

HOUSE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NOS. 1233, 840, & 1043

1 AN ACT

2 To repeal sections 21.795, 67.1800, 67.1808,
3 67.1818, 137.298, 144.025, 226.030, 226.060,
4 301.010, 301.020, 301.025, 301.041, 301.055,
5 301.057, 301.058, 301.069, 301.129, 301.130,
2 301.132, 301.144, 301.190, 301.193, 301.217,
3 301.219, 301.221, 301.227, 301.280, 301.444,
4 301.463, 301.469, 301.562, 301.566, 301.681,
5 301.2999, 301.3098, 302.130, 302.171,
6 302.173, 302.177, 302.181, 302.225, 302.230,
7 302.272, 302.302, 302.309, 302.700, 302.720,
8 302.725, 302.735, 302.740, 302.755, 302.756,
9 302.760, 304.013, 304.035, 304.070, 304.155,
10 304.156, 304.157, 304.170, 304.190, 306.461,
11 306.530, 307.020, 307.040, 307.100, 307.400,
12 365.020, 365.080, 365.100, 390.020, 390.030,
13 390.136, 390.340, 407.567, 407.730, 407.735,
14 408.140, 577.054, 577.080, 622.095, 622.618,
15 643.315, and 700.320, RSMo, and to enact in
16 lieu thereof one hundred thirty-three new
17 sections relating to motor vehicles, with
18 penalty provisions, an effective date for
19 certain sections and an emergency clause.

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

22 Section A. Sections 21.795, 67.1800, 67.1808, 67.1818,
23 137.298, 144.025, 226.030, 226.060, 301.010, 301.020, 301.025,

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 proposed language.

2 301.041, 301.055, 301.057, 301.058, 301.069, 301.129, 301.130,
3 301.132, 301.144, 301.190, 301.193, 301.217, 301.219, 301.221,
4 301.227, 301.280, 301.444, 301.463, 301.469, 301.562, 301.566,
5 301.681, 301.2999, 301.3098, 302.130, 302.171, 302.173, 302.177,
6 302.181, 302.225, 302.230, 302.272, 302.302, 302.309, 302.700,
7 302.720, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760,
8 304.013, 304.035, 304.070, 304.155, 304.156, 304.157, 304.170,
9 304.190, 306.461, 306.530, 307.020, 307.040, 307.100, 307.400,
10 365.020, 365.080, 365.100, 390.020, 390.030, 390.136, 390.340,
11 407.567, 407.730, 407.735, 408.140, 577.054, 577.080, 622.095,
12 622.618, 643.315, and 700.320, RSMo, are repealed and one hundred
13 thirty-three new sections enacted in lieu thereof, to be known as
14 sections 21.795, 67.1800, 67.1808, 67.1813, 67.1818, 67.1819,
15 137.298, 144.025, 226.030, 226.060, 301.010, 301.020, 301.025,
16 301.041, 301.055, 301.057, 301.058, 301.069, 301.129, 301.130,
17 301.132, 301.134, 301.144, 301.190, 301.193, 301.196, 301.197,
18 301.198, 301.217, 301.219, 301.221, 301.227, 301.280, 301.444,
19 301.463, 301.469, 301.562, 301.566, 301.681, 301.2999, 301.3032,
20 301.3074, 301.3079, 301.3098, 301.3106, 301.3122, 301.3124,
21 301.3125, 301.3126, 301.3128, 301.3130, 301.3131, 301.3132,
22 301.3133, 301.3137, 301.3139, 301.3142, 301.3143, 301.3144,
23 301.3146, 301.3147, 301.3150, 301.3152, 301.3154, 301.3155,
24 301.3999, 302.130, 302.171, 302.173, 302.177, 302.181, 302.225,
25 302.230, 302.233, 302.272, 302.273, 302.302, 302.309, 302.345,
26 302.347, 302.700, 302.720, 302.725, 302.727, 302.735, 302.740,

2 302.755, 302.756, 302.760, 304.013, 304.029, 304.031, 304.035,
3 304.070, 304.154, 304.155, 304.156, 304.157, 304.170, 304.190,
4 306.461, 306.530, 307.020, 307.040, 307.100, 307.400, 365.020,
5 365.080, 365.100, 390.020, 390.030, 390.136, 407.567, 407.730,
6 407.735, 407.1200, 407.1203, 407.1206, 407.1209, 407.1212,
7 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, 407.1227,
8 408.140, 577.054, 577.080, 622.095, 643.315, 700.320, and 1, to
9 read as follows:

10 21.795. 1. There is established a permanent joint
11 committee of the general assembly to be known as the "Joint
12 Committee on Transportation Oversight" to be composed of seven
13 members of the standing transportation committees of both the
14 senate and the house of representatives and three nonvoting ex
15 officio members. Of the fourteen members to be appointed to the
16 joint committee, the seven senate members of the joint committee
17 shall be appointed by the president pro tem of the senate and
18 minority leader of the senate and the seven house members shall
19 be appointed by the speaker of the house of representatives and
20 the minority floor leader of the house of representatives. No
21 major party shall be represented by more than four members from
22 the house of representatives nor more than four members from the
23 senate. The ex officio members shall be the state auditor, the
24 director of the oversight division of the committee on
25 legislative research, and the commissioner of the office of
26 administration or the designee of such auditor, director or

2 commissioner. The joint committee shall be chaired jointly by
3 both chairs of the senate and house transportation committees. A
4 majority of the committee shall constitute a quorum, but the
5 concurrence of a majority of the members, other than the ex
6 officio members, shall be required for the determination of any
7 matter within the committee's duties.

8 2. The transportation inspector general shall be appointed
9 by majority vote of a group consisting of the speaker of the
10 house of representatives, the minority floor leader of the house
11 of representatives, the president pro tempore of the senate, and
12 the minority floor leader of the senate. It shall be the duty of
13 the inspector general to serve as the executive director of the
14 joint committee on transportation oversight. The compensation of
15 the inspector general and other personnel shall be paid from the
16 joint contingent fund or jointly from the senate and house
17 contingent funds until an appropriation is made therefor. No
18 funds from highway user fees or other funds allocated for the
19 operation of the department of transportation shall be used for
20 the compensation of the inspector general and his or her staff.
21 The joint committee inspector general initially appointed
22 pursuant to this section shall take office January 1, 2004, for a
23 term ending June 30, 2005. Subsequent joint committee on
24 transportation oversight directors shall be appointed for
25 five-year terms, beginning July 1, 2005. Any joint committee on
26 transportation oversight inspector general whose term is expiring

2 shall be eligible for reappointment. The inspector general of
3 the joint committee on transportation oversight shall:

4 (1) Be qualified by training or experience in
5 transportation policy, management of transportation
6 organizations, accounting, auditing, financial analysis, law,
7 management analysis, or public administration;

8 (2) Report to and be under the general supervision of the
9 joint committee. The joint committee on transportation oversight
10 shall, by a majority vote, direct the inspector general to
11 perform specific investigations, reviews, audits, or other
12 studies of the state department of transportation, in which
13 instance the director shall report the findings and
14 recommendations directly to the joint committee on transportation
15 oversight. All investigations, reviews, audits, or other studies
16 performed by the director shall be conducted so that the general
17 assembly can procure information to assist it in formulating
18 transportation legislation and policy for this state;

19 (3) Receive and process citizen complaints relating to
20 transportation issues. The inspector general shall, when
21 necessary, submit a written complaint report to the joint
22 committee on transportation oversight and the highways and
23 transportation commission. The complaint report shall contain
24 the date, time, nature of the complaint, and any immediate facts
25 and circumstances surrounding the initial report of the
26 complaint. The inspector general shall investigate a citizen

2 complaint if he or she is directed to do so by a majority of the
3 joint committee on transportation oversight;

4 (4) Investigate complaints from current and former
5 employees of the department of transportation if the inspector
6 general receives information from an employee which shows:

7 (a) The department is violating a law, rule, or regulation;

8 (b) Gross mismanagement by department officers;

9 (c) Waste of funds by the department;

10 (d) That the department is engaging in activities which
11 pose a danger to public health and safety;

12 (5) Maintain confidentiality with respect to all matters
13 and the identities of the complainants or witnesses coming before
14 the inspector general except insofar as disclosures may be
15 necessary to enable the inspector general to carry out duties and
16 to support recommendations;

17 (6) Maintain records of all investigations conducted,
18 including any record or document or thing, any summary, writing,
19 complaint, data of any kind, tape or video recordings, electronic
20 transmissions, e-mail, or other paper or electronic documents,
21 records, reports, digital recordings, photographs, software
22 programs and software, expense accounts, phone logs, diaries,
23 travel logs, or other things, including originals or copies of
24 any of the above. Records of investigations by the inspector
25 general shall be an "investigative report" of law enforcement
26 agency pursuant to the provisions of section 610.100, RSMo. As

2 provided in such section, such records shall be a closed record
3 until the investigation becomes inactive. If the inspector
4 general refers a violation of law to the appropriate prosecuting
5 attorney or the attorney general, such records shall be
6 transmitted with the referral. If the inspector general finds no
7 violation of law or determines not to refer the subject of the
8 investigation to the appropriate prosecuting attorney or the
9 attorney general regarding matters referred to the appropriate
10 prosecuting attorney or the attorney general and the statute of
11 limitations expires without any action being filed, the record
12 shall remain closed. As provided in section 610.100, RSMo, any
13 person may bring an action pursuant to this section in the
14 circuit court having jurisdiction to authorize disclosure of
15 information in the records of the inspector general which would
16 otherwise be closed pursuant to this section. Any disclosure of
17 records by the inspector general in violation of this section
18 shall be grounds for a suit brought by any individual, person, or
19 corporation to recover damages, and upon award to the plaintiff
20 reasonable attorney's fees.

21 3. The department of transportation shall submit a written
22 report prior to November tenth of each year to the governor,
23 lieutenant governor, and every member of the senate and house of
24 representatives. The report shall be posted to the department's
25 Internet website so that general assembly members may elect to
26 access a copy of the report electronically. The written report

2 shall contain the following:

3 (1) A comprehensive financial report of all funds for the
4 preceding state fiscal year which shall include a report by
5 independent certified public accountants, selected by the
6 commissioner of the office of administration, attesting that the
7 financial statements present fairly the financial position of the
8 department in conformity with generally accepted government
9 accounting principles. This report shall include amounts of:

10 (a) State revenues by sources, including all new state
11 revenue derived from highway users which results from action of
12 the general assembly or voter-approved measures taken after
13 August 28, 2003, and projects funded in whole or in part from
14 such new state revenue, and amounts of federal revenues by
15 source;

16 (b) Any other revenues available to the department by
17 source;

18 (c) Funds appropriated, the amount the department has
19 budgeted and expended for the following: contracts, right-of-way
20 purchases, preliminary and construction engineering, maintenance
21 operations and administration;

22 (d) Total state and federal revenue compared to the revenue
23 estimate in the fifteen-year highway plan as adopted in 1992.

24 All expenditures made by, or on behalf of, the department for
25 personal services including fringe benefits, all categories of

2 expense and equipment, real estate and capital improvements shall
3 be assigned to the categories listed in this subdivision in
4 conformity with generally accepted government accounting
5 principles;

6 (2) A detailed explanation of the methods or criteria
7 employed to select construction projects, including a listing of
8 any new or reprioritized projects not mentioned in a previous
9 report, and an explanation as to how the new or reprioritized
10 projects meet the selection methods or criteria;

11 (3) The proposed allocation and expenditure of moneys and
12 the proposed work plan for the current fiscal year, at least the
13 next four years, and for any period of time expressed in any
14 public transportation plan approved by either the general
15 assembly or by the voters of Missouri. This proposed allocation
16 and expenditure of moneys shall include the amounts of proposed
17 allocation and expenditure of moneys in each of the categories
18 listed in subdivision (1) of this subsection;

19 (4) The amounts which were planned, estimated and expended
20 for projects in the state highway and bridge construction program
21 or any other projects relating to other modes of transportation
22 in the preceding state fiscal year and amounts which have been
23 planned, estimated or expended by project for construction work
24 in progress;

25 (5) The current status as to completion, by project, of the
26 fifteen-year road and bridge program adopted in 1992. The first

2 written report submitted pursuant to this section shall include
3 the original cost estimate, updated estimate and final completed
4 cost by project. Each written report submitted thereafter shall
5 include the cost estimate at the time the project was placed on
6 the most recent five-year highway and bridge construction plan
7 and the final completed cost by project;

8 (6) The reasons for cost increases or decreases exceeding
9 five million dollars or ten percent relative to cost estimates
10 and final completed costs for projects in the state highway and
11 bridge construction program or any other projects relating to
12 other modes of transportation completed in the preceding state
13 fiscal year. Cost increases or decreases shall be determined by
14 comparing the cost estimate at the time the project was placed on
15 the most recent five-year highway and bridge construction plan
16 and the final completed cost by project. The reasons shall
17 include the amounts resulting from inflation, departmentwide
18 design changes, changes in project scope, federal mandates, or
19 other factors;

20 (7) Specific recommendations for any statutory or
21 regulatory changes necessary for the efficient and effective
22 operation of the department;

23 (8) An accounting of the total amount of state, federal and
24 earmarked federal highway funds expended in each district of the
25 department of transportation; and

26 (9) Any further information specifically requested by the

2 joint committee on transportation oversight.

3 4. Prior to December first of each year, the committee
4 shall hold an annual meeting and call before its members,
5 officials or employees of the state highways and transportation
6 commission or department of transportation, as determined by the
7 committee, for the sole purpose of receiving and examining the
8 report required pursuant to subsection 3 of this section. The
9 joint committee may also call before its members at the annual
10 meeting, the inspector general of the joint committee on
11 transportation oversight for purposes authorized in this section.
12 The committee shall not have the power to modify projects or
13 priorities of the state highways and transportation commission or
14 department of transportation. The committee may make
15 recommendations to the state highways and transportation
16 commission or the department of transportation. Disposition of
17 those recommendations shall be reported by the commission or the
18 department to the joint committee on transportation oversight.

19 5. In addition to the annual meeting required by subsection
20 4 of this section, the committee shall meet two times each year.
21 The co-chairs of the committee shall establish an agenda for each
22 meeting that may include, but not be limited to, the following
23 items to be discussed with the committee members throughout the
24 year during the scheduled meeting:

25 (1) Presentation of a prioritized plan for all modes of
26 transportation;

2 (2) Discussion of department efficiencies and expenditure
3 of cost- savings within the department;

4 (3) Presentation of a status report on department of
5 transportation revenues and expenditures, including a detailed
6 summary of projects funded by new state revenue as provided in
7 paragraph (a) of subdivision (1) of subsection 3 of this section;

8 (4) Review of any report from the joint committee inspector
9 general; and

10 (5) Implementation of any actions as may be deemed
11 necessary by the committee as authorized by law.

12 The co-chairs of the committee may call special meetings of the
13 committee with ten days' notice to the members of the committee,
14 the director of the department of transportation, and the
15 department of transportation.

16 6. The committee shall also review for approval or denial
17 all applications for the development of specialty plates
18 submitted to it by the department of revenue. The committee
19 shall approve such application by unanimous vote. The committee
20 shall not approve any application if the committee receives a
21 signed petition from five house members or two senators that they
22 are opposed to the approval of the proposed license plate. The
23 committee shall notify the director of the department of revenue
24 upon approval or denial of an application for the development of
25 a specialty plate.

2 7. The committee shall submit records of its meetings to
3 the secretary of the senate and the chief clerk of the house of
4 representatives in accordance with sections 610.020 and 610.023,
5 RSMo.

6 67.1800. As used in sections 67.1800 to 67.1822, the
7 following terms mean:

8 (1) "Airport", Lambert-St. Louis International Airport and
9 any other airport located within the district and designated by a
10 chief executive;

11 (2) "Airport authority", an entity established by city
12 ordinance regarding governance of the airport with
13 representatives appointed by the chief executives of the city,
14 county, and other approximate counties within the region;

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

19 (4) "Chief executive", the mayor of the city and the county
20 executive of the county;

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

22 (6) "Commission", the regional taxicab commission created
23 in section 67.1804;

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

26 (8) "District", the geographical area encompassed by the

2 regional taxicab commission;

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

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

8 (11) "Municipality", a city, town, or village which has
9 been incorporated in accordance with the laws of the state of
10 Missouri;

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

20 (13) "Premium sedan", any motor vehicle engaged in the
21 business of carrying persons for hire on the streets of the
22 district which seats a total of five or less passengers in
23 addition to a driver and which carries in each vehicle a manifest
24 or trip ticket containing the name and pickup address of the
25 passenger or passengers who have arranged for the use of the
26 vehicle, and the charge is a prearranged fixed contract price

2 quoted for transportation between termini selected by the
3 passenger;

4 (14) "Taxicab", airport taxicabs, on-call/reserve taxicabs
5 and premium sedans referred to collectively as taxicabs; and
6 includes other motor vehicles operated in commerce on public
7 highways in the transportation of passengers wholly within the
8 boundaries of the regional taxicab district established in
9 section 67.1802, RSMo, if such vehicles are:

10 (a) Operated by a motor carrier for hire, including a
11 common carrier or contract carrier for hire, as those terms are
12 defined in section 390.020, RSMo, except that this subdivision
13 shall not apply to any vehicle used by a not-for-profit
14 corporation to transport passengers as authorized by a
15 certificate or permit issued in accordance with section 390.063,
16 RSMo; or

17 (b) Operated by a private carrier, as that term is defined
18 in section 390.020, RSMo, when engaged in the transportation of
19 passengers to or from an airport located within the regional
20 taxicab district; and

21 (c) Not commercial motor vehicles, as defined in section
22 390.5 of Title 49, Code of Federal Regulations, or any federal
23 regulation which amends or replaces that section;

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

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

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

5 (17) "Central Repository", the Missouri state highway
6 patrol criminal records division for compiling and disseminating
7 complete and accurate criminal history records;

8 (18) "Criminal history record information", information
9 collected by criminal justice agencies on individuals consisting
10 of identifiable descriptions and notations of arrests,
11 detentions, indictments, information, or other formal criminal
12 charges, and any disposition arising there from sentencing,
13 correctional supervision and release.

14 67.1808. The regional taxicab commission is empowered to:

15 (1) Develop and implement plans, policies, and programs to
16 improve the quality of taxicab service within the district;

17 (2) Cooperate and collaborate with the hotel and restaurant
18 industry to:

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

23 (b) Obtain the adherence of hotel shuttle vehicles to the
24 requirement that they operate solely on scheduled trips between
25 fixed termini and shall have authority to create guidelines for
26 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
25 the commission's licensing, regulatory, inspection, and
26 enforcement functions; except that, [for the first year after the

2 regional taxicab commission's taxicab code becomes effective, any
3 increase in fees shall not exceed twenty percent of the total
4 fees collected] fees charged to entities regulated by the city or
5 county prior to August 28, 2004, shall not exceed three times
6 those amounts charged by such city or county in the first three
7 years of the commission's operation, nor shall said fees exceed
8 four times those amounts for the next three years and for
9 subsequent years, the fees may be adjusted annually based on the
10 rate of inflation according to the consumer price index.

11 Previously regulated entities the class of service of which was
12 regulated by both the city and the county may have fees based on
13 the higher of the two fees charged for that class of service;

14 [and]

15 (10) Establish accounts with appropriate banking
16 institutions, borrow money, buy, sell, or lease property for the
17 necessary functions of the commission; and

18 (11) Require taxicabs to display special taxicab license
19 plates as provided in Chapter 301 in order to operate within the
20 district. If the commission revokes the taxicab license the
21 commission may confiscate such license plates and return them to
22 the director of revenue pursuant to subsection 3 of section
23 67.1813.

24 67.1813. 1. Any such person required by the regional
25 taxicab commission pursuant to section 67.1808 to obtain and
26 display a special taxicab license plate shall make application

2 for such license plates on a form prescribed by the director of
3 revenue.

4 2. Upon application and payment of the same fee as required
5 in section 301.144, in addition to the regular registration fees
6 and documents as required by law the director of revenue shall
7 issue special taxicab license plates that display the word
8 "TAXICAB" in place of the words "SHOW-ME STATE".

9 3. If the regional taxicab commission revokes the taxicab
10 license authorizing the taxicab to be operated within the
11 district, the licensee or owner shall immediately surrender the
12 special taxicab license plates to the director of revenue and
13 obtain new license plates as otherwise provided by law. If the
14 licensee or owner fails to surrender the special taxicab license
15 plate the regional taxicab commission has the authority to
16 confiscate such plates and return them to the director of
17 revenue.

18 4. The director of the department of revenue may promulgate
19 rules and regulations for the administration of this section.
20 Any rule or portion of a rule, as that term is defined in section
21 536.010, RSMo, that is promulgated under the authority delegated
22 in this section shall become effective only if it has been
23 promulgated pursuant to the provisions of chapter 536, RSMo. All
24 rulemaking authority delegated prior to August 28, 1999, is of no
25 force and effect; however, nothing in this section shall be
26 interpreted to repeal or affect the validity of any rule filed or

2 adopted prior to August 28, 1999, if it fully complied with the
3 provisions of chapter 536, RSMo. This section and chapter 536,
4 RSMo, are nonseverable and if any of the powers vested with the
5 general assembly pursuant to chapter 536, RSMo, to review, to
6 delay the effective date or to disapprove and annul a rule are
7 subsequently held unconstitutional, then the grant of rulemaking
8 authority and any rule proposed or adopted after August 28, 1999,
9 shall be invalid and void.

10 67.1818. The commission shall establish as part of the
11 taxicab code its own internal, administrative procedure for
12 decisions involving the granting, denying, suspending, or
13 revoking of licenses, or the imposition of administrative
14 penalties not to exceed two hundred dollars, and shall develop a
15 schedule of penalties which shall be available to the public and
16 provided to all owners and operators of taxicabs. The commission
17 shall study and take into account rate and fee structures as well
18 as the number of existing taxicab licenses within the district in
19 considering new applications for such licenses. The internal
20 procedures set forth in the taxicab code shall allow appeals from
21 license-related decisions to be conducted by independent hearing
22 officers.

23 67.1819. 1. The commission with the passage of a taxicab
24 code shall request a Missouri criminal record review pursuant to
25 section 43.535, RSMo, for a prospective or current driver from
26 the central repository by furnishing information on forms and in

2 the manner approved by the highway patrol.

3 2. The prospective or current driver shall submit two sets
4 of fingerprints to the Missouri state highway patrol, Missouri
5 criminal records repository, for the purpose of checking the
6 person's criminal history. The first set of fingerprints shall
7 be used to search the Missouri criminal records repository and
8 the second set shall be submitted to the Federal Bureau of
9 Investigation to be used for searching the federal criminal
10 history files.

11 3. The prospective or current driver shall pay the
12 appropriate fee to the state central repository payable to the
13 criminal record system fund and pay the appropriate fee
14 determined by the Federal Bureau of Investigation for the federal
15 criminal history record when applying for or renewing a license.

16 4. Any criminal history information received by the
17 commission pursuant to the provisions of this section shall be
18 used solely for the internal purposes of the commission in
19 determining the suitability of the prospective or current driver.
20 The dissemination of criminal history information from the
21 Federal Bureau of Investigation beyond the authorized or related
22 governmental entity is prohibited. All criminal record check
23 information shall be confidential and any person who discloses
24 the information beyond the scope allowed is guilty of a class A
25 misdemeanor.

