copies of any application for or determinations  
4 from a FAA Form 7460-1, or other applicable federal airspace  
5 review form, if required.

6 3. The application shall be presented by mail or in person  
7 to the aviation section of the commission at least thirty days  
8 prior to the date of the proposed construction. It is not  
9 necessary that ownership of, option for or other possessor right  
10 to a specific location site be held by the applicant before the  
11 application for a permit is filed with the commission. The  
12 commission shall act upon such applications within a reasonable  
13 time.

14 4. No application for a permit shall be required for the  
15 emergency repair or replacement of public utility, rural electric  
16 cooperative or federally licensed radio or television structures,  
17 other than buildings, to ensure continuity of proper customer  
18 service, when the height of such structures is not increased by  
19 such emergency repair or replacement.

20 5. Nothing in sections 305.700 to 305.714 shall be  
21 construed as prohibiting the construction or maintenance of any  
22 structure or growth up to one hundred feet in height above the  
23 surface of the land.

24 6. This section shall not apply to, nor is an application

1 for a permit required, when local aviation hazard zoning or  
2 regulation is equal to or more restrictive than this section. If  
3 such zoning or regulation is more restrictive, local zoning or  
4 regulation supersedes sections 305.700 to 305.714. Nothing  
5 contained in this section shall prevent any political subdivision  
6 from adopting more restrictive requirements for structures within  
7 its jurisdiction.

8 305.706. 1. The commission shall investigate all permit  
9 applications that meet the criteria contained in section 305.704  
10 and as necessary to process the application properly pursuant to  
11 sections 305.700 to 305.714. The investigation shall consider  
12 the safety and welfare of persons and property in the air and on  
13 the ground.

14 2. The commission may approve an application for a  
15 temporary structure that will be in existence for such a short  
16 duration that it will no longer occupy the same airspace at the  
17 time a formal application can be considered by the commission.  
18 Such approval may be granted only if it is evident that the  
19 proposed temporary structure will not adversely affect the safety  
20 of air navigation.

21 3. In cases where the FAA has determined that an  
22 aeronautical study is needed, the commission will withhold permit  
23 approval until the FAA has completed its study. Sufficient  
24 grounds for denial of a permit include objection or determination

1 of a hazard by the FAA, violation of a federal aviation  
2 regulation, raising of established approach or vectoring  
3 minimums. Considering all information supplied by the applicant  
4 and other pertinent information available, the commission shall  
5 make a determination to approve or deny the permit within a  
6 reasonable time.

7 305.708. If the application is approved by the commission,  
8 a permit shall be issued to the applicant. If, upon  
9 investigation, the commission determines that a permit should be  
10 denied or that the height or location should be other than  
11 applied for, the commission shall notify the applicant in  
12 writing. The notification may be sent by first class mail to the  
13 applicant at the address specified in the application. The  
14 determination is final thirty days after notification of the  
15 determination is served, unless the applicant, within the thirty-  
16 day period, appeals the determination in writing to the  
17 commission and requests a hearing. Such hearing shall be  
18 conducted pursuant to section 305.712.

19 305.710. 1. A permit shall specify any obstruction  
20 markings, lighting or other visual or aural identification  
21 required to be installed on or in the vicinity of the structure,  
22 if any. The identification characteristics shall be in  
23 accordance with federal laws and regulations. All obstruction  
24 lights required pursuant to this section shall be maintained in

1 an operable condition.

2 2. If ordered by the commission, the owner of a  
3 nonconforming structure that is permanently out of service or  
4 partially dismantled, destroyed, deteriorated or decayed shall  
5 demolish or remove that structure at the owner's expense.

6 305.712. 1. An appeal hearing pursuant to this section  
7 shall be conducted within forty-five days of the appeal request  
8 and shall be open to the public. Any person interested may  
9 appear and be heard either in person or by counsel and may  
10 present evidence and testimony. The review board for such appeal  
11 shall be made up of two representatives from the commission, two  
12 members from the state aviation advisory committee, and one  
13 member from the closest airport as affected by the site where the  
14 structure is proposed. If the proposed structure is associated  
15 with a telecommunications tower or antenna, two representatives  
16 from the Missouri Telecommunications Industry Association shall  
17 also be on the review board. The findings of the review board on  
18 any appeal of an application shall be considered to be the final  
19 administrative action.