26 137.298. 1. Other provisions of law to the contrary

2 notwithstanding, any city may by ordinance include as a charge on
3 bills issued for personal property taxes any outstanding parking
4 violations issued on any vehicle for which personal property tax
5 is to be paid and, if required by ordinance, such charge shall be
6 collected with and in the same payment as personal property taxes
7 are collected by the collector of revenue of such city. No
8 personal property tax bill shall be considered paid unless all
9 charges for parking violations are also paid in full and the
10 collector of revenue shall not issue a paid personal property
11 receipt until all such charges are paid.

12 2. Any city or city not within a county may enter into a
13 contract or cooperative agreement with the county governing body
14 and county collector of any county with a charter form of
15 government or any county of the first classification to include
16 as a charge on bills issued for personal property taxes any
17 outstanding vehicle-related fees and fines, including traffic
18 violations, assessed or issued on any vehicle for which personal
19 property tax is to be paid. For the purpose of this section,
20 vehicle-related fees and fines shall include, but not be limited
21 to, traffic violation fines, parking violation fines, towing and
22 vehicle immobilization fees, and any late payment penalties and
23 court costs associated with adjudication or collection of those
24 fines. No personal property tax bill shall be considered paid
25 unless all charges for parking violations and other vehicle-
26 related fees and fines are also paid in full, and the county

2 collector shall not issue a paid personal property tax receipt
3 until all such charges are paid. Any contract or cooperative
4 agreement shall be in writing, signed by the city, county
5 governing body, and county collector, and shall set forth the
6 provisions and terms agreed to by the parties.

7 144.025. 1. Notwithstanding any other provisions of law to
8 the contrary, in any retail sale other than retail sales governed
9 by subsections 4 and 5 of this section, where any article on
10 which sales or use tax has been paid, credited, or otherwise
11 satisfied or which was exempted or excluded from sales or use tax
12 is taken in trade as a credit or part payment on the purchase
13 price of the article being sold, the tax imposed by sections
14 144.020 and 144.440 shall be computed only on that portion of the
15 purchase price which exceeds the actual allowance made for the
16 article traded in or exchanged, if there is a bill of sale or
17 other record showing the actual allowance made for the article
18 traded in or exchanged. [Where the article being traded in for
19 credit or part payment is a motor vehicle, trailer, boat, or
20 outboard motor the person trading in the article must be the
21 owner or holder of a properly assigned certificate of ownership.]
22 Where the purchaser of a motor vehicle, trailer, boat or outboard
23 motor receives a rebate from the seller or manufacturer, the tax
24 imposed by sections 144.020 and 144.440 shall be computed only on
25 that portion of the purchase price which exceeds the amount of
26 the rebate, if there is a bill of sale or other record showing

2 the actual rebate given by the seller or manufacturer. Where the
3 trade-in or exchange allowance plus any applicable rebate exceeds
4 the purchase price of the purchased article there shall be no
5 sales or use tax owed. This section shall also apply to motor
6 vehicles, trailers, boats, and outboard motors sold by the owner
7 or holder of the properly assigned certificate of ownership if
8 the seller purchases or contracts to purchase a subsequent motor
9 vehicle, trailer, boat, or outboard motor within one hundred
10 eighty days before or after the date of the sale of the original
11 article and a notarized bill of sale showing the paid sale price
12 is presented to the department of revenue at the time of
13 licensing. A copy of the bill of sale shall be left with the
14 licensing office. Where the subsequent motor vehicle, trailer,
15 boat, or outboard motor is titled more than one hundred eighty
16 days after the sale of the original motor vehicle, trailer, boat,
17 or outboard motor, the allowance pursuant to this section shall
18 be made if the person titling such article establishes that the
19 purchase or contract to purchase was finalized prior to the
20 expiration of the one hundred eighty-day period.

21 2. As used in this section, the term "boat" includes all
22 motorboats and vessels, as the terms "motorboat" and "vessel" are
23 defined in section 306.010, RSMo.

24 3. As used in this section, the term "motor vehicle"
25 includes motor vehicles as defined in section 301.010, RSMo,
26 recreational vehicles as defined in section 700.010, RSMo, or a

2 combination of a truck as defined in section 301.010, RSMo, and a
3 trailer as defined in section 301.010, RSMo.

4 4. The provisions of subsection 1 of this section shall not
5 apply to retail sales of manufactured homes in which the
6 purchaser receives a document known as the "Manufacturer's
7 Statement of Origin" for purposes of obtaining a title to the
8 manufactured home from the department of revenue of this state or
9 from the appropriate agency or officer of any other state.

10 5. Any purchaser of a motor vehicle or trailer used for
11 agricultural use by the purchaser shall be allowed to use as an
12 allowance to offset the sales and use tax liability towards the
13 purchase of the motor vehicle or trailer any grain or livestock
14 produced or raised by the purchaser. The director of revenue may
15 prescribe forms for compliance with this subsection.

16 226.030. 1. The [state] highways and transportation
17 commission shall consist of six members, who shall be appointed
18 by the governor, by and with the advice and consent of the
19 senate, not more than three thereof to be members of the same
20 political party. Each commissioner shall be a taxpayer and
21 resident of state for at least five years prior to his
22 appointment. Any commissioner may be removed by the governor if
23 fully satisfied of his inefficiency, neglect of duty, or
24 misconduct in office. Commissioners appointed pursuant to this
25 section shall be appointed for terms of six years, except as
26 otherwise provided in this subsection. Upon the expiration of

2 each of the foregoing terms of these commissioners a successor
3 shall be appointed for a term of six years or until his successor
4 is appointed and qualified which term of six years shall
5 thereafter be the length of term of each member of the commission
6 unless removed as above provided. The members of the commission
7 shall receive as compensation for their services twenty-five
8 dollars per day for the time spent in the performance of their
9 official duties, and also their necessary traveling and other
10 expenses incurred while actually engaged in the discharge of
11 their official duties. Members whose terms otherwise expire
12 December 1, 2003, shall serve with terms expiring March 1, 2004,
13 and new members or the members reappointed shall be appointed for
14 terms expiring March 1, 2005; a member whose term otherwise
15 expires December 1, 2005, shall serve with a term expiring March
16 1, 2007; a member whose term otherwise expires December 1, 2007,
17 shall serve with a term expiring March 1, 2009; and one member
18 whose term otherwise expires October 13, 2007, shall serve with a
19 term expiring March 1, 2007; and one member whose term otherwise
20 expires October 13, 2007, shall serve with a term expiring March
21 1, 2009. If a vacancy occurs in any term of a commissioner due
22 to death, resignation, or removal, a successor shall be appointed
23 for only the remainder of the unexpired term.

24 2. [Beginning August 28, 2003, when two members of the
25 state highways and transportation commission are within two years
26 of expiration of their terms, the commission shall appoint one of

2 those two members as chair of the commission and the other as
3 vice chair, each to serve in such position for one year. At the
4 end of such year, the member currently serving as chair shall
5 then serve as vice chair, and the member currently serving as
6 vice chair shall serve as chair, each to serve in such position
7 for one year] The two members of the commission, one each from
8 opposing political parties, who have the most seniority in
9 commission service shall serve as commission leadership with one
10 member as chair and the other member as vice chair, respectively,
11 for terms ending March 1, 2005. The commission shall elect one
12 of the members as chair and the other as vice chair. Effective
13 March 1, 2005, the commission shall elect the two members of the
14 commission, one from each opposing political party who has the
15 most seniority in commission service, who shall serve as
16 commission leadership with one member as chair and the other
17 member as vice chair, respectively, for one year. At the end of
18 such year, the member currently serving as chair shall then serve
19 as vice chair, and the member currently serving as vice chair
20 shall serve as chair, each to serve in such position for one
21 year. Thereafter, commission leadership shall continue to rotate
22 accordingly with the two members from opposing political parties
23 who have the most seniority in terms of commission service being
24 elected by the commission to serve as commission leadership. If
25 one of the commission leadership offices becomes vacant due to
26 death, resignation, removal, or refuses to serve before the one-

2 year leadership term expires, the commission shall elect one of
3 its members that is of the same political party as the vacating
4 officer to serve the remainder of the vacating officer's
5 leadership term. Such election shall not prohibit that member
6 from later serving as chair and vice chair when such member's
7 seniority in commission service qualifies him or her for those
8 offices as provided in this subsection.

9 3. No more than one-half of the members of the [state
10 highways and transportation] commission shall be of the same
11 political party. The selection and removal of all employees of
12 the department of [highways and] transportation shall be without
13 regard to political affiliation.

14 4. The present members of the [state highways and
15 transportation] commission shall continue to serve as members of
16 the [state highways and transportation] commission for the
17 remainder of the terms for which they were appointed, except as
18 provided in subsection 1 of this section.

19 5. The director of the department of transportation [shall]
20 may, by February fifteenth of each year, present an annual state
21 of the state of transportation to a joint session of the general
22 assembly. The six members of the [state highways and
23 transportation] commission shall be present and available at such
24 presentations for questions by members. The transportation
25 inspector general may also be present and report to the general
26 assembly on any matter of concern within his or her statutory

2 authority. The provisions of this subsection shall expire August
3 28, 2008.

4 6. Any member reappointed shall only be eligible to serve
5 as chair or vice-chair during the final two years of such
6 member's reappointment.

7 226.060. 1. The [state highways and transportation
8 commission] director of the Missouri department of transportation
9 shall select and fix the salary of a chief counsel who shall
10 possess the same qualifications as judges of the supreme court
11 and who shall serve at the pleasure of the [commission] director
12 and shall appear for and represent the commission in all actions
13 and proceedings under chapters 226 and 227, RSMo, or any other
14 law administered by the commission, or in any decision, order or
15 proceeding of the commission, or of the director and shall
16 commence, prosecute or defend all actions or proceedings
17 authorized or requested by the commission or to which the
18 commission is a party and shall advise the commission or the
19 director, when requested, in all matters in connection with the
20 organization, powers and duties of the commission or the powers
21 and duties of the director.

22 2. The chief counsel shall, with the consent of the
23 [commission] director, appoint such assistant attorneys as the
24 [commission] director may deem necessary and their salaries shall
25 be fixed by the [commission] director. The chief counsel's
26 office [of the commission] shall be furnished offices in the

2 department of transportation building.

3 3. Nothing in this subsection shall be construed to
4 conflict with the duties of the chief counsel as established in
5 subsection 1 of this section. The chief counsel, or assistant
6 attorneys designated by the chief counsel, shall render legal
7 opinions and advise the commission and director on any matter
8 required by the commission or the director. The commission, or
9 an individual commissioner or commissioners, may request legal
10 opinions or advice from the chief counsel pursuant to subsection
11 1 of this section and the chief counsel or an assistant attorney
12 designated by the chief counsel shall provide such opinion or
13 advice directly to the commission or individual commissioners
14 making the request.

15 301.010. As used in this chapter and sections 304.010 to
16 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to
17 307.175, RSMo, the following terms mean:

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

25 (2) "Automobile transporter", any vehicle combination
26 designed and used specifically for the transport of assembled

2 motor vehicles;

3 (3) "Axle load", the total load transmitted to the road by
4 all wheels whose centers are included between two parallel
5 transverse vertical planes forty inches apart, extending across
6 the full width of the vehicle;

7 (4) "Boat transporter", any vehicle combination designed
8 and used specifically to transport assembled boats and boat
9 hulls;

10 (5) "Body shop", a business that repairs physical damage on
11 motor vehicles that are not owned by the shop or its officers or
12 employees by mending, straightening, replacing body parts, or
13 painting;

14 (6) "Bus", a motor vehicle primarily for the transportation
15 of a driver and eight or more passengers but not including
16 shuttle buses;

17 (7) "Commercial motor vehicle", a motor vehicle designed or
18 regularly used for carrying freight and merchandise, or more than
19 eight passengers but not including vanpools or shuttle buses;

20 (8) "Cotton trailer", a trailer designed and used
21 exclusively for transporting cotton at speeds less than forty
22 miles per hour from field to field or from field to market and
23 return;

24 (9) "Dealer", any person, firm, corporation, association,
25 agent or subagent engaged in the sale or exchange of new, used or
26 reconstructed motor vehicles or trailers;

2 (10) "Director" or "director of revenue", the director of
3 the department of revenue;

4 (11) "Driveaway operation"[,]:

5 (a) The movement of a motor vehicle or trailer by any
6 person or motor carrier other than a dealer over any public
7 highway, under its own power singly, or in a fixed combination of
8 two or more vehicles, for the purpose of delivery for sale or for
9 delivery either before or after sale;

10 (b) The movement of any vehicle or vehicles, not owned by
11 the transporter, constituting the commodity being transported, by
12 a person engaged in the business of furnishing drivers and
13 operators for the purpose of transporting vehicles in transit
14 from one place to another by the driveaway or towaway methods; or

15 (c) The movement of a motor vehicle by any person who is
16 lawfully engaged in the business of transporting or delivering
17 vehicles that are not the person's own and vehicles of a type
18 otherwise required to be registered, by the driveaway or towaway
19 methods, from a point of manufacture, assembly or distribution or
20 from the owner of the vehicles to a dealer or sales agent of a
21 manufacturer or to any consignee designated by the shipper or
22 consignor;

23 (12) "Dromedary", a box, deck, or plate mounted behind the
24 cab and forward of the fifth wheel on the frame of the power unit
25 of a truck tractor-semitrailer combination. A truck tractor
26 equipped with a dromedary may carry part of a load when operating

2 independently or in a combination with a semitrailer;

3 (13) "Farm tractor", a tractor used exclusively for
4 agricultural purposes;

5 (14) "Fleet", any group of ten or more motor vehicles owned
6 by the same owner;

7 (15) "Fleet vehicle", a motor vehicle which is included as
8 part of a fleet;

9 (16) "Fullmount", a vehicle mounted completely on the frame
10 of either the first or last vehicle in a saddlemount combination;

11 (17) "Gross weight", the weight of vehicle and/or vehicle
12 combination without load, plus the weight of any load thereon;

13 (18) "Hail-damaged vehicle", any vehicle, the body of which
14 has become dented as the result of the impact of hail;

15 (19) "Highway", any public thoroughfare for vehicles,
16 including state roads, county roads and public streets, avenues,
17 boulevards, parkways or alleys in any municipality;

18 (20) "Improved highway", a highway which has been paved
19 with gravel, macadam, concrete, brick or asphalt, or surfaced in
20 such a manner that it shall have a hard, smooth surface;

21 (21) "Intersecting highway", any highway which joins
22 another, whether or not it crosses the same;

23 (22) "Junk vehicle", a vehicle which is incapable of
24 operation or use upon the highways and has no resale value except
25 as a source of parts or scrap, and shall not be titled or
26 registered;

2 (23) "Kit vehicle", a motor vehicle assembled by a person
3 other than a generally recognized manufacturer of motor vehicles
4 by the use of a glider kit or replica purchased from an
5 authorized manufacturer and accompanied by a manufacturer's
6 statement of origin;

7 (24) "Land improvement contractors' commercial motor
8 vehicle", any not-for-hire commercial motor vehicle the operation
9 of which is confined to:

10 (a) An area that extends not more than a radius of one
11 hundred miles from its home base of operations when transporting
12 its owner's machinery, equipment, or auxiliary supplies to or
13 from projects involving soil and water conservation, or to and
14 from equipment dealers' maintenance facilities for maintenance
15 purposes; or

16 (b) An area that extends not more than a radius of
17 [twenty-five] fifty miles from its home base of operations when
18 transporting its owner's machinery, equipment, or auxiliary
19 supplies to or from projects not involving soil and water
20 conservation. Nothing in this subdivision shall be construed to
21 prevent any motor vehicle from being registered as a commercial
22 motor vehicle or local commercial motor vehicle;

23 (25) "Local commercial motor vehicle", a commercial motor
24 vehicle whose operations are confined solely to a municipality
25 and that area extending not more than fifty miles therefrom, or a
26 commercial motor vehicle whose property-carrying operations are

2 confined solely to the transportation of property owned by any
3 person who is the owner or operator of such vehicle to or from a
4 farm owned by such person or under the person's control by virtue
5 of a landlord and tenant lease; provided that any such property
6 transported to any such farm is for use in the operation of such
7 farm;

8 (26) "Local log truck", a commercial motor vehicle which is
9 registered pursuant to this chapter to operate as a motor vehicle
10 on the public highways of this state, used exclusively in this
11 state, used to transport harvested forest products, operated
12 solely at a forested site and in an area extending not more than
13 a fifty-mile radius from such site, carries a load with
14 dimensions not in excess of twenty-five cubic yards per two axles
15 with dual wheels, and [is not] when operated on the national
16 system of interstate and defense highways described in Title 23,
17 Section 103(e) of the United States Code, such vehicle shall not
18 exceed the weight limits of section 304.180, RSMo, does not have
19 more than four axles, and does not pull a trailer which has more
20 than two axles. A local log truck may not exceed the limits
21 required by law, however, if the truck does exceed such limits as
22 determined by the inspecting officer, then notwithstanding any
23 other provisions of law to the contrary, such truck shall be
24 subject to the weight limits required by such sections as
25 licensed for eighty thousand pounds;

26 (27) "Local log truck tractor", a commercial motor vehicle

2 which is registered under this chapter to operate as a motor
3 vehicle on the public highways of this state, used exclusively in
4 this state, used to transport harvested forest products, operated
5 solely at a forested site and in an area extending not more than
6 a fifty-mile radius from such site, operates with a weight not
7 exceeding twenty-two thousand four hundred pounds on one axle or
8 with a weight not exceeding forty-four thousand eight hundred
9 pounds on any tandem axle, and when operated on the national
10 system of interstate and defense highways described in Title 23,
11 Section 103(e) of the United States Code, such vehicle does not
12 exceed the weight limits contained in section 304.180, RSMo, and
13 does not have more than three axles and does not pull a trailer
14 which has more than two axles. Violations of axle weight
15 limitations shall be subject to the load limit penalty as
16 described for in sections 304.180 to 304.220, RSMo;

17 (28) "Local transit bus", a bus whose operations are
18 confined wholly within a municipal corporation, or wholly within
19 a municipal corporation and a commercial zone, as defined in
20 section 390.020, RSMo, adjacent thereto, forming a part of a
21 public transportation system within such municipal corporation
22 and such municipal corporation and adjacent commercial zone;

23 ~~[(28)]~~ (29) "Log truck", a vehicle which is not a local log
24 truck or local log truck tractor and is used exclusively to
25 transport harvested forest products to and from forested sites
26 which is registered pursuant to this chapter to operate as a

2 motor vehicle on the public highways of this state for the
3 transportation of harvested forest products;

4 [(29)] (30) "Major component parts", the rear clip, cowl,
5 frame, body, cab, front-end assembly, and front clip, as those
6 terms are defined by the director of revenue pursuant to rules
7 and regulations or by illustrations;

8 [(30)] (31) "Manufacturer", any person, firm, corporation
9 or association engaged in the business of manufacturing or
10 assembling motor vehicles, trailers or vessels for sale;

11 [(31)] (32) "Mobile scrap processor", a business located in
12 Missouri or any other state that comes onto a salvage site and
13 crushes motor vehicles and parts for transportation to a shredder
14 or scrap metal operator for recycling;

15 [(32)] (33) "Motor change vehicle", a vehicle manufactured
16 prior to August, 1957, which receives a new, rebuilt or used
17 engine, and which used the number stamped on the original engine
18 as the vehicle identification number;

19 [(33)] (34) "Motor vehicle", any self-propelled vehicle not
20 operated exclusively upon tracks, except farm tractors;

21 [(34)] (35) "Motor vehicle primarily for business use", any
22 vehicle other than a recreational motor vehicle, motorcycle,
23 motortricycle, or any commercial motor vehicle licensed for over
24 twelve thousand pounds:

25 (a) Offered for hire or lease; or

26 (b) The owner of which also owns ten or more such motor

2 vehicles;

3 [(35)] (36) "Motorcycle", a motor vehicle operated on two
4 wheels;

5 [(36)] (37) "Motorized bicycle", any two-wheeled or
6 three-wheeled device having an automatic transmission and a motor
7 with a cylinder capacity of not more than fifty cubic
8 centimeters, which produces less than three gross brake
9 horsepower, and is capable of propelling the device at a maximum
10 speed of not more than thirty miles per hour on level ground;

11 [(37)] (38) "Motortricycle", a motor vehicle operated on
12 three wheels, including a motorcycle while operated with any
13 conveyance, temporary or otherwise, requiring the use of a third
14 wheel. A motortricycle shall not be included in the definition
15 of all-terrain vehicle;

16 [(38)] (39) "Municipality", any city, town or village,
17 whether incorporated or not;

18 [(39)] (40) "Nonresident", a resident of a state or country
19 other than the state of Missouri;

20 [(40)] (41) "Non-USA-std motor vehicle", a motor vehicle
21 not originally manufactured in compliance with United States
22 emissions or safety standards;

23 [(41)] (42) "Operator", any person who operates or drives a
24 motor vehicle;

25 [(42)] (43) "Owner", any person, firm, corporation or
26 association, who holds the legal title to a vehicle or in the

2 event a vehicle is the subject of an agreement for the
3 conditional sale or lease thereof with the right of purchase upon
4 performance of the conditions stated in the agreement and with an
5 immediate right of possession vested in the conditional vendee or
6 lessee, or in the event a mortgagor of a vehicle is entitled to
7 possession, then such conditional vendee or lessee or mortgagor
8 shall be deemed the owner for the purpose of this law;

9 [(43)] (44) "Public garage", a place of business where
10 motor vehicles are housed, stored, repaired, reconstructed or
11 repainted for persons other than the owners or operators of such
12 place of business;

13 [(44)] (45) "Rebuilder", a business that repairs or
14 rebuilds motor vehicles owned by the rebuilder, but does not
15 include certificated common or contract carriers of persons or
16 property;

17 [(45)] (46) "Reconstructed motor vehicle", a vehicle that
18 is altered from its original construction by the addition or
19 substitution of two or more new or used major component parts,
20 excluding motor vehicles made from all new parts, and new
21 multistage manufactured vehicles;

22 [(46)] (47) "Recreational motor vehicle", any motor vehicle
23 designed, constructed or substantially modified so that it may be
24 used and is used for the purposes of temporary housing quarters,
25 including therein sleeping and eating facilities which are either
26 permanently attached to the motor vehicle or attached to a unit

2 which is securely attached to the motor vehicle. Nothing herein
3 shall prevent any motor vehicle from being registered as a
4 commercial motor vehicle if the motor vehicle could otherwise be
5 so registered;

6 [(47)] (48) "Rollback or car carrier", any vehicle
7 specifically designed to transport wrecked, disabled or otherwise
8 inoperable vehicles, when the transportation is directly
9 connected to a wrecker or towing service;

10 [(48)] (49) "Saddlemount combination", a combination of
11 vehicles in which a truck or truck tractor tows one or more
12 trucks or truck tractors, each connected by a saddle to the frame
13 or fifth wheel of the vehicle in front of it. The "saddle" is a
14 mechanism that connects the front axle of the towed vehicle to
15 the frame or fifth wheel of the vehicle in front and functions
16 like a fifth wheel kingpin connection. When two vehicles are
17 towed in this manner the combination is called a double
18 saddlemount combination. When three vehicles are towed in this
19 manner, the combination is called a triple saddlemount
20 combination;

21 [(49)] (50) "Salvage dealer and dismantler", a business
22 that dismantles used motor vehicles for the sale of the parts
23 thereof, and buys and sells used motor vehicle parts and
24 accessories;

25 [(50)] (51) "Salvage vehicle", a motor vehicle,
26 semitrailer, or house trailer which[,]:

2 (a) Has been damaged to the extent that the total cost of
3 repairs to rebuild or reconstruct the vehicle to its condition
4 immediately before it was damaged for legal operation on the
5 roads or highways exceeds seventy-five percent of the fair market
6 value of the vehicle immediately preceding the time it was
7 damaged;

8 (b) By reason of condition or circumstance, has been
9 declared salvage, either by its owner, or by a person, firm,
10 corporation, or other legal entity exercising the right of
11 security interest in it[, or];

12 (c) Has been declared salvage by an insurance company as a
13 result of settlement of a claim for loss due to damage or theft;
14 [or

15 A vehicle,] (d) Ownership of which is evidenced by a
16 salvage title; or

17 (e) Is abandoned property which is titled pursuant to
18 section 304.155, RSMo, or section 304.157, RSMo, and designated
19 with the words "salvage/abandoned property".

20 The total cost of repairs to rebuild or reconstruct the vehicle
21 shall not include the cost of repairing, replacing, or
22 reinstalling inflatable safety restraints, tires, sound systems,
23 or any sales tax on parts or materials to rebuild or reconstruct
24 the vehicle. For purposes of this definition, "fair market
25 value" means the retail value of a motor vehicle as:

2 a. Set forth in a current edition of any nationally
3 recognized compilation of retail values, including automated
4 databases, or from publications commonly used by the automotive
5 and insurance industries to establish the values of motor
6 vehicles;

7 b. Determined pursuant to a market survey of comparable
8 vehicles with regard to condition and equipment; and

9 c. Determined by an insurance company using any other
10 procedure recognized by the insurance industry, including market
11 surveys, that is applied by the company in a uniform manner;

12 [(51)] (52) "School bus", any motor vehicle used solely to
13 transport students to or from school or to transport students to
14 or from any place for educational purposes;

15 [(52)] (53) "Shuttle bus", a motor vehicle used or
16 maintained by any person, firm, or corporation as an incidental
17 service to transport patrons or customers of the regular business
18 of such person, firm, or corporation to and from the place of
19 business of the person, firm, or corporation providing the
20 service at no fee or charge. Shuttle buses shall not be
21 registered as buses or as commercial motor vehicles;

22 [(53)] (54) "Special mobile equipment", every
23 self-propelled vehicle not designed or used primarily for the
24 transportation of persons or property and incidentally operated
25 or moved over the highways, including farm equipment, implements
26 of husbandry, road construction or maintenance machinery,

2 ditch-digging apparatus, stone crushers, air compressors, power
3 shovels, cranes, graders, rollers, well-drillers and wood-sawing
4 equipment used for hire, asphalt spreaders, bituminous mixers,
5 bucket loaders, ditchers, leveling graders, finished machines,
6 motor graders, road rollers, scarifiers, earth-moving carryalls,
7 scrapers, drag lines, concrete pump trucks, rock-drilling and
8 earth-moving equipment. This enumeration shall be deemed partial
9 and shall not operate to exclude other such vehicles which are
10 within the general terms of this section;

11 [(54)] (55) "Specially constructed motor vehicle", a motor
12 vehicle which shall not have been originally constructed under a
13 distinctive name, make, model or type by a manufacturer of motor
14 vehicles. The term "specially constructed motor vehicle"
15 includes kit vehicles;

16 [(55)] (56) "Stinger-steered combination", a truck
17 tractor-semitrailer wherein the fifth wheel is located on a drop
18 frame located behind and below the rearmost axle of the power
19 unit;

20 [(56)] (57) "Tandem axle", a group of two or more axles,
21 arranged one behind another, the distance between the extremes of
22 which is more than forty inches and not more than ninety-six
23 inches apart;

24 [(57)] (58) "Tractor", "truck tractor" or "truck-tractor",
25 a self-propelled motor vehicle designed for drawing other
26 vehicles, but not for the carriage of any load when operating

2 independently. When attached to a semitrailer, it supports a
3 part of the weight thereof;

4 [(58)] (59) "Trailer", any vehicle without motive power
5 designed for carrying property or passengers on its own structure
6 and for being drawn by a self-propelled vehicle, except those
7 running exclusively on tracks, including a semitrailer or vehicle
8 of the trailer type so designed and used in conjunction with a
9 self-propelled vehicle that a considerable part of its own weight
10 rests upon and is carried by the towing vehicle. The term
11 "trailer" shall not include cotton trailers as defined in
12 subdivision (8) of this section and shall not include
13 manufactured homes as defined in section 700.010, RSMo;

14 [(59)] (60) "Truck", a motor vehicle designed, used, or
15 maintained for the transportation of property;

16 [(60)] (61) "Truck-tractor semitrailer-semitrailer", a
17 combination vehicle in which the two trailing units are connected
18 with a B-train assembly which is a rigid frame extension attached
19 to the rear frame of a first semitrailer which allows for a
20 fifth-wheel connection point for the second semitrailer and has
21 one less articulation point than the conventional "A dolly"
22 connected truck-tractor semitrailer-trailer combination;

23 [(61)] (62) "Truck-trailer boat transporter combination", a
24 boat transporter combination consisting of a straight truck
25 towing a trailer using typically a ball and socket connection
26 with the trailer axle located substantially at the trailer center

2 of gravity rather than the rear of the trailer but so as to
3 maintain a downward force on the trailer tongue;

4 [(62)] (63) "Used parts dealer", a business that buys and
5 sells used motor vehicle parts or accessories, but not including
6 a business that sells only new, remanufactured or rebuilt parts.
7 "Business" does not include isolated sales at a swap meet of less
8 than three days;

9 [(63)] (64) "Vanpool", any van or other motor vehicle used
10 or maintained by any person, group, firm, corporation,
11 association, city, county or state agency, or any member thereof,
12 for the transportation of not less than eight nor more than
13 forty-eight employees, per motor vehicle, to and from their place
14 of employment; however, a vanpool shall not be included in the
15 definition of the term "bus" or "commercial motor vehicle" as
16 defined by subdivisions (6) and (7) of this section, nor shall a
17 vanpool driver be deemed a "chauffeur" as that term is defined by
18 section 302.010, RSMo; nor shall use of a vanpool vehicle for
19 ride-sharing arrangements, recreational, personal, or maintenance
20 uses constitute an unlicensed use of the motor vehicle, unless
21 used for monetary profit other than for use in a ride-sharing
22 arrangement;

23 [(64)] (65) "Vehicle", any mechanical device on wheels,
24 designed primarily for use, or used, on highways, except
25 motorized bicycles, vehicles propelled or drawn by horses or
26 human power, or vehicles used exclusively on fixed rails or

2 tracks, or cotton trailers or motorized wheelchairs operated by
3 handicapped persons;

4 [(65)] (66) "Wrecker" or "tow truck", any emergency
5 commercial vehicle equipped, designed and used to assist or
6 render aid and transport or tow disabled or wrecked vehicles from
7 a highway, road, street or highway rights-of-way to a point of
8 storage or repair, including towing a replacement vehicle to
9 replace a disabled or wrecked vehicle;

10 [(66)] (67) "Wrecker or towing service", the act of
11 transporting, towing or recovering with a wrecker, tow truck,
12 rollback or car carrier any vehicle not owned by the operator of
13 the wrecker, tow truck, rollback or car carrier for which the
14 operator directly or indirectly receives compensation or other
15 personal gain.

16 301.020. 1. Every owner of a motor vehicle or trailer,
17 which shall be operated or driven upon the highways of this
18 state, except as herein otherwise expressly provided, shall
19 annually file, by mail or otherwise, in the office of the
20 director of revenue, an application for registration on a blank
21 to be furnished by the director of revenue for that purpose
22 containing:

23 (1) A brief description of the motor vehicle or trailer to
24 be registered, including the name of the manufacturer, the
25 vehicle identification number, the amount of motive power of the
26 motor vehicle, stated in figures of horsepower, beginning January

2 1, 2007, figures of horsepower shall not be required, and whether
3 the motor vehicle is to be registered as a motor vehicle
4 primarily for business use as defined in section 301.010;

5 (2) The name, the applicant's identification number and
6 address of the owner of such motor vehicle or trailer;

7 (3) The gross weight of the vehicle and the desired load in
8 pounds if the vehicle is a commercial motor vehicle or trailer.

9 2. If the vehicle is a motor vehicle primarily for business
10 use as defined in section 301.010 and if such vehicle is five
11 years of age or less, the director of revenue shall retain the
12 odometer information provided in the vehicle inspection report,
13 and provide for prompt access to such information, together with
14 the vehicle identification number for the motor vehicle to which
15 such information pertains, for a period of five years after the
16 receipt of such information. This section shall not apply
17 unless:

18 (1) The application for the vehicle's certificate of
19 ownership was submitted after July 1, 1989; and

20 (2) The certificate was issued pursuant to a manufacturer's
21 statement of origin.

22 3. If the vehicle is any motor vehicle other than a motor
23 vehicle primarily for business use, a recreational motor vehicle,
24 motorcycle, motortricycle, bus or any commercial motor vehicle
25 licensed for over twelve thousand pounds and if such motor
26 vehicle is five years of age or less, the director of revenue

2 shall retain the odometer information provided in the vehicle
3 inspection report, and provide for prompt access to such
4 information, together with the vehicle identification number for
5 the motor vehicle to which such information pertains, for a
6 period of five years after the receipt of such information. This
7 subsection shall not apply unless:

8 (1) The application for the vehicle's certificate of
9 ownership was submitted after July 1, 1990; and

10 (2) The certificate was issued pursuant to a manufacturer's
11 statement of origin.

12 4. If the vehicle qualifies as a reconstructed motor
13 vehicle, motor change vehicle, specially constructed motor
14 vehicle, non-USA-std motor vehicle, as defined in section
15 301.010, or prior salvage as referenced in section 301.573, the
16 owner or lienholder shall surrender the certificate of ownership.
17 The owner shall make an application for a new certificate of
18 ownership, pay the required title fee, and obtain the vehicle
19 examination certificate required pursuant to section 301.190.
20 Notarized bills of sale along with a copy of the front and back
21 of the certificate of ownership for all major component parts
22 installed on the vehicle and invoices for all essential parts
23 which are not defined as major component parts shall accompany
24 the application for a new certificate of ownership. If the
25 vehicle is a specially constructed motor vehicle, as defined in
26 section 301.010, two pictures of the vehicle shall be submitted

2 with the application. If the vehicle is a kit vehicle, the
3 applicant shall submit the invoice and the manufacturer's
4 statement of origin on the kit. If the vehicle requires the
5 issuance of a special number by the director of revenue or a
6 replacement vehicle identification number, the applicant shall
7 submit the required application and application fee. All
8 applications required under this subsection shall be submitted
9 with any applicable taxes which may be due on the purchase of the
10 vehicle or parts. The director of revenue shall appropriately
11 designate "Reconstructed Motor Vehicle", "Motor Change Vehicle",
12 "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor
13 Vehicle" on the current and all subsequent issues of the
14 certificate of ownership of such vehicle.

15 5. Every insurance company which pays a claim for repair of
16 a motor vehicle which as the result of such repairs becomes a
17 reconstructed motor vehicle as defined in section 301.010 or
18 which pays a claim on a salvage vehicle as defined in section
19 301.010 and the insured is retaining ownership of the vehicle,
20 shall in writing notify the claimant, if he is the owner of the
21 vehicle, and the lienholder if a lien is in effect, that he is
22 required to surrender the certificate of ownership, and the
23 documents and fees required pursuant to subsection [3] 4 of this
24 section[,] to obtain a reconstructed motor vehicle certificate of
25 ownership or documents and fees as otherwise required by law to
26 obtain a salvage certificate of ownership, from the director of

2 revenue. The insurance company shall within thirty days of the
3 payment of such claims report to the director of revenue the name
4 and address of such claimant, the year, make, model, vehicle
5 identification number, and license plate number of the vehicle,
6 and the date of loss and payment.

7 6. Anyone who fails to comply with the requirements of this
8 section shall be guilty of a class B misdemeanor.

9 7. An applicant for registration may make a donation of one
10 dollar to promote a blindness education, screening and treatment
11 program. The director of revenue shall collect the donations and
12 deposit all such donations in the state treasury to the credit of
13 the blindness education, screening and treatment program fund
14 established in section 192.935, RSMo. Moneys in the blindness
15 education, screening and treatment program fund shall be used
16 solely for the purposes established in section 192.935, RSMo,
17 except that the department of revenue shall retain no more than
18 one percent for its administrative costs. The donation
19 prescribed in this subsection is voluntary and may be refused by
20 the applicant for registration at the time of issuance or
21 renewal. The director shall inquire of each applicant at the
22 time the applicant presents the completed application to the
23 director whether the applicant is interested in making the
24 one-dollar donation prescribed in this subsection.

25 8. An applicant for registration may make a donation of one
26 dollar to promote an organ donor program. The director of

2 revenue shall collect the donations and deposit all such
3 donations in the state treasury to the credit of the organ donor
4 program fund as established in sections 194.297 to 194.304, RSMo.
5 Moneys in the organ donor fund shall be used solely for the
6 purposes established in sections 194.297 to 194.304, RSMo, except
7 that the department of revenue shall retain no more than one
8 percent for its administrative costs. The donation prescribed in
9 this subsection is voluntary and may be refused by the applicant
10 for registration at the time of issuance or renewal. The
11 director shall inquire of each applicant at the time the
12 applicant presents the completed application to the director
13 whether the applicant is interested in making the one-dollar
14 donation prescribed in this subsection.

15 301.025. 1. No state registration license to operate any
16 motor vehicle in this state shall be issued unless the
17 application for license of a motor vehicle or trailer is
18 accompanied by a tax receipt for the tax year which immediately
19 precedes the year in which the vehicle's or trailer's
20 registration is due and which reflects that all taxes, including
21 delinquent taxes from prior years, have been paid, or a statement
22 certified by the county or township collector of the county or
23 township in which the applicant's property was assessed showing
24 that the state and county tangible personal property taxes for
25 such previous tax year and all delinquent taxes due have been
26 paid by the applicant or that no such taxes were due or, if the

2 applicant is not a resident of this state and serving in the
3 armed forces of the United States, the application is accompanied
4 by a leave and earnings statement from such person verifying such
5 status. In the event the registration is a renewal of a
6 registration made two or three years previously, the application
7 shall be accompanied by proof that taxes were not due or have
8 been paid for the two or three years which immediately precede
9 the year in which the motor vehicle's or trailer's registration
10 is due. The county or township collector shall not be required
11 to issue a receipt for the immediately preceding tax year until
12 all personal property taxes, including all delinquent taxes
13 currently due, are paid. If the applicant was a resident of
14 another county of this state in the applicable preceding years,
15 he or she must submit to the collector in the county or township
16 of residence proof that the personal property tax was paid in the
17 applicable tax years. Every county and township collector shall
18 give each person a tax receipt or a certified statement of
19 tangible personal property taxes paid. The receipt issued by the
20 county collector in any county of the first classification with a
21 charter form of government which contains part of a city with a
22 population of at least three hundred fifty thousand inhabitants
23 which is located in more than one county, any county of the first
24 classification without a charter form of government with a
25 population of at least one hundred fifty thousand inhabitants
26 which contains part of a city with a population of at least three

2 hundred fifty thousand inhabitants which is located in more than
3 one county and any county of the first classification without a
4 charter form of government with a population of at least one
5 hundred ten thousand but less than one hundred fifty thousand
6 inhabitants shall be determined null and void if the person
7 paying tangible personal property taxes issues or passes a check
8 or other similar sight order which is returned to the collector
9 because the account upon which the check or order was drawn was
10 closed or did not have sufficient funds at the time of
11 presentation for payment by the collector to meet the face amount
12 of the check or order. The collector may assess and collect in
13 addition to any other penalty or interest that may be owed, a
14 penalty of ten dollars or five percent of the total amount of the
15 returned check or order whichever amount is greater to be
16 deposited in the county general revenue fund, but in no event
17 shall such penalty imposed exceed one hundred dollars. The
18 collector may refuse to accept any check or other similar sight
19 order in payment of any tax currently owed plus penalty or
20 interest from a person who previously attempted to pay such
21 amount with a check or order that was returned to the collector
22 unless the remittance is in the form of a cashier's check,
23 certified check or money order. If a person does not comply with
24 the provisions of this section, a tax receipt issued pursuant to
25 this section is null and void and no state registration license
26 shall be issued or renewed. Where no such taxes are due each

2 such collector shall, upon request, certify such fact and
3 transmit such statement to the person making the request. Each
4 receipt or statement shall describe by type the total number of
5 motor vehicles on which personal property taxes were paid, and no
6 renewal of any state registration license shall be issued to any
7 person for a number greater than that shown on his or her tax
8 receipt or statement except for a vehicle which was purchased
9 without another vehicle being traded therefor, or for a vehicle
10 previously registered in another state, provided the application
11 for title or other evidence shows that the date the vehicle was
12 purchased or was first registered in this state was such that no
13 personal property tax was owed on such vehicle as of the date of
14 the last tax receipt or certified statement prior to the renewal.
15 The director of revenue shall make necessary rules and
16 regulations for the enforcement of this section, and shall design
17 all necessary forms. If electronic data is not available,
18 residents of counties with a township form of government and with
19 township collectors shall present personal property tax receipts
20 which have been paid for the preceding two years when registering
21 under this section.

22 2. Every county collector in counties with a population of
23 over six hundred thousand and less than nine hundred thousand
24 shall give priority to issuing tax receipts or certified
25 statements pursuant to this section for any person whose motor
26 vehicle registration expires in January. Such collector shall

2 send tax receipts or certified statements for personal property
3 taxes for the previous year within three days to any person who
4 pays the person's personal property tax in person, and within
5 twenty working days, if the payment is made by mail. Any person
6 wishing to have priority pursuant to this subsection shall notify
7 the collector at the time of payment of the property taxes that a
8 motor vehicle registration expires in January. Any person
9 purchasing a new vehicle in December and licensing such vehicle
10 in January of the following year, may use the personal property
11 tax receipt of the prior year as proof of payment.

12 3. In addition to all other requirements, the director of
13 revenue shall not register any vehicle subject to the heavy
14 vehicle use tax imposed by Section 4481 of the Internal Revenue
15 Code of 1954 unless the applicant presents proof of payment, or
16 that such tax is not owing, in such form as may be prescribed by
17 the United States Secretary of the Treasury. No proof of payment
18 of such tax shall be required by the director until the form for
19 proof of payment has been prescribed by the Secretary of the
20 Treasury.

21 4. Beginning July 1, 2000, a county or township collector
22 may notify, by ordinary mail, any owner of a motor vehicle for
23 which personal property taxes have not been paid that if full
24 payment is not received within thirty days the collector may
25 notify the director of revenue to suspend the motor vehicle
26 registration for such vehicle. Any notification returned to the

2 collector by the post office shall not result in the notification
3 to the director of revenue for suspension of a motor vehicle
4 registration. Thereafter, if the owner fails to timely pay such
5 taxes the collector may notify the director of revenue of such
6 failure. Such notification shall be on forms designed and
7 provided by the department of revenue and shall list the motor
8 vehicle owner's full name, including middle initial, the owner's
9 address, and the year, make, model and vehicle identification
10 number of such motor vehicle. Upon receipt of this notification
11 the director of revenue may provide notice of suspension of motor
12 vehicle registration to the owner at the owner's last address
13 shown on the records of the department of revenue. Any
14 suspension imposed may remain in effect until the department of
15 revenue receives notification from a county or township collector
16 that the personal property taxes have been paid in full. Upon
17 the owner furnishing proof of payment of such taxes and paying a
18 twenty dollar reinstatement fee to the director of revenue the
19 motor vehicle or vehicles registration shall be reinstated. In
20 the event a motor vehicle registration is suspended for
21 nonpayment of personal property tax the owner so aggrieved may
22 appeal to the circuit court of the county of his or her residence
23 for review of such suspension at any time within thirty days
24 after notice of motor vehicle registration suspension. Upon such
25 appeal the cause shall be heard de novo in the manner provided by
26 chapter 536, RSMo, for the review of administrative decisions.

2 The circuit court may order the director to reinstate such
3 registration, sustain the suspension of registration by the
4 director or set aside or modify such suspension. Appeals from
5 the judgment of the circuit court may be taken as in civil cases.
6 The prosecuting attorney of the county where such appeal is taken
7 shall appear in behalf of the director, and prosecute or defend,
8 as the case may require.

9 5. Beginning July 1, 2005, a city not within a county or
10 any home rule city with more than four hundred thousand
11 inhabitants and located in more than one county may notify, by
12 ordinary mail, any owner of a motor vehicle who is delinquent in
13 payment of vehicle-related fees and fines that if full payment is
14 not received within thirty days, the city not within a county or
15 any home rule city with more than four hundred thousand
16 inhabitants and located in more than one county may notify the
17 director of revenue to suspend the motor vehicle registration for
18 such vehicle. Any notification returned to the city not within a
19 county or any home rule city with more than four hundred thousand
20 inhabitants and located in more than one county by the post
21 office shall not result in the notification to the director of
22 revenue for suspension of a motor vehicle registration. For the
23 purpose of this section, "vehicle-related fees and fines"
24 includes, but is not limited to, traffic violation fines, parking
25 violation fines, vehicle towing, storage and immobilization fees,
26 and any late payment penalties, other fees, and court costs

2 associated with the adjudication or collection of those fines.

3 6. If after notification under subsection 5 of this section
4 the vehicle owner fails to pay such vehicle-related fees and
5 finest to the city not within a county or any home rule city with
6 more than four hundred thousand inhabitants and located in more
7 than one county within thirty days from the date of such notice,
8 the city not within a county or any home rule city with more than
9 four hundred thousand inhabitants and located in more than one
10 county may notify the director of revenue of such failure. Such
11 notification shall be on forms or in an electronic format
12 approved by the department of revenue and shall list the vehicle
13 owner's full name and address, and the year, make, model, and
14 vehicle identification number of such motor vehicle and such
15 other information as the director shall require.

16 7. Upon receipt of notification under subsection 5 of this
17 section, the director of revenue may provide notice of suspension
18 of motor vehicle registration to the owner at the owner's last
19 address shown on the records of the department of revenue. Any
20 suspension imposed may remain in effect until the department of
21 revenue receives notification from a city not within a county or
22 any home rule city with more than four hundred thousand
23 inhabitants and located in more than one county that the vehicle-
24 related fees or fines have been paid in full. Upon the owner
25 furnishing proof of payment of such fees and fines and paying a
26 twenty dollar reinstatement fee to the director of revenue the

2 motor vehicle registration shall be reinstated. In the event a
3 motor vehicle registration is suspended for nonpayment of
4 vehicle-related fees or fines the owner so aggrieved may appeal
5 to the circuit court of the county where the violation occurred
6 for review of such suspension at any time within thirty days
7 after notice of motor vehicle registration suspension. Upon such
8 appeal the cause shall be heard de novo in the manner provided by
9 chapter 536, RSMo, for the review of administrative decisions.
10 The circuit court may order the director to reinstate such
11 registration, sustain the suspension of registration by the
12 director or set aside or modify such suspension. Appeals from
13 the judgment of the circuit court may be taken as in civil cases.
14 The prosecuting attorney of the county where such appeal is taken
15 shall appear in behalf of the director, and prosecute or defend,
16 as the case may require.

17 8. The city not within a county or any home rule city with
18 more than four hundred thousand inhabitants and located in more
19 than one county shall reimburse the department of revenue for all
20 administrative costs associated with the administration of
21 subsections 5 to 8 of this section.