20 2. Within thirty days after the issuance of an order by the  
21 commission, a person aggrieved by the order may appeal to the  
22 review board in subsection 1 of this section, or have the action  
23 of the commission reviewed by the circuit court in the manner  
24 provided for the review of orders of other administrative bodies

1 of this state. A decision of the review board pursuant to  
2 subsection 1 of this section may also be appealed pursuant to  
3 this subsection.

4 305.714. 1. The commission shall adopt and promulgate, and  
5 may from time to time amend or rescind, reasonable rules and fees  
6 for the administration of sections 305.700 to 305.714. The  
7 commission shall prescribe and furnish forms necessary for the  
8 administration of sections 305.700 to 305.714.

9 2. The commission shall determine whether violations of  
10 sections 305.700 to 305.714, or any rules promulgated pursuant to  
11 sections 305.700 to 305.714 have occurred or are threatened. A  
12 notification of a violation or threat of violation shall be sent  
13 by certified mail, to the person who owns or controls the  
14 structure or land in violation thereof. The notice shall state  
15 the location, type of structure and the reasons the structure is  
16 or would be in violation of such sections or such regulations.  
17 The person shall be requested to correct the violation within  
18 thirty days of the notice or show cause to the commission why  
19 compliance should not be enforced.

20 3. The person to whom the notice is directed pursuant to  
21 this section may show cause why enforcement should be withheld by  
22 filing a written request for a hearing. Such hearing shall be  
23 conducted pursuant to section 305.712. Such request shall state,  
24 if applicable, facts sufficient to show:

1           (1) The structure is not an obstruction as defined by  
2 section 305.700 to 305.714 or any rules promulgated pursuant to  
3 sections 305.700 to 305.714;

4           (2) The structure is in the airspace of the airport, but it  
5 is not an obstruction to the safety of air navigation; and

6           (3) Any other facts the petitioner deems relevant that would  
7 relieve him or her from the terms of the order, including a  
8 request for an extension of time to remove the structure.

9           4. The commission may order action be instituted in the  
10 appropriate court of jurisdiction for the enforcement of  
11 applicable statutes, rules, regulations, and orders issued  
12 pursuant to sections 305.700 to 305.714 and shall investigate  
13 violations or threats of violation of sections 305.700 to 305.714  
14 or rules promulgated pursuant to sections 305.700 to 305.714.  
15 Any person seeking judicial review of any such statute or rule  
16 shall be deemed to have exhausted all administrative review  
17 procedures.

18           5. In addition to any other remedy, the commission may  
19 institute in a court of competent jurisdiction an action to  
20 enjoin, restrain, correct or abate a violation of sections  
21 305.700 to 305.714 or rules promulgated pursuant to sections  
22 305.700 to 305.714.

23           6. Sections 305.700 to 305.714, or any rule promulgated  
24 pursuant to sections 305.700 to 305.714, shall not be construed

1 to require the removal, lowering or other change or alteration of  
2 any structure not conforming to sections 305.700 to 305.714, or  
3 any rule promulgated pursuant to such sections, prior to August  
4 28, 2001, or as otherwise interfere with the continuance of any  
5 nonconforming use. Sections 305.700 to 305.714, or any rule  
6 promulgated pursuant to such sections, shall not require any  
7 change in the construction, alteration or intended use of any  
8 structure, provided that such construction or alteration was  
9 begun prior to August 28, 2001, and is diligently prosecuted  
10 after August 28, 2001.

11 7. No rule or portion of a rule promulgated pursuant to  
12 sections 305.700 to 305.714 shall take effect unless such rule  
13 has been promulgated pursuant to chapter 536, RSMo.

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.

1 Every person operating such a device shall be granted all of the  
2 rights and be subject to all of the duties applicable to a  
3 pedestrian pursuant to chapter 304, RSMo.

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

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

12 5. A city or town shall have the authority to impose  
13 additional regulations on the operation of an electric personal  
14 assistive mobility device within its city or town limits.

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

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

23 (2) A rear-facing red reflector, at least two square inches  
24 in reflective surface area, or a rear-facing red lamp, on the

1 rear which shall be visible at night under normal atmospheric  
2 conditions on a straight, level, unlighted roadway when viewed by  
3 a vehicle driver under the lower beams of vehicle headlights at  
4 six hundred feet.