22 9. Any rule or portion of a rule, as that term is defined
23 in section 536.010, RSMo, that is created under the authority
24 delegated in this section shall become effective only if it
25 complies with and is subject to all of the provisions of chapter
26 536, RSMo, and, if applicable, section 536.028, RSMo. This

2 section and chapter 536, RSMo, are nonseverable and if any of the
3 powers vested with the general assembly pursuant to chapter 536,
4 RSMo, to review, to delay the effective date or to disapprove and
5 annul a rule are subsequently held unconstitutional, then the
6 grant of rulemaking authority and any rule proposed or adopted
7 after August 28, 2000, shall be invalid and void.

8 301.041. 1. All commercial motor vehicles and trailers
9 registered pursuant to this section or to be operated under
10 reciprocity agreements [as provided for in sections 301.271 to
11 301.279] shall be registered annually, or in the discretion of
12 the state highways and transportation commission, staggered in
13 such manner as to be registered for a one-year period beginning
14 on the first day of a quarter during such year and in such manner
15 as the commission may determine by regulation. To facilitate the
16 transition from an annual registration to a staggered
17 registration, the commission shall inquire of all registrants as
18 to which calendar quarter the registrant wishes to use as the
19 beginning date of the registration once the transition to
20 staggered registration is complete. If the registrant does not
21 respond by the date selected by the commission, or if no quarter
22 is selected, the registrant shall remain on a calendar year
23 registration. The commission may issue prorated registrations
24 pursuant to this section for periods of greater than or less than
25 one year during the transition to a nonannual year registration,
26 but no registration shall exceed eighteen months nor be less than

2 six months. The commission may issue a prorated, by quarter,
3 partial year registration at any time for additions to a fleet
4 made after an initial registration of such fleet, or such other
5 reasons as approved by the commission or its designee upon the
6 request of the registrant.

7 2. An application for renewal registration pursuant to this
8 section shall be made with all required documents on or before
9 [October first of each year] the first day of the month that is
10 three calendar months immediately prior to the beginning date of
11 the registration. Renewal applications received after [October]
12 the first day of the third calendar month immediately prior to
13 the registration shall be assessed a penalty of one hundred
14 dollars. The [director or his or her] commission's designee may
15 waive the penalty pursuant to this subsection for good cause.

16 3. Fees for commercial motor vehicles and trailers renewed
17 pursuant to this section shall be paid no later than [December
18 first of each year] the first day of the month that is one
19 calendar month immediately prior to the beginning date of the
20 registration except for payments made on an installment basis as
21 provided in subsection 4 of this section. Renewal application
22 fees not paid by [December first] the first day of the month
23 immediately prior to the registration shall be assessed a penalty
24 of fifty dollars per vehicle, but in no case shall such penalty
25 exceed one hundred fifty dollars per application. The [director
26 or his or her] commission's designee may, for good cause, waive

2 or reduce any penalties assessed pursuant to this subsection.

3 4. Any owner of a commercial motor vehicle or trailer
4 operated pursuant to this section or reciprocity agreements
5 [provided in sections 301.271 to 301.279] may elect to pay the
6 Missouri portion of the annual registration fee in two equal
7 installments, except that no such installment shall be less than
8 one hundred dollars. The first installment shall be payable on
9 or before [December first] the first day of the month immediately
10 prior to the beginning date of the registration, and the second
11 installment shall be payable on or before [June first] the first
12 day of the sixth month of that registration [year] one-year
13 period. Every owner electing to pay on an installment basis
14 shall file [with the director of the department of revenue,] on
15 or before [December first] the first day of the month immediately
16 prior to the beginning date of the registration, a surety bond,
17 certificate of deposit or irrevocable letter of credit as defined
18 in section 400.5-103, RSMo, to guarantee the payment of the
19 second installment. The bond or certificate or letter of credit
20 shall be in an amount equal to the payment guaranteed. The
21 commission may require such installments be filed at other times
22 of the year if a nonannual registration is issued pursuant to
23 subsection 1 of this section.

24 5. [If a new application for registration of a commercial
25 vehicle or trailer is made other than as specified in subsection
26 1 of this section, the registration fee shall be prorated as

2 follows:

3 (1) For applications made between April first and June
4 thirtieth, the applicant shall pay three-fourths of the annual
5 registration fee;

6 (2) For applications made between July first and September
7 thirtieth, the applicant shall pay one-half of the annual
8 registration fee; and

9 (3) For applications made after October first of the
10 current registration year, the applicant shall pay one-fourth of
11 the annual registration fee.

12 6.] Any applicant who fails to timely renew his or her
13 registration with all required documents pursuant to this section
14 or who fails to timely pay any fees and penalties owed pursuant
15 to this section shall not be issued a temporary registration for
16 a motor vehicle or a trailer issued pursuant to this section or
17 under reciprocity agreements [as provided for in sections 301.271
18 and 301.279]. Nothing in this section shall prohibit the
19 issuance of temporary registration credentials for additions to
20 the registrant's fleet subsequent to renewal.

21 [7.] 6. The applicant for registration pursuant to this
22 section shall affix the registration plate issued [by the
23 director] to the front of the vehicle in accordance with the
24 provisions of section 301.130. Any vehicle required to be
25 registered pursuant to this section shall display the plate
26 issued to that vehicle no later than December thirty-first of

2 each year or the last day of the quarter preceding the quarter in
3 which the registration begins, as applicable. Failure to display
4 the registration [plates] plate required by this section shall
5 constitute a class A misdemeanor.

6 [8.] 7. The [director of revenue] commission may prescribe
7 rules and regulations for the effective administration of this
8 section.

9 [9.] 8. Any current registration or plate for which all
10 fees have been paid for a commercial trailer previously issued
11 pursuant to reciprocity agreements [provided for in sections
12 301.271 and 301.277] shall remain valid even if such agreements
13 no longer require apportionment of such trailers under such
14 agreements, and such trailers may continue to be registered
15 pursuant to this section.

16 [10.] 9. Notwithstanding any other law to the contrary, the
17 [highway reciprocity] commission shall have the authority
18 pursuant to this chapter to issue permanent and temporary
19 registrations on commercial trailers whether or not the
20 registration is issued pursuant to reciprocity agreements [as
21 provided in sections 301.271 to 301.279]. The provisions of
22 subsection 1 of section 301.190 shall not apply to registrations
23 issued pursuant to this subsection, provided the carrier or
24 person to whom the registration is issued has at least one
25 tractor as defined in section 301.010 registered with the state
26 of Missouri pursuant to this section.

2 [11.] 10. Commercial trailer plates issued pursuant to this
 3 section shall in all other respects conform to and have the same
 4 requirements as those issued pursuant to subsection 3 of section
 5 301.067. Such plates may contain the legend ["HRC TLR"] "COMM
 6 TRL" in preference to the words "SHOW-ME STATE".

7 301.055. The annual registration fee for passenger motor
 8 vehicles [other than commercial motor vehicles is:

9	Less than 12 horsepower	\$18.00
10	12 horsepower and less than 24 horsepower	21.00
11	24 horsepower and less than 36 horsepower	24.00
12	36 horsepower and less than 48 horsepower	33.00
13	48 horsepower and less than 60 horsepower	39.00
14	60 horsepower and less than 72 horsepower	45.00
15	72 horsepower and more	51.00]

16 and commercial motor vehicles having a gross weight of twelve
 17 thousand pounds or less shall be \$29.75

18	Motorcycles	8.50
19	Motortricycles	10.00

20 301.057. The annual registration fee for property-carrying
 21 commercial motor vehicles, not including property-carrying local
 22 commercial motor vehicles, or land improvement contractors'
 23 commercial motor vehicles, based on gross weight is:

24	[6,000 pounds and under	\$ 25.50
25	6,001 pounds to 9,000 pounds	38.00
26	9,001 pounds to 12,000 pounds	38.00]

2	12,001 pounds to 18,000 pounds	63.00
3	18,001 pounds to 24,000 pounds	100.50
4	24,001 pounds to 26,000 pounds	127.00
5	26,001 pounds to 30,000 pounds	180.00
6	30,001 pounds to 36,000 pounds	275.50
7	36,001 pounds to 42,000 pounds	413.00
8	42,001 pounds to 48,000 pounds	550.50
9	48,001 pounds to 54,000 pounds	688.00
10	54,001 pounds to 60,010 pounds	825.50
11	60,011 pounds to 66,000 pounds	1,100.50
12	66,001 pounds to 73,280 pounds	1,375.50
13	73,281 pounds to 78,000 pounds	1,650.50
14	78,001 pounds to 80,000 pounds	1,719.50

15 301.058. 1. The annual registration fee for
16 property-carrying local commercial motor vehicles, other than a
17 land improvement contractors' commercial motor vehicles, based on
18 gross weight is:

19	[6,000 pounds and under	\$ 15.50
20	6,001 pounds to 12,000 pounds	18.00]
21	12,001 pounds to 18,000 pounds	20.50
22	18,001 pounds to 24,000 pounds	27.50
23	24,001 pounds to 26,000 pounds	33.50
24	26,001 pounds to 30,000 pounds	45.50
25	30,001 pounds to 36,000 pounds	67.50
26	36,001 pounds to 42,000 pounds	100.50

2	42,001 pounds to 48,000 pounds	135.50
3	48,001 pounds to 54,000 pounds	170.50
4	54,001 pounds to 60,010 pounds	200.50
5	60,011 pounds to 66,000 pounds	270.50
6	66,001 pounds to 72,000 pounds	335.50
7	72,001 pounds to 80,000 pounds	350.50

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

15 301.069. A driveaway license plate may not be used on a
16 vehicle used or operated on a highway except for the purpose of
17 transporting vehicles in transit. Driveaway license plates may
18 not be used by tow truck operators transporting wrecked,
19 disabled, abandoned, improperly parked, or burned vehicles. For
20 each driveaway license there shall be paid an annual license fee
21 of forty-four dollars and fifty cents for one set of plates or
22 such insignia as the director may issue which shall be attached
23 to the motor vehicle as prescribed in this chapter. Applicants
24 may choose to obtain biennial driveaway licenses. The fee for
25 biennial driveaway licenses shall be eighty-nine dollars. For
26 single trips the fee shall be four dollars, and descriptive

2 insignia shall be prepared and issued at the discretion of the
3 director who shall also prescribe the type of equipment used to
4 attach such vehicles in combinations.

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

2 under this chapter. Prior to determining the final design of the
3 plates, the committee shall hold at least three public meetings
4 in different areas of the state to invite public input on the
5 final design. Members of the committee shall be reimbursed for
6 their actual and necessary expenses incurred in the performance
7 of their duties under this section out of funds appropriated for
8 that purpose. The committee shall direct the director of revenue
9 to implement its final design of the uniform motor vehicle
10 license plates and any specific parameters for all license plates
11 developed by the committee not later than April 1, 1996. The
12 committee shall be dissolved upon completion of its duties under
13 this section.] There is established in this section an advisory
14 committee for the department of revenue, which shall exist solely
15 to develop uniform designs and common colors for motor vehicle
16 license plates issued under this chapter and to determine
17 appropriate license plate parameters for all license plates
18 issued under this chapter. The advisory committee may adopt more
19 than one type of design and color scheme for license plates
20 issued under this chapter; however, each license plate of a
21 distinct type shall be uniform in design and color scheme with
22 all other license plates of that distinct type. The
23 specifications for the fully reflective material used for the
24 plates, as required by section 301.130, shall be determined by
25 the committee. Such plates shall meet any specific requirements
26 prescribed in this chapter. The advisory committee shall consist

2 of the director of revenue, the superintendent of the highway
3 patrol, the correctional enterprises administrator, and the
4 respective chairpersons of both the senate and house of
5 representatives transportation committees. Notwithstanding
6 section 226.200, RSMo, to the contrary, the general assembly may
7 appropriate state highways and transportation department funds
8 for the requirements of section 301.130, and this section. Prior
9 to April 1, 2006, the committee shall meet, select a chairman
10 from among their members, and develop uniform design and license
11 plate parameters for the motor vehicle license plates issued
12 under this chapter. Prior to determining the final design of the
13 plates, the committee shall hold at least three public meetings
14 in different areas of the state to invite public input on the
15 final design. Members of the committee shall be reimbursed for
16 their actual and necessary expenses incurred in the performance
17 of their duties under this section out of funds appropriated for
18 that purpose. The committee shall direct the director of revenue
19 to implement its final design of the uniform motor vehicle
20 license plates and any specific parameters for all license plates
21 developed by the committee not later than April 1, 2006. The
22 committee shall be dissolved upon completion of its duties under
23 this section.

24 301.130. 1. The director of revenue, upon receipt of a
25 proper application for registration, required fees and any other
26 information which may be required by law, shall issue to the

2 applicant a certificate of registration in such manner and form
3 as the director of revenue may prescribe and a set of license
4 plates, or other evidence of registration, as provided by this
5 section. Each set of license plates shall bear the name or
6 abbreviated name of this state, the words "SHOW-ME STATE", the
7 month and year in which the registration shall expire, and an
8 arrangement of numbers or letters, or both, as shall be assigned
9 from year to year by the director of revenue. The plates shall
10 also contain fully reflective material with a common color scheme
11 and design for each type of license plate issued pursuant to this
12 chapter. The plates shall be clearly visible at night, and shall
13 be aesthetically attractive. Special plates for qualified
14 disabled veterans will have the "DISABLED VETERAN" wording on the
15 license plates in preference to the words "SHOW-ME STATE" and
16 special plates for members of the national guard will have the
17 "NATIONAL GUARD" wording in preference to the words "SHOW-ME
18 STATE".

19 2. The arrangement of letters and numbers of license plates
20 shall be uniform throughout each classification of registration.
21 The director may provide for the arrangement of the numbers in
22 groups or otherwise, and for other distinguishing marks on the
23 plates.

24 3. All property-carrying commercial motor vehicles to be
25 registered at a gross weight in excess of twelve thousand pounds,
26 all passenger-carrying commercial motor vehicles, local transit

2 buses, school buses, trailers, semitrailers, motorcycles,
3 motortricycles, motorscooters and driveaway vehicles shall be
4 registered with the director of revenue as provided for in
5 subsection 3 of section 301.030, or with the state highways and
6 transportation commission as otherwise provided in this chapter,
7 but only one license plate shall be issued for each such vehicle
8 except as provided in this subsection. The applicant for
9 registration of any property-carrying commercial motor vehicle
10 may request and be issued two license plates for such vehicle,
11 and if such plates are issued the director of revenue may assess
12 and collect an additional charge from the applicant in an amount
13 not to exceed the fee prescribed for personalized license plates
14 in subsection 1 of section 301.144.

15 4. The plates issued to manufacturers and dealers shall
16 bear the letter "D" preceding the number, and the director may
17 place upon the plates other letters or marks to distinguish
18 commercial motor vehicles and trailers and other types of motor
19 vehicles.

20 5. No motor vehicle or trailer shall be operated on any
21 highway of this state unless it shall have displayed thereon the
22 license plate or set of license plates issued by the director of
23 revenue or the state highways and transportation commission and
24 authorized by section 301.140. Each such plate shall be securely
25 fastened to the motor vehicle in a manner so that all parts
26 thereof shall be plainly visible and reasonably clean so that the

2 reflective qualities thereof are not impaired. License plates
3 shall be fastened to all motor vehicles except trucks, tractors,
4 truck tractors or truck-tractors licensed in excess of twelve
5 thousand pounds on the front and rear of such vehicles not less
6 than eight nor more than forty-eight inches above the ground,
7 with the letters and numbers thereon right side up. The license
8 plates on trailers, motorcycles, motortricycles and motorscooters
9 shall be displayed on the rear of such vehicles, with the letters
10 and numbers thereon right side up. The license plate on buses,
11 other than school buses, and on trucks, tractors, truck tractors
12 or truck-tractors licensed in excess of twelve thousand pounds
13 shall be displayed on the front of such vehicles not less than
14 eight nor more than forty-eight inches above the ground, with the
15 letters and numbers thereon right side up or if two plates are
16 issued for the vehicle pursuant to subsection [5] 3 of this
17 section, displayed in the same manner on the front and rear of
18 such vehicles. The license plate or plates authorized by section
19 301.140, when properly attached, shall be prima facie evidence
20 that the required fees have been paid.

21 6. (1) The director of revenue shall issue annually or
22 biennially a tab or set of tabs as provided by law as evidence of
23 the annual payment of registration fees and the current
24 registration of a vehicle in lieu of the set of plates.

25 (2) The vehicle owner to whom a tab or set of tabs is
26 issued shall affix and display such tab or tabs in the designated

2 area of the license plate, no more than one per plate.

3 (3) A tab or set of tabs issued by the director of revenue
4 when attached to a vehicle in the prescribed manner shall be
5 prima facie evidence that the registration fee for such vehicle
6 has been paid.

7 (4) Except as otherwise provided in [subdivision (1) of]
8 this [subsection] section, the director of revenue shall issue
9 plates for a period of at least [five] six years.

10 (5) For those commercial motor vehicles and trailers
11 registered pursuant to section 301.041, the plate issued by the
12 [director of revenue] highways and transportation commission
13 shall be a permanent nonexpiring license plate for which no tabs
14 shall be issued. Nothing in this section shall relieve the owner
15 of any vehicle permanently registered pursuant to this section
16 from the obligation to pay the annual registration fee due for
17 the vehicle. The permanent nonexpiring license plate shall be
18 returned to the [director of revenue] highways and transportation
19 commission upon the sale or disposal of the vehicle by the owner
20 to whom the permanent nonexpiring license plate is issued, or the
21 plate may be transferred to a replacement commercial motor
22 vehicle when the owner files a supplemental application with the
23 Missouri [highway reciprocity] highways and transportation
24 commission for the registration of such replacement commercial
25 motor vehicle. Upon payment of the annual registration fee, the
26 [director of revenue] highways and transportation commission

2 shall issue a certificate of registration or other suitable
3 evidence of payment of the annual fee, and such evidence of
4 payment shall be carried at all times in the vehicle for which it
5 is issued.

6 (6) Upon the sale or disposal of any vehicle permanently
7 registered under this section, or upon the termination of a lease
8 of any such vehicle, the permanent nonexpiring plate issued for
9 such vehicle shall be returned to the [director] highways and
10 transportation commission and shall not be valid for operation of
11 such vehicle, or the plate may be transferred to a replacement
12 vehicle when the owner files a supplemental application with the
13 Missouri [highway reciprocity] highways and transportation
14 commission for the registration of such replacement vehicle. If
15 a vehicle which is permanently registered under this section is
16 sold, wrecked or otherwise disposed of, or the lease terminated,
17 the registrant shall be given credit for any unused portion of
18 the annual registration fee when the vehicle is replaced by the
19 purchase or lease of another vehicle during the registration
20 year.

21 7. The director of revenue and the highways and
22 transportation commission may prescribe rules and regulations for
23 the effective administration of this section. No rule or portion
24 of a rule promulgated under the authority of this section shall
25 become effective unless it has been promulgated pursuant to the
26 provisions of section 536.024, RSMo.

2 8. Notwithstanding the provisions of any other law to the
3 contrary, owners of motor vehicles other than apportioned motor
4 vehicles or commercial motor vehicles licensed in excess of
5 eighteen thousand pounds gross weight may apply for special
6 personalized license plates. Vehicles licensed for eighteen
7 thousand pounds that display special personalized license plates
8 shall be subject to the provisions of subsections 1 and 2 of
9 section 301.030.

10 9. Commencing January 1, 2007, the director of revenue
11 shall cause to be reissued new license plates of such design as
12 directed by the director consistent with the terms, conditions,
13 and provisions of this section and this chapter. Except as
14 otherwise provided in this section, in addition to all other fees
15 required by law, applicants for registration of vehicles with
16 license plates that expire between January 1, 2007, and December
17 31, 2009, applicants for registration of trailers or semitrailers
18 with license plates that expire between January 1, 2007, and
19 December 31, 2009, and applicants for registration of vehicles
20 that are to be issued new license plates shall pay an additional
21 fee of up to two dollars and fifty cents, based on the actual
22 cost of the reissuance, to cover the cost of the newly reissued
23 plates required by this subsection. The additional fee, based on
24 the actual cost, prescribed by this subsection shall only be one
25 dollar and twenty-five cents for issuance of one new plate for
26 vehicles requiring only one license plate pursuant to this

2 section. The additional fee of two dollars and fifty cents
3 prescribed in this subsection shall not be charged to persons
4 receiving special license plates issued under section 301.073 or
5 301.443. Historic motor vehicle license plates registered
6 pursuant to section 301.131 and specialized license plates are
7 exempt from the provisions of this subsection.

8 301.132. 1. [Any motor vehicle manufactured in 1948 or
9 before which is modified for safe road use, including but not
10 limited to modifications to the drive train, suspension, brake
11 system, and any safety or comfort apparatus and which is not
12 owned solely as a collector's item and which is not used or
13 intended to be used solely for exhibition and educational
14 purposes only, may be specially registered as a "street rod" upon
15 payment of an annual fee equal to the fee charged for
16 personalized license plates in section 301.144 in addition to the
17 regular annual registration fees. Upon the transfer of the title
18 to any such vehicle the registration shall be canceled and the
19 license plates issued therefor shall be returned to the director
20 of revenue.

21 2. The owner of any such vehicle shall file an application
22 in a form prescribed by the director, verified by affidavit,
23 providing that such vehicle meets the requirements which shall be
24 issued by the director for classification as a "street rod", and
25 a certificate of registration shall be issued therefor.

26 3. The director shall issue to the owner of any motor

2 vehicle registered under this section two license plates
3 containing the number assigned to the registration certificate
4 issued by the director of revenue, and the following words:
5 "Street Rod", "State of Missouri". Such license plates shall be
6 kept securely attached to the motor vehicle registered hereunder.
7 The advisory committee established in section 301.129 shall
8 determine the characteristic features of such license plates for
9 vehicles registered under the provisions of this section so that
10 they may be recognized as such, except that such license plates
11 shall be made with fully reflective material with a common color
12 scheme and design, shall be clearly visible at night, and shall
13 be aesthetically attractive, as prescribed by section 301.130.

14 4. Motor vehicles registered under this section are subject
15 to the motor vehicle safety inspection requirements of sections
16 307.350 to 307.390, RSMo.] For purposes of this section, "street
17 rod" is a vehicle older than 1949 or a vehicle manufactured after
18 1948 to resemble a vehicle manufactured before 1949; and has been
19 altered from the manufacturer's original design or has a body
20 constructed from nonoriginal materials.

21 2. The model year and the year of manufacture that are
22 listed on the certificate of title of a street rod vehicle shall
23 be the model year and year of manufacture that the body of such
24 vehicle resembles. The current and all subsequent certificates
25 of ownership shall be designated with the word "REPLICA".

26 3. For each street rod, there shall be an annual fee equal

2 to the fee charged for personalized license plates in section
3 301.144 in addition to the regular annual registration fees.

4 4. In applying for registration of a street rod pursuant to
5 this section, the owner of the street rod shall submit with the
6 application a certification that the vehicle for which the
7 application is made:

8 (1) Will be maintained for occasional transportation,
9 exhibitions, club activities, parades, tours, and similar uses;

10 (2) Will not be used for general daily transportation.

11 5. In addition to the certification required pursuant to
12 subsection 4 of this section, when applying for registration of a
13 street rod, the new owner of the street rod shall provide proof
14 that the street rod passed a safety inspection in accordance with
15 section 307.350, RSMo, that shall be approved by the department
16 of public safety in consultation with the street rod community in
17 this state.

18 6. On registration of a vehicle pursuant to this section,
19 the director of the department of revenue shall issue to the
20 owner two license plates containing the number assigned to the
21 registration certificate issued by the director of revenue, and
22 the following words: "Street Rod", "State of Missouri". Such
23 license plates shall be kept securely attached to the motor
24 vehicle registered pursuant to this section. The director of
25 revenue shall determine the characteristic features of such
26 license plates for vehicles registered pursuant to the provisions

2 of this section so that they may be recognized as such, except
3 that such license plates shall be made with fully reflective
4 material with a common color scheme and design, shall be clearly
5 visible at night, and shall be aesthetically attractive, as
6 prescribed by section 301.130.

7 7. Unless the presence of the equipment was specifically
8 required by a statute of this state as a condition of sale in the
9 year listed as the year of manufacture on the certificate of
10 title, the presence of any specific equipment is not required for
11 the operation of a vehicle registered pursuant to this section.

12 8. Except as provided in subsection 5 of this section, a
13 vehicle registered pursuant to this section is exempt from any
14 statute of this state that requires periodic vehicle inspections
15 and from any statute of this state that requires the use and
16 inspection of emission controls.

17 9. A custom vehicle means any motor vehicle that:

18 (1) Is at least twenty-five years old and of a model year
19 after 1948, or was manufactured to resemble a vehicle twenty-five
20 years old or older and of a model year after 1948; and

21 (2) Has been altered from the manufacturer's original
22 design, or has an entire body constructed from nonoriginal
23 materials.

24 10. The model year and the year of manufacture that are
25 listed on the certificate of title of a custom vehicle shall be
26 the model year and year of manufacture that the body of such

2 vehicle resembles. The current and all subsequent certificates
3 of ownership shall be designated with the word "REPLICA".

4 11. For each custom vehicle, there shall be an annual fee
5 equal to the fee charged for personalized license plates in
6 section 301.144 in addition to the regular annual registration
7 fees.

8 12. In applying for registration of a custom vehicle
9 pursuant to this section, the owner of the custom vehicle shall
10 submit with the application a certification that the vehicle for
11 which the application is made:

12 (1) Will be maintained for occasional transportation,
13 exhibits, club activities, parades, tours, and similar uses; and

14 (2) Will not be used for general daily transportation.

15 13. In addition to the certification required pursuant to
16 subsection 12 of this section, when applying for registration of
17 a custom vehicle, the new owner of the custom vehicle shall
18 provide proof that the custom vehicle passed a safety inspection
19 in accordance with section 307.350, RSMo, that shall be approved
20 by the department of public safety in consultation with the
21 street rod community in this state.

22 14. On registration of a vehicle pursuant to this section,
23 the director of the department of revenue shall issue to the
24 owner two license plates containing the number assigned to the
25 registration certificate issued by the director of revenue, and
26 the following words: "Custom Vehicle", "State of Missouri". Such

2 license plates shall be kept securely attached to the motor
3 vehicle registered hereunder. The director of revenue shall
4 determine the characteristic features of such license plates for
5 vehicles registered pursuant to the provisions of this section so
6 that they may be recognized as such, except that such license
7 plates shall be made with fully reflective material with a common
8 color scheme and design, shall be clearly visible at night, and
9 shall be aesthetically attractive, as prescribed by section
10 301.130.

11 15. Unless the presence of the equipment was specifically
12 required by a statute of this state as a condition of sale in the
13 year listed as the year of manufacture on the certificate of
14 title, the presence of any specific equipment is not required for
15 the operation of a vehicle registered pursuant to this section.

16 16. Except as provided in subsection 13 of this section, a
17 vehicle registered pursuant to this section is exempt from any
18 statute of this state that requires periodic vehicle inspections
19 and from any statute of this state that requires the use and
20 inspection of emission controls.

21 17. For purposes of this section, "blue dot tail light" is
22 a red lamp installed in the rear of a motor vehicle containing a
23 blue or purple insert that is not more than one inch in diameter.

24 18. A street rod or custom vehicle may use blue dot tail
25 lights for stop lamps, rear turning indicator lamps, rear hazard
26 lamps, and rear reflectors.

2 301.134. 1. Daughters of the American Revolution who have
3 obtained an emblem-use authorization statement from the Missouri
4 State Society Daughters of the American Revolution may apply for
5 Missouri State Society Daughters of the American Revolution
6 license plates for any motor vehicle the person owns, either
7 solely or jointly, other than an apportioned motor vehicle or a
8 commercial motor vehicle licensed in excess of eighteen thousand
9 pounds gross weight. The Missouri State Society Daughters of the
10 American Revolution hereby authorizes the use of its official
11 emblem to be affixed on multi-year personalized license plates as
12 provided in this section.

13 2. Upon application and payment of a one time twenty-five
14 dollar emblem-use contribution to the Missouri State Society
15 Daughters of the American Revolution, the Missouri State Society
16 Daughters of the American Revolution shall issue to the vehicle
17 owner, without further charge, an emblem-use authorization
18 statement, which shall be presented to the department of revenue
19 at the time of registration of a motor vehicle.

20 3. Upon presentation of the statement and payment of a
21 fifteen dollar fee in addition to the regular registration fees
22 and presentation of other documents which may be required by law,
23 the department of revenue shall issue a personalized license
24 plate to the vehicle owner, which shall bear the emblem of the
25 Missouri State Society Daughters of the American Revolution and
26 the words "MISSOURI STATE SOCIETY DAUGHTERS OF THE AMERICAN

2 REVOLUTION" and shall engrave the words "SHOW-ME STATE". Such
3 license plates shall be made with fully reflective material with
4 a common color scheme and design, shall be clearly visible at
5 night, and shall be aesthetically attractive, as prescribed by
6 section 301.130. A fee for the issuance of personalized license
7 plates issued pursuant to section 301.144, shall not be required
8 for plates issued pursuant to this section.

9 4. The director of revenue may promulgate rules and
10 regulations for the administration of this section. Any rule or
11 portion of a rule, as that term is defined in section 536.010,
12 RSMo, that is created under the authority delegated in this
13 section shall become effective only if it complies with and is
14 subject to all of the provisions of chapter 536, RSMo, and, if
15 applicable, section 536.028, RSMo. This section and chapter 536,
16 RSMo, are nonseverable and if any of the powers vested with the
17 general assembly pursuant to chapter 536, RSMo, to review, to
18 delay the effective date, or to disapprove and annul a rule are
19 subsequently held unconstitutional, then the grant of rulemaking
20 authority and any rule proposed or adopted after August 28, 2004,
21 shall be invalid and void.

22 301.144. 1. The director of revenue shall establish and
23 issue special personalized license plates containing letters or
24 numbers or combinations of letters and numbers[, not to exceed
25 six characters in length]. Such license plates shall be made
26 with fully reflective material with a common color scheme and

2 design, shall be clearly visible at night, and shall be
3 aesthetically attractive, as prescribed by section 301.130. Any
4 person desiring to obtain a special personalized license plate
5 for any motor vehicle the person owns, either solely or jointly,
6 other than an apportioned motor vehicle or a commercial motor
7 vehicle licensed [for more than twelve] in excess of eighteen
8 thousand pounds gross weight shall apply to the director of
9 revenue on a form provided by the director and shall pay a fee of
10 fifteen dollars in addition to the regular registration fees.
11 The director of revenue shall issue rules and regulations setting
12 the standards and establishing the procedure for application for
13 and issuance of the special personalized license plates and shall
14 provide a deadline each year for the applications. Any rule or
15 portion of a rule, as that term is defined in section 536.010,
16 RSMo, that is created under the authority delegated in this
17 section shall become effective only if it complies with and is
18 subject to all of the provisions of chapter 536, RSMo, and, if
19 applicable, section 536.028, RSMo. This section and chapter 536,
20 RSMo, are nonseverable and if any of the powers vested with the
21 general assembly pursuant to chapter 536, RSMo, to review, to
22 delay the effective date or to disapprove and annul a rule are
23 subsequently held unconstitutional, then the grant of rulemaking
24 authority and any rule proposed or adopted after August 28, 2001,
25 shall be invalid and void. No two owners shall be issued
26 identical plates. An owner shall make a new application and pay

2 a new fee each year such owner desires to obtain or retain
3 special personalized license plates; however, notwithstanding the
4 provisions of subsection 8 of section 301.130 to the contrary,
5 the director shall allow the special personalized license plates
6 to be replaced with new plates every three years without any
7 additional charge, above the fee established in this section, to
8 the renewal applicant. Any person currently in possession of an
9 approved personalized license plate shall have first priority on
10 that particular plate for each of the following years that timely
11 and appropriate application is made.

12 2. Upon application for a personalized plate by the owner
13 of a motor vehicle for which the owner has no registration plate
14 available for transfer as prescribed by section 301.140, the
15 director shall issue a temporary permit authorizing the operation
16 of the motor vehicle until the personalized plate is issued.

17 3. No personalized license plates shall be issued
18 containing any letters, numbers or combination of letters and
19 numbers which are obscene, profane, patently offensive or
20 contemptuous of a racial or ethnic group, or offensive to good
21 taste or decency, or would present an unreasonable danger to the
22 health or safety of the applicant, of other users of streets and
23 highways, or of the public in any location where the vehicle with
24 such a plate may be found. The director may recall any
25 personalized license plates, including those issued prior to
26 August 28, 1992, if the director determines that the plates are

2 obscene, profane, patently offensive or contemptuous of a racial
3 or ethnic group, or offensive to good taste or decency, or would
4 present an unreasonable danger to the health or safety of the
5 applicant, of other users of streets and highways, or of the
6 public in any location where the vehicle with such a plate may be
7 found. Where the director recalls such plates pursuant to the
8 provisions of this subsection, the director shall reissue
9 personalized license plates to the owner of the motor vehicle for
10 which they were issued at no charge, if the new plates proposed
11 by the owner of the motor vehicle meet the standards established
12 pursuant to this section. The director shall not apply the
13 provisions of this statute in a way that violates the Missouri or
14 United States Constitutions as interpreted by the courts with
15 controlling authority in the state of Missouri. The primary
16 purpose of motor vehicle licence plates is to identify motor
17 vehicles. Nothing in the issuance of a personalized license
18 plate creates a designated or limited public forum. Nothing
19 contained in this subsection shall be interpreted to prohibit the
20 use of license plates, which are no longer valid for registration
21 purposes, as collector's items or for decorative purposes.

22 [3.] 4. The director may also establish categories of
23 special license plates from which license plates may be issued.
24 Any such person, other than a person exempted from the additional
25 fee pursuant to subsection 6 of this section, that desires a
26 personalized special license plate from any such category shall

2 pay the same additional fee and make the same kind of application
3 as that required by subsection 1 of this section, and the
4 director shall issue such plates in the same manner as other
5 personalized special license plates are issued.

6 [4.] 5. The director of revenue shall issue to residents of
7 the state of Missouri who hold an unrevoked and unexpired
8 official amateur radio license issued by the Federal
9 Communications Commission, upon application and upon payment of
10 the additional fee specified in subsection 1 of this section,
11 except for a person exempted from the additional fee pursuant to
12 subsection 6 of this section, personalized special license plates
13 bearing the official amateur radio call letters assigned by the
14 Federal Communications Commission to the applicant with the words
15 "AMATEUR RADIO" in the place of the words "SHOW-ME STATE". The
16 application shall be accompanied by [an affidavit] a statement
17 stating that the applicant has an unrevoked and unexpired amateur
18 radio license issued by the Federal Communications Commission and
19 the official radio call letters assigned by the Federal
20 Communications Commission to the applicant. An owner making a
21 new application and paying a new fee to retain an amateur radio
22 plate may request a replacement plate with the words "AMATEUR
23 RADIO" in place of the words "SHOW-ME STATE". If application is
24 made to retain a plate that is three years old or older, the
25 replacement plate shall be issued upon the payment of required
26 fees.

2 [5.] 6. Notwithstanding any other provision to the
3 contrary, any business that repossesses motor vehicles or
4 trailers and sells or otherwise disposes of them shall be issued
5 a placard displaying the word "Repossessed", provided such
6 business pays the fees presently required of a manufacturer,
7 distributor, or dealer in subsection 1 of section 301.253. Such
8 placard shall bear a number and shall be in such form as the
9 director of revenue shall determine, and shall be only used for
10 demonstrations when displayed substantially as provided for
11 number plates on the rear of the motor vehicle or trailer.

12 [6.] 7. Notwithstanding any provision of law to the
13 contrary, any person who has retired from any branch of the
14 United States armed forces or reserves, the United States Coast
15 Guard or reserve, the United States Merchant Marines or reserve,
16 the National Guard, or any subdivision of any such services shall
17 be exempt from the additional fee required for personalized
18 license plates issued pursuant to section 301.441. As used in
19 this subsection, "retired" means having served twenty or more
20 years in the appropriate branch of service and having received an
21 honorable discharge.

22 301.190. 1. No certificate of registration of any motor
23 vehicle or trailer, or number plate therefor, shall be issued by
24 the director of revenue unless the applicant therefor shall make
25 application for and be granted a certificate of ownership of such
26 motor vehicle or trailer, or shall present satisfactory evidence

2 that such certificate has been previously issued to the applicant
3 for such motor vehicle or trailer. Application shall be made
4 within thirty days after the applicant acquires the motor vehicle
5 or trailer upon a blank form furnished by the director of revenue
6 and shall contain the applicant's identification number, a full
7 description of the motor vehicle or trailer, the vehicle
8 identification number, and the mileage registered on the odometer
9 at the time of transfer of ownership, as required by section
10 407.536, RSMo, together with a statement of the applicant's
11 source of title and of any liens or encumbrances on the motor
12 vehicle or trailer, provided that for good cause shown the
13 director of revenue may extend the period of time for making such
14 application.

15 2. The director of revenue shall use reasonable diligence
16 in ascertaining whether the facts stated in such application are
17 true and shall, to the extent possible without substantially
18 delaying processing of the application, review any odometer
19 information pertaining to such motor vehicle that is accessible
20 to the director of revenue. If satisfied that the applicant is
21 the lawful owner of such motor vehicle or trailer, or otherwise
22 entitled to have the same registered in his name, the director
23 shall thereupon issue an appropriate certificate over his
24 signature and sealed with the seal of his office, procured and
25 used for such purpose. The certificate shall contain on its face
26 a complete description, vehicle identification number, and other

2 evidence of identification of the motor vehicle or trailer, as
3 the director of revenue may deem necessary, together with the
4 odometer information required to be put on the face of the
5 certificate pursuant to section 407.536, RSMo, a statement of any
6 liens or encumbrances which the application may show to be
7 thereon, and, if ownership of the vehicle has been transferred,
8 the name of the state issuing the transferor's title and whether
9 the transferor's odometer mileage statement executed pursuant to
10 section 407.536, RSMo, indicated that the true mileage is
11 materially different from the number of miles shown on the
12 odometer, or is unknown.

13 3. The director of revenue shall appropriately designate on
14 the current and all subsequent issues of the certificate the
15 words "Reconstructed Motor Vehicle", "Motor Change Vehicle",
16 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor
17 Vehicle", as defined in section 301.010. Effective July 1, 1990,
18 on all original and all subsequent issues of the certificate for
19 motor vehicles as referenced in subsections 2 and 3 of section
20 301.020, the director shall print on the face thereof the
21 following designation: "Annual odometer updates may be available
22 from the department of revenue.". On any duplicate certificate,
23 the director of revenue shall reprint on the face thereof the
24 most recent of either:

25 (1) The mileage information included on the face of the
26 immediately prior certificate and the date of purchase or

2 issuance of the immediately prior certificate; or

3 (2) Any other mileage information provided to the director
4 of revenue, and the date the director obtained or recorded that
5 information.

6 4. The certificate of ownership issued by the director of
7 revenue shall be manufactured in a manner to prohibit as nearly
8 as possible the ability to alter, counterfeit, duplicate, or
9 forge such certificate without ready detection. In order to
10 carry out the requirements of this subsection, the director of
11 revenue may contract with a nonprofit scientific or educational
12 institution specializing in the analysis of secure documents to
13 determine the most effective methods of rendering Missouri
14 certificates of ownership nonalterable or noncounterfeitable.

15 5. The fee for each original certificate so issued shall be
16 eight dollars and fifty cents, in addition to the fee for
17 registration of such motor vehicle or trailer. If application for
18 the certificate is not made within thirty days after the vehicle
19 is acquired by the applicant, a delinquency penalty fee of
20 twenty-five dollars for the first thirty days of delinquency and
21 twenty-five dollars for each thirty days of delinquency
22 thereafter, not to exceed a total of one hundred dollars before
23 November 1, 2003, and not to exceed a total of two hundred
24 dollars on or after November 1, 2003, shall be imposed, but such
25 penalty may be waived by the director for a good cause shown. If
26 the director of revenue learns that any person has failed to

2 obtain a certificate within thirty days after acquiring a motor
3 vehicle or trailer or has sold a vehicle without obtaining a
4 certificate, he shall cancel the registration of all vehicles
5 registered in the name of the person, either as sole owner or as
6 a co-owner, and shall notify the person that the cancellation
7 will remain in force until the person pays the delinquency
8 penalty fee provided in this section, together with all fees,
9 charges and payments which he should have paid in connection with
10 the certificate of ownership and registration of the vehicle.
11 The certificate shall be good for the life of the motor vehicle
12 or trailer so long as the same is owned or held by the original
13 holder of the certificate and shall not have to be renewed
14 annually.

15 6. Any applicant for a certificate of ownership requesting
16 the department of revenue to process an application for a
17 certificate of ownership in an expeditious manner requiring
18 special handling shall pay a fee of five dollars in addition to
19 the regular certificate of ownership fee.

20 7. It is unlawful for any person to operate in this state a
21 motor vehicle or trailer required to be registered under the
22 provisions of the law unless a certificate of ownership has been
23 issued as herein provided.

24 8. Before an original Missouri certificate of ownership is
25 issued, an inspection of the vehicle and a verification of
26 vehicle identification numbers shall be made by the Missouri

2 state highway patrol on vehicles for which there is a current
3 title issued by another state if a Missouri salvage certificate
4 of title has been issued for the same vehicle but no prior
5 inspection and verification has been made in this state, except
6 that if such vehicle has been inspected in another state by a law
7 enforcement officer in a manner comparable to the inspection
8 process in this state and the vehicle identification numbers have
9 been so verified, the applicant shall not be liable for the
10 twenty-five dollar inspection fee if such applicant submits proof
11 of inspection and vehicle identification number verification to
12 the director of revenue at the time of the application. The
13 applicant, who has such a title for a vehicle on which no prior
14 inspection and verification have been made, shall pay a fee of
15 twenty-five dollars for such verification and inspection, payable
16 to the director of revenue at the time of the request for the
17 application, which shall be deposited in the state treasury to
18 the credit of the state highway fund.

19 9. Each application for an original Missouri certificate of
20 ownership for a vehicle which is classified as a reconstructed
21 motor vehicle, specially constructed motor vehicle, kit vehicle,
22 motor change vehicle, non-USA-std motor vehicle, or other vehicle
23 as required by the director of revenue, shall be accompanied by a
24 vehicle examination certificate issued by the Missouri state
25 highway patrol, or other law enforcement agency as authorized by
26 the director of revenue. The vehicle examination shall include a

2 verification of vehicle identification numbers and a
3 determination of the classification of the vehicle. The owner of
4 a vehicle which requires a vehicle examination certificate shall
5 present the vehicle for examination and obtain a completed
6 vehicle examination certificate prior to submitting an
7 application for a certificate of ownership to the director of
8 revenue. The fee for the vehicle examination application shall
9 be twenty-five dollars and shall be collected by the director of
10 revenue at the time of the request for the application and shall
11 be deposited in the state treasury to the credit of the state
12 highway fund.

13 10. When an application is made for an original Missouri
14 certificate of ownership for a motor vehicle previously
15 registered or titled in a state other than Missouri, it shall be
16 accompanied by a current inspection form certified by a duly
17 authorized official inspection station as described in chapter
18 307, RSMo. The completed form shall certify that the
19 manufacturer's identification number for the vehicle has been
20 inspected, that it is correctly displayed on the vehicle and
21 shall certify the reading shown on the odometer at the time of
22 inspection. The inspection station shall collect the same fee as
23 authorized in section 307.365, RSMo, for making the inspection,
24 and the fee shall be deposited in the same manner as provided in
25 section 307.365, RSMo. If the vehicle is also to be registered
26 in Missouri, the safety and emissions inspections required in

2 chapter 307, RSMo, shall be completed and only the fees required
3 by sections 307.365 and 307.366, RSMo, shall be charged to the
4 owner. This section shall not apply to vehicles being
5 transferred on a manufacturer's statement of origin.

6 11. Motor vehicles brought into this state in a wrecked or
7 damaged condition or after being towed as an abandoned vehicle
8 pursuant to another state's abandoned motor vehicle procedures
9 shall, in lieu of the inspection required by subsection 10 of
10 this section, be inspected by the Missouri state highway patrol
11 in accordance with subsection 9 of this section. If the
12 inspection reveals the vehicle to be in a salvage or junk
13 condition, the director shall so indicate on any Missouri
14 certificate of ownership issued for such vehicle. Any salvage
15 designation shall be carried forward on all subsequently issued
16 certificates of title for the motor vehicle.

17 12. When an application is made for an original Missouri
18 certificate of ownership for a motor vehicle previously
19 registered or titled in a state other than Missouri, and the
20 certificate of ownership has been appropriately designated by the
21 issuing state as reconstructed motor vehicle, motor change
22 vehicle, specially constructed motor vehicle, the director of
23 revenue shall appropriately designate on the current Missouri and
24 all subsequent issues of the certificate of ownership the name of
25 the issuing state and such prior designation.

26 13. When an application is made for an original Missouri

2 certificate of ownership for a motor vehicle previously
3 registered or titled in a state other than Missouri, and the
4 certificate of ownership has been appropriately designated by the
5 issuing state as non-USA-std motor vehicle, the director of
6 revenue shall appropriately designate on the current Missouri and
7 all subsequent issues of the certificate of ownership the words
8 "Non-USA-Std Motor Vehicle".

9 14. The director of revenue and the superintendent of the
10 Missouri state highway patrol shall make and enforce rules for
11 the administration of the inspections required by this section.

12 15. Each application for an original Missouri certificate
13 of ownership for a vehicle which is classified as a reconstructed
14 motor vehicle, manufactured forty or more years prior to the
15 current model year, and which has a value of three thousand
16 dollars or less shall be accompanied by:

17 (1) A proper affidavit submitted by the owner explaining
18 how the motor vehicle or trailer was acquired and, if applicable,
19 the reasons a valid certificate of ownership cannot be furnished;

20 (2) Photo copies of receipts, bills of sale establishing
21 ownership, or titles, and the source of all major component parts
22 used to rebuild the vehicle;

23 (3) A fee of one hundred fifty dollars in addition to the
24 fees described in subsection 5 of this section. Such fee shall
25 be deposited in the state treasury to the credit of the state
26 highway fund; and

2 (4) An inspection certificate, other than a motor vehicle
3 examination certificate required under subsection 9 of this
4 section, completed and issued by the Missouri state highway
5 patrol, or other law enforcement agency as authorized by the
6 director of revenue. The inspection performed by the highway
7 patrol or other authorized local law enforcement agency shall
8 include a check for stolen vehicles.