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

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

1 impound the electric personal assistive mobility device (EPAMD)  
2 involved for a period not to exceed five days upon issuance of a  
3 receipt to the child riding it or to its owner.

4 307.402. All state agencies owning motor vehicles shall be  
5 responsible for obtaining an inspection of each of their  
6 vehicle's mechanism and equipment in accordance with sections  
7 307.350 to 307.402, RSMo, and obtaining a certificate of  
8 inspection and approval and a sticker, seal, or other device from  
9 a duly authorized official inspection station.

10 436.300. Notwithstanding any other law to the contrary, all  
11 parties to any contract or agreement for private construction  
12 work that is between any owner and any contractor, or between any  
13 contractor and any subcontractor, or between any subcontractor  
14 and any sub-subcontractor, or any supplier at whatever tier for  
15 construction, reconstruction, maintenance, alteration, or repair  
16 for a private owner of any building, improvement, structure,  
17 private road, appurtenance, or appliance, including moving,  
18 demolition, or any excavating connected therewith, shall make  
19 payment in accordance with the terms of such contract or  
20 agreement, provided such terms are not inconsistent with the  
21 provisions of sections 436.300 to 436.336.

22 436.303. A contract or agreement may include a provision  
23 for the retainage of a portion of any payment due from the owner  
24 to the contractor, not to exceed ten percent of the amount of

1 such payment due pursuant to the contract or agreement, to ensure  
2 the proper performance of the contract or agreement, provided  
3 that the contract may provide that if the contractor's  
4 performance is not in accordance with the terms of the contract  
5 or agreement, the owner may retain additional sums to protect the  
6 owner's interest in satisfactory performance of the contract or  
7 agreement. The amount or amounts so retained by the owner shall  
8 be referred to in sections 436.300 to 436.336 as "retainage", and  
9 shall be held by the owner in trust for the benefit of the  
10 contractor and contractor's subcontractors, sub-subcontractors,  
11 and suppliers at whatever tier who are not in default, in  
12 proportion to their respective interests. Such retainage shall  
13 be subject to the conditions and limitations listed in section  
14 436.300 to 436.336.

15 436.306. 1. The contractor may tender to the owner  
16 acceptable substitute security as set forth in section 436.312  
17 with a written request for release of retainage in the amount of  
18 the substitute security. The contractor shall thereupon either:

19 (1) Be entitled to receive cash payment of retainage  
20 pursuant to this section; or

21 (2) Not be subject to the withholding of retainage, in  
22 either case, to the extent of the security tendered, provided  
23 that the contractor is not in default of its agreement with the  
24 owner.

1           2. If the tender described in subsection 1 of this section  
2 is made after retainage has been withheld, the owner shall,  
3 within five working days after receipt of the tender, pay to the  
4 contractor the withheld retainage to the extent of the substitute  
5 security. If the tender described in subsection 1 of this  
6 section is made before retainage has been withheld, the owner  
7 shall, to the extent of the substitute security, refrain from  
8 withholding any retainage from the future payments.

9           436.309. A subcontractor of the contractor may tender to  
10 the contractor acceptable substitute security as set forth in  
11 section 436.312 with a written request for release of retainage  
12 in the amount of the substitute security. The contractor shall  
13 tender the subcontractor's substitute security to the owner with  
14 a like request, pursuant to the provisions of section 436.306.  
15 Provided that the subcontractor is not in default of its  
16 agreement with the contractor, the contractor shall pay over to  
17 the subcontractor, within five working days after receipt, any  
18 accumulated retainage paid by the owner to the contractor on  
19 account of substitute security tendered by the subcontractor,  
20 except that the contractor shall not be required to pay over  
21 retainage in excess of the amount properly attributable to work  
22 completed by the subcontractor at the time of payment. Provided  
23 that the subcontractor is not in default of its agreement with  
24 the contractor, the contractor shall refrain from withholding

1 retainage from payments to the subcontractor to the extent the  
2 owner has refrained from withholding retainage from payments to  
3 the contractor on account of the subcontractor's substituted  
4 security. The subcontractor shall be entitled to receive, upon  
5 receipt by the contractor, all income received by the contractor  
6 from the owner on account of income producing securities  
7 deposited by the subcontractor as substitute security. Except as  
8 otherwise provided in this section, the contractor shall have no  
9 obligation to collect or pay to a subcontractor retainage on  
10 account of substitute security tendered by the subcontractor.

11 436.312. 1. The following shall constitute acceptable  
12 substitute security for purposes of sections 436.306 and 436.309:

13 (1) Certificates of deposit drawn and issued by a national  
14 banking association located in this state or by any banking  
15 corporation incorporated pursuant to the laws of this state; and  
16 mutually agreeable to the project owner and the contractor or  
17 subcontractor, in the amount of the retainage released. If the  
18 letter of credit is not renewed at least sixty days before the  
19 expiration of the letter of credit, the owner may draw upon the  
20 letter of credit regardless of the contractor's or  
21 subcontractor's performance for an amount equal to or no greater  
22 than the value of the amount of work remaining to be performed by  
23 the contractor or subcontractor.

24 (2) A retainage bond naming the owner as obligee issued by

1 any surety company authorized to issue surety bonds in this state  
2 in the amount of the retainage released; or

3 (3) An irrevocable and unconditional letter of credit in  
4 favor of the owner, issued by a national banking association  
5 located in this state or by any banking corporation incorporated  
6 pursuant to the laws of this state, in the amount of the  
7 retainage released.

8 2. The contractor shall be entitled to receive, in all  
9 events, all interest and income earned on any securities  
10 deposited by the contractor in substitution for retainage.

11 436.315. A contractor shall not withhold from any  
12 subcontractor any retainage in excess of the retainage withheld  
13 from the contractor by the owner for the subcontractor's work,  
14 unless the subcontractor's performance is not in accordance with  
15 the terms of the subcontract, in which case, subject to the terms  
16 of the subcontract, the contractor may retain additional sums to  
17 ensure the subcontractor's satisfactory performance of the  
18 subcontract.

19 436.318. Upon the release of retainage by the owner to the  
20 contractor, other than for substituted security pursuant to  
21 sections 436.306 and 436.312, the contractor shall pay to each  
22 subcontractor the subcontractor's ratable share of the retainage  
23 released, provided that all conditions of the subcontract for  
24 release of retainage to the subcontractor have been satisfied.

1           436.321. If it is determined that a subcontractor's  
2 performance has been satisfactorily and substantially completed  
3 and the subcontractor can be released prior to substantial  
4 completion of the entire project without risk to the owner  
5 involving the subcontractor's work, the contractor shall request  
6 such adjustment in retainage, if any, from the owner as necessary  
7 to enable the contractor to pay the subcontractor in full or in  
8 proportion to the amount of work that has been satisfactorily and  
9 substantially completed on the project, and the owner shall as  
10 part of the next contractual payment cycle release the  
11 subcontractor's retainage to the contractor, who shall in turn as  
12 part of the next contractual payment cycle release such retainage  
13 as is due the subcontractor.

14           436.324. Within thirty days of the project reaching  
15 substantial completion, as defined in section 436.327, all  
16 retainage or substitute security shall be released by the owner  
17 to the contractor less an amount equal to one hundred fifty  
18 percent of the costs to complete any remaining items. Upon  
19 receipt of such retainage from the owner, the contractor shall  
20 within seven days release to each subcontractor that  
21 subcontractor's share of the retainage.

22           436.327. The project shall be deemed to have reached  
23 substantial completion upon the occurrence of the earlier of one  
24 of the following events:

1           (1) The architect or engineer issues a certificate of  
2 substantial completion;

3           (2) The applicable governmental agency issues a use or  
4 occupancy permit; or

5           (3) The owner begins to use or could have begun to use the  
6 project for its intended purpose.

7           436.330. Subcontractors and sub-subcontractors of every  
8 tier shall comply with the provisions of sections 436.300 to  
9 436.336 in their relations with their sub-subcontractors and  
10 suppliers and shall be bound by the same obligations to their  
11 sub-subcontractors and suppliers as contractors are to their  
12 subcontractors.