9 The department of revenue shall issue the owner a certificate of
10 ownership designated with the words "Reconstructed Motor Vehicle"
11 and deliver such certificate of ownership in accordance with the
12 provisions of this chapter. Notwithstanding subsection 9 of this
13 section, no owner of a reconstructed motor vehicle described in
14 this subsection shall be required to obtain a vehicle examination
15 certificate issued by the Missouri state highway patrol.

16 301.193. 1. Any person who purchases or is the owner of
17 real property on which vehicles, as defined in section 301.011,
18 vessels or watercraft, as defined in section 306.010, RSMo, or
19 outboard motors, as that term is used in section 306.530, RSMo,
20 have been abandoned, without the consent of said purchaser or
21 owner of the real property, may apply to the department of
22 revenue for a certificate of title. Any insurer which purchases
23 a vehicle through the claims adjustment process for which the
24 insurer is unable to obtain a negotiable title may make an
25 application to the department of revenue for a salvage

2 certificate of title pursuant to this section. Prior to making
3 application for a certificate of title on a vehicle under this
4 section, the insurer or owner of the real estate shall have the
5 vehicle inspected by law enforcement pursuant to subsection 9 of
6 section 301.190, and shall have law enforcement perform a check
7 in the national crime information center and any appropriate
8 statewide law enforcement computer to determine if the vehicle
9 has been reported stolen and the name and address of the person
10 to whom the vehicle was last titled and any lienholders of
11 record. The insurer or owner or purchaser of the real estate
12 shall, thirty days prior to making application for title, notify
13 any owners or lienholders of record for the vehicle by certified
14 mail that the owner intends to apply for a certificate of title
15 from the director for the abandoned vehicle. The application for
16 title shall be accompanied by:

17 (1) A statement explaining the circumstances by which the
18 [abandoned] property came into the insurer, owner or purchaser's
19 possession; a description of the [abandoned] property including
20 the year, make, model, vehicle identification number and any
21 decal or license plate that may be affixed to the vehicle; the
22 current location of the [abandoned] property; and the retail
23 value of the [abandoned] property;

24 (2) An inspection report of the [abandoned] property, if it
25 is a vehicle, by a law enforcement agency pursuant to subsection
26 9 of section 301.190; and

2 (3) A copy of the thirty-day notice and certified mail
3 receipt mailed to any owner and any person holding a valid
4 security interest of record.

5 2. Upon receipt of the application and supporting
6 documents, the director shall search the records of the
7 department of revenue, or initiate an inquiry with another state,
8 if the evidence presented indicated the [abandoned] property
9 described in the application was registered or titled in another
10 state, to verify the name and address of any owners and any
11 lienholders. If the latest owner or lienholder was not notified
12 the director shall inform the insurer, owner, or purchaser of the
13 real estate of the latest owner and lienholder information so
14 that notice may be given as required by subsection 1 of this
15 section. Any owner or lienholder receiving notification may
16 protest the issuance of title by, within the thirty-day notice
17 period and may file a petition to recover the vehicle, naming the
18 insurer or owner of the real estate and serving a copy of the
19 petition on the director of revenue. The director shall not be a
20 party to such petition but shall, upon receipt of the petition,
21 suspend the processing of any further certificate of title until
22 the rights of all parties to the vehicle are determined by the
23 court. Once all requirements are satisfied the director shall
24 issue one of the following:

25 (1) An original certificate of title if the vehicle
26 examination certificate, as provided in section 301.190,

2 indicates that the vehicle was not previously in a salvaged
3 condition or rebuilt;

4 (2) An original certificate of title designated as prior
5 salvage if the vehicle examination certificate as provided in
6 section 301.190 indicates the vehicle was previously in a
7 salvaged condition or rebuilt;

8 (3) A salvage certificate of title designated with the
9 words "salvage/abandoned property" or junking certificate based
10 on the condition of the [abandoned] property as stated in the
11 inspection report. An insurer purchasing a vehicle through the
12 claims adjustment process under this section shall only be
13 eligible to obtain a salvage certificate of title or junking
14 certificate.

15 301.196. 1. Beginning January 1, 2006, except as otherwise
16 provided in this section, the transferor of an interest in a
17 motor vehicle or trailer listed on the face of a Missouri title,
18 excluding salvage titles and junking certificates, shall notify
19 the department of revenue of the transfer within thirty days of
20 the date of transfer. The notice shall be in a form determined
21 by the department by rule and shall contain:

22 (1) A description of the motor vehicle or trailer
23 sufficient to identify it;

24 (2) The vehicle identification number of the motor vehicle
25 or trailer;

26 (3) The name and address of the transferee;

2 (4) The date of birth of the transferee, unless the
3 transferee is not a natural person;

4 (5) The date of the transfer or sale;

5 (6) The purchase price of the motor vehicle or trailer, if
6 applicable;

7 (7) The number of the transferee's drivers license, unless
8 the transferee does not have a drivers license;

9 (8) The printed name and signature of the transferee;

10 (9) Any other information required by the department by
11 rule.

12 2. For purposes of giving notice under this section, if the
13 transfer occurs by operation of law, the personal representative,
14 receiver, trustee, sheriff, or other representative or successor
15 in interest of the person whose interest is transferred shall be
16 considered the transferor. Repossession by a creditor shall not
17 be considered a transfer of ownership requiring such notice.

18 3. The requirements of this section shall not apply to
19 transfers when there is no complete change of ownership interest
20 or upon award of ownership of a motor vehicle or trailer made by
21 court order, or transfers of ownership of a motor vehicle or
22 trailer to or between vehicle dealers, or transfers of beneficial
23 ownership of a motor vehicle owned by a trust.

24 4. Notification under this section is only required for
25 transfers of ownership that would otherwise require registration
26 and an application for certificate of title in this state under

2 section 301.190, and is for informational purposes only and does
3 not constitute an assignment or release of any interest in the
4 vehicle.

5 5. Retail sales made by licensed dealers including sales of
6 new vehicles shall be reported pursuant to the provisions of
7 section 301.280.

8 301.197. 1. Beginning January 1, 2006, upon receipt of a
9 notification of transfer described in section 301.196, the
10 department shall make a notation on its records indicating that
11 it has received notification that an interest in the motor
12 vehicle or trailer has been transferred. The notation shall be
13 made whether or not the form submitted to the department contains
14 all the information required by section 301.196, so long as there
15 is sufficient information to identify the motor vehicle or
16 trailer and the name and address of the transferee. Thereafter,
17 until a new title is issued, when the department is asked or is
18 required by law to provide the name of the owner or lienholder of
19 a motor vehicle or trailer as shown on its records, the
20 department shall provide the name of the owner or lienholder
21 recorded on the latest title or lien perfection of record and
22 indicate that department records show a notification of transfer
23 but do not show a title transfer. The department shall also
24 provide the name of the transferee, if otherwise permitted by
25 law, if it is shown on the form submitted by the transferor
26 pursuant to section 301.196.

2 2. If the department does not receive an application for
3 title from the person named as transferee in a form submitted
4 pursuant to section 301.196 within sixty days of the receipt of
5 the form, the department shall notify the transferee to apply for
6 title. Notification shall be made as soon after the sixtieth day
7 after receipt of the form as is convenient for the department.
8 The provisions of this subsection shall be in addition to the
9 requirements of section 301.190.

10 3. The department may adopt rules for the implementation of
11 section 301.196 and this section. Any rule or portion of a rule,
12 as that term is defined in section 536.010, RSMo, that is created
13 under the authority delegated in this section shall become
14 effective only if it complies with and is subject to all of the
15 provisions of chapter 536, RSMo, and, if applicable, section
16 536.028, RSMo. This section and chapter 536, RSMo, are
17 nonseverable and if any of the powers vested with the general
18 assembly pursuant to chapter 536, RSMo, to review, to delay the
19 effective date, or to disapprove and annul a rule are
20 subsequently held unconstitutional, then the grant of rulemaking
21 authority and any rule proposed or adopted after August 28, 2004,
22 shall be invalid and void. Notwithstanding section 226.200,
23 RSMo, to the contrary the general assembly may appropriate state
24 highways and transportation department funds for the requirements
25 of sections 301.196, 301.198, and 301.280, and this section.

26 301.198. 1. Beginning January 1, 2006, a person commits

2 the offense of knowingly submitting false information about
3 transfer of a vehicle if the person submits a notice of transfer
4 of an interest in a motor vehicle or trailer as described in
5 section 301.196 to the department of revenue and the person knows
6 that some or all of the information contained in the notice is
7 false. The offense described in this section, knowingly
8 submitting false information about transfer of a vehicle, is a
9 class C misdemeanor.

10 2. Any person who fails to submit the required notice
11 pursuant to section 301.196 shall be guilty of an infraction. If
12 the failure to submit the required notice was done to assist the
13 transferee to avoid applying for title, paying applicable
14 registration fees or other fraudulent purposes, then the person
15 shall be guilty of a class C misdemeanor.

16 301.217. 1. As used in sections 301.217 to 301.229, the
17 following words and phrases mean:

18 (1) "Purchaser", the buyer of a salvage vehicle, including
19 an insurance company for purposes of sections 301.217 to 301.229;

20 (2) "Salvage certificate of title", the title issued by the
21 department of revenue as proof of ownership for a salvaged
22 vehicle, and it shall not be acceptable for the purpose of
23 registering a motor vehicle. The salvage title shall be
24 negotiable with one reassignment on back by registered dealers or
25 insurance companies only. The redeemed title shall be returned
26 in its original form;

2 (3) "Salvage pool" or "salvage disposal sale", a scheduled
3 sale at auction or by private bid of wrecked or repairable motor
4 vehicles or trailers by insurance companies, underwriters, or
5 dealers, either at retail or wholesale.

6 2. The department of revenue may issue a certificate of
7 title for a salvaged motor vehicle at least twenty-five years old
8 and if, in the judgment of the department of revenue it may be
9 needed, require the applicant to file with the department of
10 revenue a corporate surety bond in the form prescribed by the
11 department and executed by the applicant, and executed by a
12 person authorized to conduct a surety business in this state.
13 The bond shall be in an amount equal to one and one-half times
14 the value of the vehicle as determined by the department and
15 conditioned to indemnify any prior owner and lienholder and any
16 subsequent purchaser of the vehicle or person acquiring any
17 security interest in it, and their respective successors in
18 interest, against any expense, loss or damage, including
19 reasonable attorney's fees, by reason of the issuance of the
20 certificate of title of the vehicle or on account of any defect
21 in or undisclosed security interest upon the right, title and
22 interest of the applicant in and to the vehicle. Any such
23 interested person has a right of action to recover on the bond
24 for any breach of its conditions, but the aggregate liability of
25 the surety to all persons shall not exceed the amount of the
26 bond. The bond shall be returned at the end of three years or

2 prior thereto if the vehicle is no longer registered in this
3 state and the currently valid certificate of title is surrendered
4 to the department, unless the department has been notified of the
5 pendency of an action to recover on the bond.

6 301.219. Application for a license shall be submitted [by
7 July first of each year] biennially and shall be made on the form
8 the department prescribes, containing the name of the applicant,
9 the address where business is to be conducted, the kind of
10 business, enumerated in section 301.218 to be conducted, the
11 residence address of the applicant if an individual, the names
12 and residence addresses of the partners of the applicant if a
13 partnership, the names and residence addresses of the principal
14 officers of the applicant and the state of its incorporation, if
15 a corporation. The application shall be verified by the oath or
16 affirmation of the applicant, if the applicant is a partnership
17 or a corporation, by a partner or officer of the applicant and
18 shall be accompanied by a fee of [~~sixty-five~~] one hundred thirty
19 dollars every [year] two years for each kind of business required
20 to be licensed under subdivision (1), (2), (3), or (4) of
21 subsection 1 of section 301.218. If the applicant conducts
22 business at different locations, a separate application, license
23 and [~~sixty-five~~] one hundred thirty dollar [annual] fee shall be
24 required for each location. The director may stagger the
25 expiration dates to equalize the workload.

26 301.221. 1. The department shall file each application

2 received by it with the required fee, and when satisfied that the
3 applicant, if an individual, or each of the partners or principal
4 officers of the applicant, if a partnership or a corporation, is
5 of good moral character and that the applicant, so far as can be
6 ascertained, has complied and will comply with the provisions of
7 sections 301.217 to 301.229 and the laws of this state relating
8 to registration of and certificates of title of vehicles, shall
9 issue to the applicant a license to carry on and conduct the kind
10 of businesses, enumerated in section 301.218, specified in the
11 application at the address therein specified, until [July first
12 next following the date on which] the next license [is issued]
13 renewal date.

14 2. When the application is being made for licensure as a
15 salvage dealer, a certification by a uniformed member of the
16 Missouri state highway patrol stationed in the troop area in
17 which the applicant's place of business is located; except, that
18 in counties of the first classification, certification may be
19 performed by an officer of a metropolitan police department when
20 the applicant's established place of business of salvage is in
21 the metropolitan area where the certifying metropolitan police
22 officer is employed. An applicant shall have a bona fide
23 established place of business which shall include a permanent
24 enclosed building or structure, either owned in fee or leased and
25 actually occupied as a place of business by the applicant for:

26 (1) Selling used parts of or used accessories for vehicles;

2 or

3 (2) Salvaging, wrecking or dismantling vehicles for resale
4 of the parts thereof; or

5 (3) Rebuilding and repairing wrecked or dismantled
6 vehicles; or

7 (4) Processing scrapped vehicles or vehicle parts.

8 3. The applicant's place of business shall be a place
9 wherein the public may contact the owner or operator, in person
10 or by telephone, at any reasonable time, and wherein shall be
11 kept and maintained the books, records, files, tools, equipment
12 and other matters required and necessary to conduct the business.

13 4. The application shall include a photograph, not to
14 exceed eight inches by ten inches, showing the building and
15 business premises and shall accompany the initial application but
16 will not be required for subsequent renewals unless substantial
17 changes have been made to the building or business premises.

18 301.227. 1. Whenever a vehicle is sold for salvage,
19 dismantling or rebuilding, the purchaser shall forward to the
20 director of revenue within ten days the certificate of ownership
21 or salvage certificate of title and the proper application and
22 fee of eight dollars and fifty cents, and the director shall
23 issue a negotiable salvage certificate of title to the purchaser
24 of the salvaged vehicle. On vehicles not more than seven years
25 old, it shall be mandatory that the purchaser apply for a salvage
26 title, but on vehicles over seven years old, application for a

2 salvage title shall be optional on the part of the purchaser,
3 notwithstanding any other law to the contrary. Whenever a
4 vehicle is sold for destruction and a salvage certificate of
5 title, junking certificate, or certificate of ownership exists,
6 the seller, if licensed under sections 301.217 to 301.221, shall
7 forward the certificate to the director of revenue within ten
8 days, with the notation of the date sold for destruction and the
9 name of the purchaser clearly shown on the face of the
10 certificate.

11 2. Whenever a vehicle is classified as "junk", as defined
12 in section 301.010, the purchaser may forward to the director of
13 revenue the salvage certificate of title or certificate of
14 ownership and the director shall issue a negotiable junking
15 certificate to the purchaser of the vehicle. The director may
16 also issue a junking certificate to a possessor of a vehicle [of
17 a 1954 model or older] manufactured twenty-six years or more
18 prior to the current model year who has a bill of sale for said
19 vehicle but does not possess a certificate of ownership, provided
20 no claim of theft has been made on the vehicle and the highway
21 patrol has by letter stated the vehicle is not listed as stolen
22 after checking the registration number through its nationwide
23 computer system. Such certificate may be granted within thirty
24 days of the submission of a request.

25 3. Upon receipt of a properly completed application for a
26 junking certificate, the director of revenue shall issue to the

2 applicant a junking certificate which shall authorize the holder
3 to possess, transport, or, by assignment, transfer ownership in
4 such parts, scrap or junk, and a certificate of title shall not
5 again be issued for such vehicle; except that, the initial
6 purchaser shall, within ninety days, be allowed to rescind his
7 application for a junking certificate by surrendering the junking
8 certificate and apply for a salvage certificate of title in his
9 name. The seller of a vehicle for which a junking certificate
10 has been applied for or issued shall disclose such fact in
11 writing to any prospective buyers before sale of such vehicle;
12 otherwise the sale shall be voidable at the option of the buyer.

13 4. No scrap metal operator shall acquire or purchase a
14 motor vehicle or parts thereof without, at the time of such
15 acquisition, receiving the original certificate of title or
16 salvage certificate of title or junking certificate from the
17 seller of the vehicle or parts, unless the seller is a licensee
18 under sections 301.219 to 301.221.

19 5. All titles and certificates required to be received by
20 scrap metal operators from nonlicensees shall be forwarded by the
21 operator to the director of revenue within ten days of the
22 receipt of the vehicle or parts.

23 6. The scrap metal operator shall keep a record, for three
24 years, of the seller's name and address, the salvage business
25 license number of the licensee, date of purchase, and any vehicle
26 or parts identification numbers open for inspection as provided

2 in section 301.225.

3 7. Notwithstanding any other provision of this section, a
4 motor vehicle dealer as defined in section 301.550 and licensed
5 under the provisions of sections 301.550 to 301.572 may negotiate
6 one reassignment of a salvage certificate of title on the back
7 thereof.

8 8. Notwithstanding the provisions of subsection 1 of this
9 section, an insurance company which settles a claim for a stolen
10 vehicle shall be issued a negotiable salvage certificate of title
11 without the payment of any fee upon proper application within
12 thirty days after settlement of the claim for such stolen
13 vehicle. However, if the insurance company upon recovery of a
14 stolen vehicle determines that the stolen vehicle has not
15 sustained damage to the extent that the vehicle would have
16 otherwise been declared a salvage vehicle pursuant to subdivision
17 (50) of section 301.010, then the insurance company may have the
18 vehicle inspected by the Missouri state highway patrol, or other
19 law enforcement agency authorized by the director of revenue, in
20 accordance with the inspection provisions of subsection 9 of
21 section 301.190. Upon receipt of title application, applicable
22 fee, the completed inspection, and the return of any previously
23 issued negotiable salvage certificate, the director shall issue
24 an original title with no salvage designation. Upon the issuance
25 of an original title the director shall remove any indication of
26 the negotiable salvage title previously issued to the insurance

2 company from the department's electronic records.

3 301.280. 1. Every motor vehicle dealer and boat dealer
4 shall make a monthly report to the department of revenue, on
5 blanks to be prescribed by the department of revenue, giving the
6 following information: Date of the sale of each motor vehicle,
7 boat, trailer and all-terrain vehicle sold; the name and address
8 of the buyer; the name of the manufacturer; year of manufacture;
9 model of vehicle; vehicle identification number; style of
10 vehicle; odometer setting; and it shall also state whether the
11 motor vehicle, boat, trailer or all-terrain vehicle is new or
12 secondhand. The odometer reading is not required when reporting
13 the sale of any motor vehicle that is ten years old or older, any
14 motor vehicle having a gross vehicle weight rating of more than
15 sixteen thousand pounds, new vehicles that are transferred on a
16 manufacturer's statement of origin between one franchised motor
17 vehicle dealer and another, or boats, all-terrain vehicles or
18 trailers. The sale of all [twenty-day] thirty-day temporary
19 permits, without exception, shall be recorded in the appropriate
20 space on the dealer's monthly sales report by recording the
21 complete permit number issued on the motor vehicle or trailer
22 sale listed. The monthly sales report shall be completed in full
23 and signed by an officer, partner, or owner of the dealership,
24 and actually received by the department of revenue on or before
25 the fifteenth day of the month succeeding the month for which the
26 sales are being reported. If no sales occur in any given month,

2 a report shall be submitted for that month indicating no sales.
3 Any vehicle dealer who fails to file a monthly report or who
4 fails to file a timely report shall be subject to disciplinary
5 action as prescribed in section 301.562 or a penalty assessed by
6 the director not to exceed three hundred dollars per violation.
7 Every motor vehicle and boat dealer shall retain copies of the
8 monthly sales report as part of the records to be maintained at
9 the dealership location and shall hold them available for
10 inspection by appropriate law enforcement officials and officials
11 of the department of revenue. Beginning January 1, 2006, the
12 monthly sales report required by this subsection may be filed
13 electronically. Beginning January 1, 2007, every vehicle dealer
14 selling twenty or more vehicles a month shall file the monthly
15 sales report with the department in an electronic format. Any
16 dealer filing a monthly sales report in an electronic format
17 shall be exempt from filing the notice of transfer required by
18 section 301.196. For any dealer not filing electronically, the
19 notice of transfer required by section 301.196 shall be submitted
20 with the monthly sales report as prescribed by the director.

21 2. Every dealer and every person operating a public garage
22 shall keep a correct record of the vehicle identification number,
23 odometer setting, manufacturer's name of all motor vehicles or
24 trailers accepted by him for the purpose of sale, rental,
25 storage, repair or repainting, together with the name and address
26 of the person delivering such motor vehicle or trailer to the

2 dealer or public garage keeper, and the person delivering such
3 motor vehicle or trailer shall record such information in a file
4 kept by the dealer or garage keeper. The record shall be kept
5 for three years and be open for inspection by law enforcement
6 officials and persons, agencies and officials designated by the
7 director of revenue.

8 3. Every dealer and every person operating a public garage
9 in which a motor vehicle remains unclaimed for a period of
10 fifteen days shall, within five days after the expiration of that
11 period, report the motor vehicle as unclaimed to the director of
12 revenue. Such report shall be on a form prescribed by the
13 director of revenue. A motor vehicle left by its owner whose
14 name and address are known to the dealer or his employee or
15 person operating a public garage or his employee is not
16 considered unclaimed. Any dealer or person operating a public
17 garage who fails to report a motor vehicle as unclaimed as herein
18 required forfeits all claims and liens for its garaging, parking
19 or storing.

20 4. The director of revenue shall maintain appropriately
21 indexed cumulative records of unclaimed vehicles reported to the
22 director. Such records shall be kept open to public inspection
23 during reasonable business hours.

24 5. The alteration or obliteration of the vehicle
25 identification number on any such motor vehicle shall be prima
26 facie evidence of larceny, and the dealer or person operating

2 such public garage shall upon the discovery of such obliteration
3 or alteration immediately notify the highway patrol, sheriff,
4 marshal, constable or chief of police of the municipality where
5 the dealer or garage keeper has his place of business, and shall
6 hold such motor vehicle or trailer for a period of forty-eight
7 hours for the purpose of an investigation by the officer so
8 notified.

9 301.444. [1. Owners or a joint owner of motor vehicles who
10 are residents of the state of Missouri, and who are directors of
11 a fire protection district or who are compensated, partially
12 compensated or volunteer members of any fire department, fire
13 protection district or voluntary fire protection association in
14 this state, upon application accompanied by affidavit as
15 prescribed in this section, complying with the state motor
16 vehicle laws relating to registration and licensing of motor
17 vehicles, and upon payment of a fee as prescribed in this
18 section, shall be issued a set of license plates for
19 noncommercial vehicles or a commercial motor vehicle licensed for
20 no more than twelve thousand pounds. The license plates shall be
21 inscribed with a variation of the Maltese cross that signifies
22 the universally recognized symbol for firefighters. In addition,
23 upon such set of license plates shall be inscribed, in lieu of
24 the words "Show-me State", the word "FIREFIGHTER" in addition to
25 a combination of letters and numbers in a form prescribed by the
26 advisory committee established in section 301.129. Such license

2 plates shall be made with fully reflective material, shall be
3 clearly visible at night, and shall be aesthetically attractive,
4 as prescribed by section 301.130.