13           436.333. A contract or agreement formed after August 28,  
14 2002, shall be unenforceable to the extent that its provisions  
15 are inconsistent with sections 436.300 to 436.336. If retainage  
16 is withheld in violation of sections 436.300 to 436.360, a court  
17 may, in addition to any other award for damages, award interest  
18 at the rate of up to one and one-half percent per month from the  
19 date of such wrongful or improper withholding of retainage. In  
20 any action brought to enforce sections 436.300 to 436.336, a  
21 court may award reasonable attorney's fees to the prevailing  
22 party. If the parties elect to resolve the dispute by  
23 arbitration pursuant to section 436.350, the arbitrator may award  
24 any remedy that a court is authorized to award.

1           436.336. Sections 436.300 to 436.336 shall apply to  
2 contracts and agreements entered into after August 28, 2002.  
3 Sections 436.300 to 436.336 shall apply to all private  
4 construction projects, except single-family residential  
5 construction and other residential construction consisting of  
6 four or fewer units.

7           Section 1. All aircraft owned and operated by the state of  
8 Missouri or its agencies shall be considered vehicles and shall  
9 be under the supervision of the state vehicle fleet manager.

10          Section 2. If the department of transportation removes  
11 property from any roadway of this state pursuant to section  
12 304.155, RSMo, such property shall be immediately taken to the  
13 shoulder or berm of the roadway, and the department employees  
14 shall not use a wrecker, tow truck, or roll-back in the removal  
15 process.

16          Section 3. 1. The state highways and transportation  
17 commission shall approve and implement a minority and women  
18 employment business enterprises program. The plan shall require  
19 all business vendors and contractors to assure the enforcement of  
20 an equal opportunity employment plan, and a minority and women  
21 business enterprises program that is based on population and  
22 availability and which contains specific goals for each such  
23 business, as applicable pursuant to state and federal laws.

24          2. The state highways and transportation commission shall

1 implement and maintain an equal opportunity employment plan and a  
2 minority and women business enterprises program with specific  
3 goals which shall be identified and reported by ethnicity and  
4 gender. The state highways and transportation commission  
5 minority and women business enterprises program shall include the  
6 provisions of sections 34.070, 34.073, and 34.076, RSMo. The  
7 state highways and transportation commission shall engage the  
8 services of a compliance monitor, through either direct  
9 employment or by service contract, to assist in the  
10 implementation and progress of the program.

11 3. The state highways and transportation commission shall  
12 develop and implement such plan in coordination with Executive  
13 Order 98-21, house committee substitute for senate substitute for  
14 senate committee substitute for senate bills nos. 808 and 672 as  
15 truly agreed to and finally passed by the eighty-fifth general  
16 assembly, second regular session, and the Missouri business  
17 development commission.

18 Section 4. The commission is prohibited from expending  
19 funds, which are presumed for or dedicated to highway use as  
20 described in chapter 142, RSMo, in the enforcement of sections  
21 305.700 to 305.714. RSMo.

22 Section B. This act is hereby submitted to the qualified  
23 voters of this state for approval or rejection at a special  
24 election which is hereby ordered and which shall be held and

1 conducted on the first Tuesday in August, 2002, pursuant to the  
2 laws and constitutional provisions of this state applicable to  
3 general elections and this act shall become effective on the  
4 first day of January after the provisions of this act have been  
5 approved by a majority of the votes cast thereon at such election  
6 and not otherwise.

7 Section C. The additional revenue provided by sections  
8 142.803, 144.020, 144.021, 144.440, and 226.1000 of section A of  
9 this act shall not be part of the "total state revenue" within  
10 the meaning of sections 17 and 18 of article X of this  
11 constitution. The expenditure of this revenue shall not be an  
12 "expense of state government" under section 20 of article X of  
13 this constitution.

14 Section D. At the general election on the Tuesday next  
15 following the first Monday in November, 2012, the secretary of  
16 state shall submit to the electors of this state the question  
17 "Shall the additional revenues for transportation be renewed and  
18 extended?". If a majority of the votes cast thereon is for the  
19 affirmative the additional revenues shall be continued. If a  
20 majority of the votes cast thereon is for the negative, the rates  
21 included in sections 142.803, 144.020, 144.021, 144.440, and  
22 226.1000 directing deposit and use of revenues pursuant to this  
23 act shall expire on July first following the election and return  
24 to the provisions in effect on January 1, 2002. If a majority of

1 the votes cast thereon is for the negative, the motor fuel tax  
2 rate provided for in section 142.803 shall expire on July first  
3 following the election and return to seventeen cents per gallon.