5 2. Applications for license plates issued under this
6 section shall be made to the director of revenue and shall be
7 accompanied by an affidavit stating that the applicant is a
8 person described in subsection 1 of this section. Any person who
9 is lawfully in possession of such plates who resigns, is removed,
10 or otherwise terminates or is terminated from his association
11 with such fire department, fire protection district or voluntary
12 fire protection association shall return such special plates to
13 the director within fifteen days.

14 3. An additional annual fee equal to that charged for
15 personalized license plates in section 301.144 shall be paid to
16 the director of revenue for the issuance of the license plates
17 provided for in this section.] 1. Any person, as defined in
18 subsection 3 of this section, may apply for special license
19 plates for any motor vehicle such person owns, either solely or
20 jointly, other than an apportioned motor vehicle or a commercial
21 motor vehicle licensed in excess of eighteen thousand pounds
22 gross weight. The Firefighter Memorial Foundation of Missouri
23 hereby authorizes the use of its official emblem to be affixed on
24 multi-year personalized license plates as provided in this
25 section.

26 2. Upon application and payment of a one time twenty-five

2 dollar emblem-use contribution to the Firefighter Memorial
3 Foundation of Missouri, the foundation shall issue to the vehicle
4 owner, without further charge, an emblem-use authorization
5 statement, which shall be presented to the department of revenue
6 at the time of registration of a motor vehicle.

7 3. As used in this section, the term "person" shall mean:

8 (1) A director of a fire protection district;

9 (2) Persons compensated, partially compensated, or
10 volunteer members of any fire department, fire protection
11 district, or voluntary fire protection association of this state;

12 (3) A person wounded in the line of duty as a firefighter;

13 or

14 (4) A surviving spouse, parent, brother, sister, or adult
15 child, including an adopted child or stepchild, of a person
16 killed in the line of duty as a firefighter.

17 4. Upon presentation of the emblem-use authorization
18 statement and payment of a fifteen dollar fee in addition to the
19 regular registration fees and presentation of other documents
20 which may be required by law, the department of revenue shall
21 issue a personalized license plate to the vehicle owner, which
22 shall bear the emblem of the Firefighter Memorial Foundation of
23 Missouri and the word "FIREFIGHTER" in place of the words "SHOW-
24 ME STATE". Such license plates shall be made with fully
25 reflective material with a common color scheme and design, shall
26 be clearly visible at night, and shall be aesthetically

2 attractive, as prescribed by section 301.130. Notwithstanding
3 the provisions of section 301.144, no additional fee shall be
4 charged for the personalization of license plates pursuant to
5 this section.

6 4. The director of revenue may promulgate rules and
7 regulations for the administration of this section. Any rule or
8 portion of a rule, as that term is defined in section 536.010,
9 RSMo, that is created under the authority delegated in this
10 section shall become effective only if it complies with and is
11 subject to all of the provisions of chapter 536, RSMo, and, if
12 applicable, section 536.028, RSMo. This section and chapter 536,
13 RSMo, are nonseverable and if any of the powers vested with the
14 general assembly pursuant to chapter 536, RSMo, to review, to
15 delay the effective date, or to disapprove and annul a rule are
16 subsequently held unconstitutional, then the grant of rulemaking
17 authority and any rule proposed or adopted after August 28, 2004,
18 shall be invalid and void.

19 301.463. 1. The children's trust fund board established in
20 section 210.170, RSMo, may authorize the use of their logo to be
21 incorporated on [multiyear personalized] motor vehicle license
22 plates [as provided in this section] for any motor vehicle the
23 person owns, either solely or jointly, other than an apportioned
24 motor vehicle or a commercial motor vehicle licensed in excess of
25 eighteen thousand pounds gross weight. The license plate shall
26 contain an emblem designed by the board depicting two handprints

2 of a child and the words "Children's Trust Fund" and the
3 children's trust fund logo in preference to the words "SHOW-ME
4 STATE". The license plates shall have a common background and
5 shall bear as many letters and numbers as will fit on the plate
6 without damaging the plate's aesthetic appearance as determined
7 by the director of revenue. Any vehicle owner may annually apply
8 to the board or director for the use of the logo. Upon annual
9 application and payment of a twenty-five dollar logo use
10 contribution to the board, the board shall issue to the vehicle
11 owner, without further charge, a "logo use authorization
12 statement", which shall be presented by the vehicle owner to the
13 department of revenue at the time of registration. Application
14 for use of the logo and payment of the twenty-five dollar
15 contribution may also be made at the time of registration to the
16 director, who shall deposit such contribution in the state
17 treasury to the credit of the children's trust fund. Upon
18 presentation of the annual statement [and], payment of [the fee
19 required for personalized license plates in section 301.144, and
20 other] a fifteen dollar fee in addition to the regular
21 registration fees and presentation of documents which may be
22 required by law, the department of revenue shall issue a
23 [personalized] license plate described in this section to the
24 vehicle owner. Notwithstanding the provisions of section
25 301.144, no additional fee shall be charged for the
26 personalization of license plates issued pursuant to this

2 section. There shall be no limit on the number of license plates
3 any person qualified pursuant to this section may obtain so long
4 as each set of plates issued pursuant to this section is issued
5 for vehicles owned solely or jointly by such person. The license
6 plate authorized by this section shall be issued with a design
7 approved by both the board and the director of revenue. The
8 bidding process used to select a vendor for the material to
9 manufacture the license plates authorized by this section shall
10 consider the aesthetic appearance of the plate. A vehicle owner,
11 who was previously issued a plate with [an emblem] a logo
12 authorized by this section and who does not provide [an emblem] a
13 logo use authorization statement at a subsequent time of
14 registration, shall be issued a new plate which does not bear the
15 [emblem] logo, as otherwise provided by law. Any contribution to
16 the board derived from this section shall be deposited in the
17 state treasury to the credit of the children's trust fund
18 established in section 210.173, RSMo.

19 2. The director of revenue shall issue samples of license
20 plates authorized pursuant to this section to all offices in this
21 state where vehicles are registered and license plates are
22 issued. Such sample license plates shall be prominently
23 displayed in such offices along with literature prepared by the
24 director or by the children's trust fund board describing the
25 purposes of the children's trust fund. The general assembly may
26 appropriate moneys annually from the children's trust fund to the

2 department of revenue to offset costs reasonably incurred by the
3 director of revenue pursuant to this subsection.

4 301.469. 1. Any vehicle owner may receive license plates
5 as prescribed in this section, for any motor vehicle such person
6 owns, either solely or jointly, other than an apportioned motor
7 vehicle or a commercial motor vehicle licensed in excess of
8 eighteen thousand pounds gross weight, after an annual payment of
9 an emblem-use authorization fee to the Missouri conservation
10 heritage foundation. The foundation hereby authorizes the use of
11 its official emblems to be affixed on multiyear [personalized]
12 license plates as provided in this section. Any vehicle owner
13 may annually apply for the use of the emblems.

14 2. Upon annual application and payment of a twenty-five
15 dollar emblem-use authorization fee to the Missouri conservation
16 heritage foundation, the foundation shall issue to the vehicle
17 owner, without further charge, an emblem-use authorization
18 statement, which shall be presented to the director of the
19 department of revenue at the time of registration of a motor
20 vehicle.

21 3. Upon presentation of the annual statement, payment of a
22 fifteen dollar fee in addition to the regular registration fees
23 and documents which may be required by law, the director of the
24 department of revenue shall issue a [personalized] license plate,
25 which shall bear an emblem of the Missouri conservation heritage
26 foundation in a form prescribed by the director, to the vehicle

2 owner. Such license plates shall be made with fully reflective
3 material with a common color scheme and design, shall be clearly
4 visible at night, and shall be aesthetically attractive, as
5 prescribed by section 301.130. Notwithstanding the provisions of
6 section 301.144, no additional fee shall be charged for the
7 personalization of license plates pursuant to this section.

8 4. A vehicle owner, who was previously issued a plate with
9 a Missouri conservation heritage foundation emblem authorized by
10 this section but who does not provide an emblem-use authorization
11 statement at a subsequent time of registration, shall be issued a
12 new plate which does not bear the foundation emblem, as otherwise
13 provided by law.

14 5. The director of the department of revenue may promulgate
15 rules and regulations for the administration of this section.
16 Any rule or portion of a rule, as that term is defined in section
17 536.010, RSMo, that is promulgated under the authority delegated
18 in this section shall become effective only if it has been
19 promulgated pursuant to the provisions of chapter 536, RSMo. All
20 rulemaking authority delegated prior to August 28, 1999, is of no
21 force and effect; however, nothing in this section shall be
22 interpreted to repeal or affect the validity of any rule filed or
23 adopted prior to August 28, 1999, if it fully complied with the
24 provisions of chapter 536, RSMo. This section and chapter 536,
25 RSMo, are nonseverable and if any of the powers vested with the
26 general assembly pursuant to chapter 536, RSMo, to review, to

2 delay the effective date or to disapprove and annul a rule are
3 subsequently held unconstitutional, then the grant of rulemaking
4 authority and any rule proposed or adopted after August 28, 1999,
5 shall be invalid and void.

6 301.562. 1. The department may refuse to issue or renew
7 any license required pursuant to sections 301.550 to 301.573 for
8 any one or any combination of causes stated in subsection 2 of
9 this section. The department shall notify the applicant or
10 licensee in writing at his last known address of the reasons for
11 the refusal to issue or renew the license and shall advise the
12 applicant or licensee of his right to appeal the decision of the
13 department as provided in chapter 536, RSMo.

14 2. The department may take such disciplinary action as
15 provided in subsection 3 of this section upon a written notice
16 and an opportunity to be heard in substantially the same manner
17 as provided in chapter 536, RSMo, against any holder of any
18 license issued under sections 301.550 to 301.573 for any one or
19 any combination of the following causes:

20 (1) The applicant or license holder was previously the
21 holder of a license issued under sections 301.550 to 301.573,
22 which license was revoked for cause and never reissued by the
23 department, or which license was suspended for cause and the
24 terms of suspension have not been fulfilled;

25 (2) The applicant or license holder was previously a
26 partner, stockholder, director or officer controlling or managing

2 a partnership or corporation whose license issued under sections
3 301.550 to 301.573 was revoked for cause and never reissued or
4 was suspended for cause and the terms of suspension have not been
5 fulfilled;

6 (3) The applicant or license holder has, within ten years
7 prior to the date of the application, been finally adjudicated
8 and found guilty, or entered a plea of guilty or nolo contendere,
9 in a [criminal] prosecution under the laws of any state or of the
10 United States, for any offense reasonably related to the
11 qualifications, functions or duties of any business licensed
12 under sections 301.550 to 301.573; for any offense, an essential
13 element of which is fraud, dishonesty or an act of violence; or
14 for any offense involving moral turpitude, whether or not
15 sentence is imposed;

16 (4) Use of fraud, deception, misrepresentation or bribery
17 in securing any license issued pursuant to sections 301.550 to
18 301.573;

19 (5) Obtaining or attempting to obtain any money,
20 commission, fee, barter, exchange or other compensation by fraud,
21 deception or misrepresentation;

22 (6) Violation of, or assisting or enabling any person to
23 violate any provisions of [sections 301.550 to 301.573] this
24 chapter and chapters 306, 307, 407, 578, and 643, RSMo, or of any
25 lawful rule or regulation adopted pursuant to [sections 301.550
26 to 301.573] this chapter and chapters 306, 307, 407, 578, and

2 643, RSMo;

3 (7) The applicant or license holder has filed an
4 application for a license which, as of its effective date, was
5 incomplete in any material respect or contained any statement
6 which was, in light of the circumstances under which it was made,
7 false or misleading with respect to any material fact;

8 (8) The applicant or license holder has failed to pay the
9 proper application or license fee or other fees required pursuant
10 to this chapter or chapter 306, RSMo, or fails to establish or
11 maintain a bona fide place of business;

12 (9) Uses or permits the use of any special license or
13 license plate assigned to him for any purpose other than those
14 permitted by law;

15 (10) The applicant or license holder is finally adjudged
16 insane or incompetent by a court of competent jurisdiction;

17 (11) Use of any advertisement or solicitation which is
18 false;

19 (12) Violations of sections [301.550 to 301.573 or
20 violations of this chapter, sections] 407.511 to 407.556, RSMo,
21 section 578.120, RSMo, which resulted in a [felony] conviction or
22 finding of guilt or violation of any federal motor vehicle laws
23 which result in a [felony] conviction or finding of guilt.

24 3. Upon a finding by the department that the grounds,
25 provided in subsection 2 of this section, for disciplinary action
26 are met, the department may refuse to issue the person a license,

2 issue a private reprimand, place the person on probation on such
3 terms and conditions as the department deems appropriate for a
4 period of one day to five years, suspend the person's license
5 from one day to six days, or revoke the person's license for such
6 period as the department deems appropriate. The applicant or
7 licensee shall have the right to appeal the decision of the
8 department in the manner provided in chapter 536, RSMo.

9 4. Upon the suspension or revocation of any person's
10 license issued under sections 301.550 to 301.573, the department
11 shall recall any distinctive number plates that were issued to
12 that licensee.

13 301.566. 1. A motor vehicle dealer may participate in any
14 motor vehicle show or sale and conduct sales of motor vehicles
15 away from the dealer's usual, licensed place of business if
16 either the requirements of subsection 2 or 3 of this section are
17 met or the event is conducted for not more than ten days, and if
18 a majority of the motor vehicle dealers within a class of dealers
19 described pursuant to subsection 3 of section 301.550 in a city
20 or town participate or are invited and have the opportunity to
21 participate in the event, except that a recreational motor
22 vehicle dealer classified in subdivision (5) of subsection 3 of
23 section 301.550 may participate in such a show or sale even if a
24 majority of recreational motor vehicle dealers in a city or town
25 do not participate in the event. The department shall consider
26 such events to be proper in all respects and as if each dealer

2 participant was conducting business at the dealer's usual
3 business location. Nothing contained in this section shall be
4 construed as applying to the sale of motor vehicles or trailers
5 through either a wholesale motor vehicle auction or public motor
6 vehicle auction.

7 2. Any person, partnership, corporation or association
8 disposing of vehicles used and titled solely in its ordinary
9 course of business as provided in section 301.570 may sell at
10 retail such vehicles away from that person's bona fide
11 established place of business, thus constituting an off-site
12 sale, by adhering to each of the following conditions with regard
13 to each and every off-site sale conducted:

14 (1) Have in effect a valid license, pursuant to sections
15 301.550 to 301.575, from the department for the sale of used
16 motor vehicles;

17 (2) No off-site sale may exceed ten days in duration, and
18 only one sale may be held per year, per county, in counties of
19 the third and fourth classification;

20 (3) Pay to the motor vehicle commission fund, pursuant to
21 section 301.560, a permit fee of two hundred fifty dollars for
22 each off-site sale event;

23 (4) Advise the department, at least ten days prior to the
24 sale, of the date, location and duration of each off-site sale;

25 (5) The sale of vehicles at off-site sales shall be limited
26 to sales by a seller of vehicles used and titled solely in its

2 ordinary course of business, and such sales shall be held in
3 conjunction with a credit union and limited to members of the
4 credit union, thus constituting a private sale to be advertised
5 to members only;

6 (6) Off-site sales by a seller of vehicles used and titled
7 solely in its ordinary course of business may also be held in
8 conjunction with other financial institutions provided that any
9 such sale event shall be held on the premises of the financial
10 institution, and sales shall be limited to persons who were
11 customers of the financial institution prior to the date of the
12 sale event. Off-site sales held with such other financial
13 institutions shall be limited to one sale per year per
14 institution;

15 (7) The sale of motor vehicles which have the designation
16 of the current model year, except discontinued models, is
17 prohibited at off-site sales until subsequent model year
18 designated vehicles of the same manufacture and model are offered
19 for sale to the public.

20 3. A recreational vehicle dealer, as that term is defined
21 in section 700.010, RSMo, who is licensed in another state may
22 participate in recreational vehicle shows or exhibits with
23 recreational vehicles within this state, in which less than fifty
24 dealers participate as exhibitors with permission of the dealer's
25 licensed manufacturer if all of the following conditions exist:

26 (1) The show or exhibition has a minimum of ten

2 recreational vehicle dealers licensed as motor vehicle dealers in
3 this state;

4 (2) More than fifty percent of the participating
5 recreational vehicle dealers are licensed motor vehicle dealers
6 in this state; and

7 (3) The state in which the recreational vehicle is licensed
8 is a state contiguous to Missouri and the state permits
9 recreational vehicle dealers licensed in Missouri to participate
10 in recreational vehicle shows in such state pursuant to
11 conditions substantially equivalent to the conditions which are
12 imposed on dealers from such state who participate in
13 recreational vehicle shows in Missouri.

14 4. A recreational vehicle dealer licensed in another state
15 may participate in a vehicle show or exhibition in Missouri which
16 has, when it opens to the public, at least fifty dealers
17 displaying recreational vehicles if the show or exhibition is
18 trade-oriented and is predominantly funded by recreational
19 vehicle manufacturers. All of the participating dealers who are
20 not licensed in Missouri shall be licensed as recreational
21 vehicle dealers by the state of their residence.

22 5. A recreational vehicle dealer licensed in another state
23 who intends to participate in a vehicle show or exhibition in
24 this state, shall send written notification of such intended
25 participation to the motor vehicle commission at least thirty
26 days prior to the vehicle show or exhibition. Upon receipt of

2 such written notification, the motor vehicle commission shall
3 make a determination regarding compliance with the provisions of
4 this section. If such recreational vehicle dealer would be
5 unable to participate in the vehicle show or exhibition in this
6 state pursuant to this section, the department of revenue shall
7 notify the recreational vehicle dealer at least fifteen days
8 prior to the vehicle show or exhibition of the inability to
9 participate in the vehicle show or exhibition in this state.

10 6. The department of revenue may assess a fine of up to one
11 thousand dollars for any violation of this section.

12 301.681. 1. A sole owner of a motor vehicle or trailer,
13 and multiple owners of a motor vehicle or trailer who hold their
14 interest as joint tenants with right of survivorship or as
15 tenants by the entirety, on application and payment of the fee
16 required for an original certificate of ownership, may request
17 the director of revenue to issue a certificate of ownership for
18 the motor vehicle or trailer in beneficiary form which includes a
19 directive to the director of revenue to transfer the certificate
20 of ownership on death of the sole owner or on death of all
21 multiple owners to one beneficiary or to two or more
22 beneficiaries as joint tenants with right of survivorship or as
23 tenants by the entirety named on the face of the certificate.
24 The directive to the director of revenue shall also permit the
25 beneficiary or beneficiaries to make one reassignment of the
26 original certificate of ownership upon the death of the owner to

2 another owner without transferring the certificate to the
3 beneficiary or beneficiaries' name.

4 2. A certificate of ownership in beneficiary form may not
5 be issued to persons who hold their interest in a motor vehicle
6 or trailer as tenants in common.

7 3. A certificate of ownership issued in beneficiary form
8 shall include after the name of the owner, or after the names of
9 multiple owners, the words "transfer on death to" or the
10 abbreviation "TOD" followed by the name of the beneficiary or
11 beneficiaries.

12 4. (1) During the lifetime of a sole owner and during the
13 lifetime of all multiple owners, the signature or consent of the
14 beneficiary or beneficiaries shall not be required for any
15 transaction relating to the motor vehicle or trailer for which a
16 certificate of ownership in beneficiary form has been issued.

17 (2) A certificate of ownership in beneficiary form may be
18 revoked or the beneficiary or beneficiaries changed at any time
19 before the death of a sole owner or surviving multiple owner only
20 by the following methods:

21 (a) By a sale of the motor vehicle or trailer with proper
22 assignment and delivery of the certificate of ownership to
23 another person; or

24 (b) By filing an application to reissue the certificate of
25 ownership with no designation of a beneficiary or with the
26 designation of a different beneficiary or beneficiaries with the

2 director of revenue in proper form and accompanied by the payment
3 of the fee for an original certificate of ownership.

4 (3) The beneficiary's or beneficiaries' interest in the
5 motor vehicle or trailer at death of the owner or surviving owner
6 shall be subject to any contract of sale, assignment of ownership
7 or security interest to which the owner or owners of the motor
8 vehicle or trailer were subject during their lifetime.

9 (4) The designation of a beneficiary or beneficiaries in a
10 certificate of ownership issued in beneficiary form may not be
11 changed or revoked by a will, any other instrument, or a change
12 in circumstances, or otherwise be changed or revoked except as
13 provided by subdivision (2) of this subsection.

14 5. (1) On proof of death of one of the owners of two or
15 more multiple owners, or of a sole owner, surrender of the
16 outstanding certificate of ownership, and on application and
17 payment of the fee for an original certificate of ownership, the
18 director of revenue shall issue a new certificate of ownership
19 for the motor vehicle or trailer to the surviving owner or owners
20 or, if none, to the surviving beneficiary or beneficiaries,
21 subject to any outstanding security interest; and the current
22 valid certificate of number shall be so transferred. If the
23 surviving beneficiary or beneficiaries make a request of the
24 director of revenue, the director may allow the beneficiary or
25 beneficiaries to make one assignment of title.

26 (2) The director of revenue may rely on a death certificate

2 or record or report that constitutes prima facie proof or
3 evidence of death under subdivisions (1) and (2) of section
4 472.290, RSMo.

5 (3) The transfer of a motor vehicle or trailer at death
6 pursuant to this section is effective by reason of sections
7 301.675 to 301.682 and sections 306.455 to 306.465, RSMo, and is
8 not to be considered as testamentary, or to be subject to the
9 requirements of section 473.087, RSMo, or section 474.320, RSMo.

10 301.2999. 1. No specialized license plate shall be issued
11 after January 1, 2002, by the director of revenue which proposes
12 to raise revenue or funds for an organization which authorizes
13 the use of its emblem for a fee unless such organization:

14 (1) Is a governmental entity; or

15 (2) Is an organization registered pursuant to section
16 501(c) of the 1986 Internal Revenue Code, as amended, or an
17 equivalent law which applies to such not-for-profit entity.

18 2. Any organization which raises revenues or funds through
19 the sponsorship of specialized license plates issued pursuant to
20 the provisions of this chapter enacted prior to January 1, 2002,
21 shall have until January 1, 2004, to comply with the provisions
22 of this section. The director shall verify that all
23 organizations that are paid fees for the use of their emblems for
24 specialized license plates are complying with the provisions of
25 this section. The director shall require all organizations which
26 receive revenues for or funds for the use of their emblems to

2 verify their status as a governmental entity or a qualified
3 not-for-profit organization as provided in subsection 1 of this
4 section, in a format prescribed by the director. Any specialized
5 license plates issued prior to January 1, 2004, shall remain
6 valid for the period in which they were registered, regardless of
7 the status of the sponsoring organization.

8 3. Any moneys received by an organization authorizing the
9 use of its emblem or insignia for a specialized license plate
10 shall only be used by such organization to carry out the
11 organization's charitable mission. Such moneys shall not be used
12 for salaries or any administrative costs of the organization. No
13 individual member of any organization authorizing the use of its
14 emblem or insignia for a specialized license plate shall derive
15 any personal pecuniary gain from any fees the organization
16 collects.

17 4. The director of revenue shall not authorize the
18 manufacture of the material to produce such specialized license
19 plates with the individual seal, logo, or emblem until such time
20 the director has received [one] two hundred applications for such
21 plates[. An organization shall be exempt from the provisions of
22 this subsection if it] and the organization deposits with the
23 department of revenue [the actual cost of producing the initial
24 issuance of such plates and the director receives at least ten
25 applications for such plates] a fee of up to five thousand
26 dollars to defray the cost for issuing, developing and

2 programming the implementation of the specialty plate.

3 5. The provisions of this section shall not apply to any
4 special license plates which bears the emblem or insignia of a
5 branch of the U.S. military or a military organization.

6 6. Beginning January 1, 2005, notwithstanding the provisions
7 of chapter 301 to the contrary, all specialty license plate fees
8 shall be fifteen dollars for an annual registration and fifty
9 dollars for a biennial registration, in addition to registration
10 fees. The provisions of this section shall not apply to
11 specialty military license plates. The fees for specialty
12 military license plates shall be assessed as provided for by the
13 statute creating such license plate.

14 301.3032. 1. Any person, after an annual payment of an
15 emblem-use authorization fee to a Missouri chapter of the March
16 of Dimes, may receive special license plates for any vehicle the
17 member owns, either solely or jointly, other than an apportioned
18 motor vehicle or a commercial motor vehicle licensed in excess of
19 eighteen thousand pounds gross weight. The March of Dimes hereby
20 authorizes the use of its official emblem to be affixed on
21 multiyear personalized license plates within the plate area
22 prescribed by the director of revenue and as provided in this
23 section. Any contribution to a Missouri chapter of the March of
24 Dimes derived from this section, except reasonable administrative
25 costs, shall be used solely for the purposes of the March of
26 Dimes. Any person may annually apply for the use of the emblem.

2 2. Upon annual application and payment of a twenty-five
3 dollar emblem-use contribution to a Missouri chapter of the March
4 of Dimes, the March of Dimes shall issue to the vehicle owner,
5 without further charge, an "emblem-use authorization statement",
6 which shall be presented by the vehicle owner to the director of
7 revenue at the time of registration. Upon presentation of the
8 annual statement and payment of a fifteen dollar fee in addition
9 to the regular registration fees, and presentation of any
10 documents which may be required by law, the director of revenue
11 shall issue to the vehicle owner a special license plate which
12 shall bear the emblem of the March of Dimes and the words "MARCH
13 OF DIMES" in place of the words "SHOW-ME STATE". Such license
14 plates shall be made with fully reflective material with a common
15 color scheme and design of the standard license plate, shall be
16 clearly visible at night, shall have a reflective white
17 background in the area of the plate configuration, and shall be
18 aesthetically attractive, as prescribed by section
19 301.130. Notwithstanding the provisions of section 301.144, no
20 additional fee shall be charged for the personalization of
21 license plates pursuant to this section.

22 3. A vehicle owner who was previously issued a plate with
23 the March of Dimes emblem authorized by this section, but who
24 does not provide an emblem-use authorization statement at a
25 subsequent time of registration, shall be issued a new plate
26 which does not bear the March of Dimes emblem, as otherwise

2 provided by law. The director of revenue shall make necessary
3 rules and regulations for the enforcement of this section, and
4 shall design all necessary forms required by this section.

5 301.3074. 1. Any member of the National Association for
6 the Advancement of Colored People, after an annual payment of an
7 emblem-use authorization fee to any branch office of the National
8 Association for the Advancement of Colored People located within
9 Missouri, may receive special license plates for any vehicle the
10 member owns, either solely or jointly, other than an apportioned
11 motor vehicle or a commercial motor vehicle licensed in excess of
12 eighteen thousand pounds gross weight. The National Association
13 for the Advancement of Colored People hereby authorizes the use
14 of its official emblem to be affixed on multiyear personalized
15 license plates within the plate area prescribed by the director
16 of revenue and as provided in this section. Any contribution to
17 the National Association for the Advancement of Colored People
18 derived from this section, except reasonable administrative
19 costs, shall be used solely for the purposes of the National
20 Association for the Advancement of Colored People. Any member of
21 the National Association for the Advancement of Colored People
22 may annually apply for the use of the emblem.

23 2. Upon annual application and payment of a twenty-five
24 dollar emblem-use contribution to any branch office of the
25 National Association for the Advancement of Colored People
26 located within Missouri, the National Association for the

2 Advancement of Colored People shall issue to the vehicle owner,
3 without further charge, an "emblem-use authorization statement",
4 which shall be presented by the vehicle owner to the director of
5 revenue at the time of registration. Upon presentation of the
6 annual statement and payment of a fifteen dollar fee in addition
7 to the regular registration fees, and presentation of any
8 documents which may be required by law, the director of revenue
9 shall issue to the vehicle owner a special license plate which
10 shall bear the emblem of the National Association for the
11 Advancement of Colored People and the letters "NAACP" in place
12 of the words "SHOW-ME STATE". Such license plates shall be made
13 with fully reflective material with a common color scheme and
14 design of the standard license plate, shall be clearly visible at
15 night, shall have a reflective white background in the area of
16 the plate configuration, and shall be aesthetically attractive,
17 as prescribed by section 301.130. Notwithstanding the provisions
18 of section 301.144, no additional fee shall be charged for the
19 personalization of license plates pursuant to this section.

20 3. A vehicle owner who was previously issued a plate with
21 the National Association for the Advancement of Colored People
22 emblem authorized by this section, but who does not provide an
23 emblem-use authorization statement at a subsequent time of
24 registration, shall be issued a new plate which does not bear the
25 National Association for the Advancement of Colored People
26 emblem, as otherwise provided by law. The director of revenue

2 shall make necessary rules and regulations for the enforcement of
3 this section, and shall design all necessary forms required by
4 this section.

5 301.3079. 1. Any person, after an annual payment of an
6 emblem-use authorization fee to the Missouri Farm Bureau, may
7 receive special license plates for any vehicle the member owns,
8 either solely or jointly, other than an apportioned motor vehicle
9 or a commercial motor vehicle licensed in excess of eighteen
10 thousand pounds gross weight. The Missouri Farm Bureau hereby
11 authorizes the use of the Missouri "Agriculture in the Classroom"
12 official emblem to be affixed on multiyear personalized license
13 plates within the plate area prescribed by the director of
14 revenue and as provided in this section. All moneys received by
15 the Missouri Farm Bureau pursuant to this section shall be used
16 solely to fund Missouri's Agriculture in the Classroom program
17 and to further the mission of such program. Any person may
18 annually apply for the use of the emblem.

19 2. Upon annual application and payment of a twenty-five
20 dollar emblem-use contribution to Missouri Farm Bureau, the
21 Missouri Farm Bureau shall issue to the vehicle owner, without
22 further charge, an "emblem-use authorization statement", which
23 shall be presented by the vehicle owner to the director of
24 revenue at the time of registration. Upon presentation of the
25 annual statement and payment of a fifteen dollar fee in addition
26 to the regular registration fees, and presentation of any

2 documents which may be required by law, the director of revenue
3 shall issue to the vehicle owner a special license plate which
4 shall bear the emblem of the Missouri Agriculture in the
5 Classroom program and the words "MISSOURI AGRICULTURE" in place
6 of the words "SHOW-ME STATE". Such license plates shall be made
7 with fully reflective material with a common color scheme and
8 design of the standard license plate, shall be clearly visible at
9 night, shall have a reflective white background in the area of
10 the plate configuration, and shall be aesthetically attractive,
11 as prescribed by section 301.130. Notwithstanding the provisions
12 of section 301.144, no additional fee shall be charged for the
13 personalization of license plates pursuant to this section.

14 3. A vehicle owner who was previously issued a plate with
15 an emblem authorized by this section, but who does not provide an
16 emblem-use authorization statement at a subsequent time of
17 registration, shall be issued a new plate which does not bear
18 such emblem, as otherwise provided by law. The director of
19 revenue shall make necessary rules and regulations for the
20 enforcement of this section, and shall design all necessary forms
21 required by this section.

22 301.3098. 1. Any member of the Kingdom of Calontir may
23 receive special license plates as prescribed by this section, for
24 any motor vehicle such person owns, either solely or jointly,
25 other than an apportioned motor vehicle or a commercial motor
26 vehicle licensed in excess of eighteen thousand pounds gross

2 weight, after an annual payment of an emblem-use authorization
3 fee to the Kingdom of Calontir, a subdivision of the Society for
4 Creative Anachronism, of which the person is a member. The
5 Kingdom of Calontir hereby authorizes the use of its official
6 emblem to be affixed on multiyear personalized license plates as
7 provided in this section. Any contribution to the Kingdom of
8 Calontir derived from this section, except reasonable
9 administrative costs, shall be used solely for the purposes of
10 the Kingdom of Calontir. Any member of the Kingdom of Calontir
11 may annually apply for the use of the emblem.

12 2. Upon annual application and payment of a twenty-five
13 dollar emblem-use contribution to the Kingdom of Calontir, the
14 organization shall issue to the vehicle owner, without further
15 charge, an emblem-use authorization statement, which shall be
16 presented by the owner to the department of revenue at the time
17 of registration of a motor vehicle. Upon presentation of the
18 annual statement, payment of a fifteen dollar fee in addition to
19 the registration fee and documents which may be required by law,
20 the department of revenue shall issue to the vehicle owner a
21 personalized license plate which shall bear the emblem of the
22 Kingdom of Calontir and shall bear the words "KINGDOM OF
23 CALONTIR" in place of the words "SHOW-ME STATE". Such license
24 plates shall be made with fully reflective material with a common
25 color scheme and design, shall be clearly visible at night, and
26 shall be aesthetically attractive, as prescribed by section

2 301.130. Notwithstanding the provisions of section 301.144, no
3 additional fee shall be charged for the personalization of
4 license plates pursuant to this section.

5 3. A vehicle owner, who was previously issued a plate with
6 the Society for Creative Anachronism emblem authorized by this
7 section but who does not provide an emblem-use authorization
8 statement at a subsequent time of registration, shall be issued a
9 new plate which does not bear the Society for Creative
10 Anachronism emblem, as otherwise provided by law. The director
11 of revenue shall make necessary rules and regulations for the
12 administration of this section, and shall design all necessary
13 forms required by this section. No rule or portion of a rule
14 promulgated pursuant to the authority of this section shall
15 become effective unless it has been promulgated pursuant to the
16 provisions of chapter 536, RSMo.

17 301.3106. 1. Any individual who is a former legislator of
18 the Missouri general assembly may receive special license plates
19 as prescribed by this section, for any motor vehicle such person
20 owns, either solely or jointly, other than an apportioned motor
21 vehicle or a commercial motor vehicle licensed in excess of
22 eighteen thousand pounds gross weight. Any individual who is a
23 former legislator of the Missouri general assembly may annually
24 apply for such license plates.

25 2. Upon presentation of the appropriate proof of
26 eligibility as determined by the director and annual payment of a

2 fifteen dollar fee in addition to the registration fee, and other
3 documents which may be required by law, the department of revenue
4 shall issue to the vehicle owner a personalized license plate
5 which shall bear an appropriate emblem to be determined by the
6 director, with the words "FORMER MISSOURI LEGISLATOR" in place of
7 the words "SHOW-ME STATE". Such license plates shall be made
8 with fully reflective material with a common color scheme and
9 design, shall be clearly visible at night, and shall be
10 aesthetically attractive, as prescribed by section 301.130.
11 Notwithstanding the provisions of section 301.144, no additional
12 fee shall be charged for the personalization of license plates
13 pursuant to this section.

14 3. No more than two sets of license plates shall be issued
15 pursuant to this section to a qualified applicant. License
16 plates issued pursuant to this section shall not be transferable
17 to any other person except that any registered co-owner of the
18 motor vehicle shall be entitled to operate the motor vehicle with
19 such plates for the duration of the year licensed in the event of
20 the death of the qualified person. The director of revenue shall
21 make necessary rules and regulations for the administration of
22 this section, and shall design all necessary forms required by
23 this section. Any rule or portion of a rule, as that term is
24 defined in section 536.010, RSMo, that is created under the
25 authority delegated in this section shall become effective only
26 if it complies with and is subject to all of the provisions of

2 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
3 This section and chapter 536, RSMo, are nonseverable and if any
4 of the powers vested with the general assembly pursuant to
5 chapter 536, RSMo, to review, to delay the effective date, or to
6 disapprove and annul a rule are subsequently held
7 unconstitutional, then the grant of rulemaking authority and any
8 rule proposed or adopted after August 28, 2004, shall be invalid
9 and void.

10 301.3122. 1. Any person may receive special license plates
11 as prescribed by this section, for any motor vehicle such person
12 owns, either solely or jointly, other than an apportioned motor
13 vehicle or a commercial motor vehicle licensed in excess of
14 eighteen thousand pounds gross weight, after an annual
15 contribution of an emblem-use authorization fee to the Friends of
16 Kids with Cancer. The Friends of Kids with Cancer hereby
17 authorizes the use of its official emblem to be affixed on multi-
18 year personalized license plates as provided in this section.
19 Any person may annually apply for the use of the emblem.

20 2. Upon annual application and payment of a twenty-five
21 dollar emblem-use contribution to the Friends of Kids with
22 Cancer, the organization shall issue to the vehicle owner,
23 without further charge, an emblem-use authorization statement,
24 which shall be presented by the owner to the department of
25 revenue at the time of registration of a motor vehicle. Upon
26 presentation of the annual statement, payment of a fifteen dollar

2 fee in addition to the registration fee and documents which may
3 be required by law, the department of revenue shall issue to the
4 vehicle owner a personalized license plate which shall bear the
5 emblem of the Friends of Kids with Cancer and shall bear the
6 words "FRIENDS OF KIDS WITH CANCER" in place of the words "SHOW-
7 ME STATE". Such license plates shall be made with fully
8 reflective material with a common color scheme and design, shall
9 be clearly visible at night, and shall be aesthetically
10 attractive, as prescribed by section 301.130. Notwithstanding
11 the provisions of section 301.144, no additional fee shall be
12 charged for the personalization of license plates pursuant to
13 this section.

14 3. A vehicle owner, who was previously issued a plate with
15 the Friends of Kids with Cancer emblem authorized by this section
16 but who does not provide an emblem-use authorization statement at
17 a subsequent time of registration, shall be issued a new plate
18 which does not bear the Friends of Kids with Cancer emblem, as
19 otherwise provided by law.

20 4. The director of revenue shall make necessary rules and
21 regulations for the administration of this section, and shall
22 design all necessary forms required by this section. Any rule or
23 portion of a rule, as that term is defined in section 536.010,
24 RSMo, that is created under the authority delegated in this
25 section shall become effective only if it complies with and is
26 subject to all of the provisions of chapter 536, RSMo, and, if

2 applicable, section 536.028, RSMo. This section and chapter 536,
3 RSMo, are nonseverable and if any of the powers vested with the
4 general assembly pursuant to chapter 536, RSMo, to review, to
5 delay the effective date, or to disapprove and annul a rule are
6 subsequently held unconstitutional, then the grant of rulemaking
7 authority and any rule proposed or adopted after August 28, 2004,
8 shall be invalid and void.

9 301.3124. 1. Any person may receive special license plates
10 as prescribed by this section for any motor vehicle such person
11 owns, either solely or jointly, other than an apportioned motor
12 vehicle or a commercial motor vehicle licensed in excess of
13 eighteen thousand pounds gross weight, after an annual payment of
14 an emblem-use authorization fee to Special Olympics Missouri.
15 Special Olympics Missouri hereby authorizes the use of its
16 official emblem to be affixed on multiyear personalized license
17 plates as provided in this section.

18 2. Upon annual application and payment of a twenty-five
19 dollar emblem-use authorization fee to Special Olympics Missouri,
20 that organization shall issue to the vehicle owner, without
21 further charge, an emblem-use authorization statement, which
22 shall be presented by the owner to the department of revenue at
23 the time of registration of a motor vehicle. Upon presentation
24 of the annual statement, payment of a fifteen dollar fee in
25 addition to the registration fee and documents which may be
26 required by law, the department of revenue shall issue to the

2 vehicle owner a personalized license plate which shall bear an
3 emblem approved by Special Olympics Missouri and the director of
4 the department of revenue and shall have the words "SPECIAL
5 OLYMPICS MISSOURI" in place of the words "SHOW-ME STATE". Such
6 license plates shall be made with fully reflective material with
7 a common color scheme and design, shall be clearly visible at
8 night, and shall be aesthetically attractive, as prescribed by
9 section 301.130. Notwithstanding the provisions of section
10 301.144, no additional fee shall be charged for the
11 personalization of license plates issued pursuant to this
12 section.

13 3. A vehicle owner, who was previously issued a plate with
14 the Special Olympics Missouri emblem authorized by this section
15 but who does not provide an emblem-use authorization statement at
16 a subsequent time of registration, shall be issued a new plate
17 which does not bear the Special Olympics Missouri emblem, as
18 otherwise provided by law. The director of revenue shall make
19 necessary rules and regulations for the administration of this
20 section, and shall design all necessary forms required by this
21 section. Any rule or portion of a rule, as that term is defined
22 in section 536.010, RSMo, that is created under the authority
23 delegated in this section shall become effective only if it
24 complies with and is subject to all of the provisions of chapter
25 536, RSMo, and, if applicable, section 536.028, RSMo. This
26 section and chapter 536, RSMo, are nonseverable and if any of the

2 powers vested with the general assembly pursuant to chapter 536,
3 RSMo, to review, to delay the effective date, or to disapprove
4 and annul a rule are subsequently held unconstitutional, then the
5 grant of rulemaking authority and any rule proposed or adopted
6 after August 28, 2004, shall be invalid and void.

7 301.3125. 1. Any vehicle owner may apply for "Be An Organ
8 Donor" special personalized license plates for any motor vehicle
9 the person owns, either solely or jointly, other than an
10 apportioned motor vehicle or a commercial motor vehicle licensed
11 in excess of eighteen thousand pounds gross weight. Upon making
12 a twenty-five dollar annual contribution to the Organ Donor
13 Program Fund, established pursuant to section 194.297, RSMo, the
14 vehicle owner may apply for the "Be An Organ Donor" plate. If
15 the contribution is made directly to the state treasurer, the
16 state treasurer shall issue the individual making the
17 contribution a receipt, verifying the contribution, that may be
18 used to apply for the "Be An Organ Donor" license plate. If the
19 contribution is made directly to the director of revenue, the
20 director shall note the contribution and the owner may then apply
21 for the "Be An Organ Donor" plate. The applicant for such plate
22 must pay a fifteen dollar fee in addition to the regular
23 registration fees and present any other documentation required by
24 law for each set of "Be An Organ Donor" plates issued pursuant to
25 this section. Notwithstanding the provisions of section 301.144,
26 no additional fee shall be charged for the personalization of

2 license plates issued pursuant to this section.

3 2. The "Be An Organ Donor" plate shall have the words "BE
4 AN ORGAN DONOR" in place of the words "SHOW-ME STATE". Such
5 license plates shall be made with fully reflective material with
6 a common color scheme and design, shall be clearly visible at
7 night, and shall be aesthetically attractive, as prescribed by
8 section 301.130.

9 3. These plates shall be designed by the director, in
10 consultation with the Organ Donation Advisory Committee,
11 established pursuant to section 194.300, RSMo, to educate the
12 public about the urgent need for organ donation and the life
13 saving benefits of organ transplants.

14 4. A vehicle owner, who was previously issued a plate with
15 the words "BE AN ORGAN DONOR" authorized by this section but who
16 does not present a contribution receipt or make a contribution to
17 the Organ Donor Program Fund at a subsequent time of
18 registration, shall be issued a new plate which does not bear the
19 words "BE AN ORGAN DONOR", as otherwise provided by law.

20 5. The director of revenue may promulgate rules and
21 regulations for the administration of this section. Any rule or
22 portion of a rule, as that term is defined in section 536.010,
23 RSMo, that is created under the authority delegated in this
24 section shall become effective only if it complies with and is
25 subject to all of the provisions of chapter 536, RSMo, and, if
26 applicable, section 536.028, RSMo. This section and chapter 536,

2 RSMo, are nonseverable and if any of the powers vested with the
3 general assembly pursuant to chapter 536, RSMo, to review, to
4 delay the effective date, or to disapprove and annul a rule are
5 subsequently held unconstitutional, then the grant of rulemaking
6 authority and any rule proposed or adopted after August 28, 2004,
7 shall be invalid and void.

8 301.3126. 1. Any member of the Missouri Foxtrotting Horse
9 Breed Association may receive special license plates as
10 prescribed by this section, for any motor vehicle such person
11 owns, either solely or jointly, other than an apportioned motor
12 vehicle or a commercial motor vehicle licensed in excess of
13 eighteen thousand pounds gross weight, after an annual payment of
14 an emblem-use authorization fee to the Missouri Foxtrotting Horse
15 Breed Association of which the person is a member. The Missouri
16 Foxtrotting Horse Breed Association hereby authorizes the use of
17 its official emblem to be affixed on multiyear personalized
18 license plates as provided in this section. Any contribution to
19 the Missouri Foxtrotting Horse Breed Association derived from
20 this section, except reasonable administrative costs, shall be
21 used solely for the purposes of the Missouri Foxtrotting Horse
22 Breed Association. Any member of the Missouri Foxtrotting Horse
23 Breed Association may annually apply for the use of the emblem.

24 2. Upon annual application and payment of a twenty-five
25 dollar emblem-use contribution to the Missouri Foxtrotting Horse
26 Breed Association, the organization shall issue to the vehicle

2 owner, without further charge, an emblem-use authorization
3 statement, which shall be presented by the owner to the
4 department of revenue at the time of registration of a motor
5 vehicle. Upon presentation of the annual statement, payment of a
6 fifteen dollar fee in addition to the registration fee and
7 documents which may be required by law, the department of revenue
8 shall issue to the vehicle owner a personalized license plate
9 which shall bear the emblem of the Missouri Foxtrotting Horse
10 Breed Association and shall bear the words "FOXTROTTER-STATE
11 HORSE" in place of the words "SHOW-ME STATE". Notwithstanding
12 the provisions of section 301.144, no additional fee shall be
13 charged for the personalization of license plates pursuant to
14 this section. Such license plates shall be made with fully
15 reflective material with a common color scheme and design, shall
16 be clearly visible at night, and shall be aesthetically
17 attractive, as prescribed by section 301.130.

18 3. A vehicle owner, who was previously issued a plate with
19 the Missouri Foxtrotting Horse Breed Association emblem
20 authorized by this section but who does not provide an emblem-use
21 authorization statement at a subsequent time of registration,
22 shall be issued a new plate which does not bear the Missouri
23 Foxtrotting Horse Breed Association emblem, as otherwise provided
24 by law. The director of revenue shall make necessary rules and
25 regulations for the administration of this section, and shall
26 design all necessary forms required by this section. Any rule or

2 portion of a rule, as that term is defined in section 536.010,
3 RSMo, that is created under the authority delegated in this
4 section shall become effective only if it complies with and is
5 subject to all of the provisions of chapter 536, RSMo, and, if
6 applicable, section 536.028, RSMo. This section and chapter 536,
7 RSMo, are nonseverable and if any of the powers vested with the
8 general assembly pursuant to chapter 536, RSMo, to review, to
9 delay the effective date, or to disapprove and annul a rule are
10 subsequently held unconstitutional, then the grant of rulemaking
11 authority and any rule proposed or adopted after August 28, 2004,
12 shall be invalid and void.

13 301.3128. 1. Any person, as defined by subsection 3 of
14 this section, may apply for special license plates for any motor
15 vehicle such person owns, either solely or jointly, other than an
16 apportioned motor vehicle or a commercial motor vehicle licensed
17 in excess of eighteen thousand pounds gross weight. Any person
18 desiring a special license plate as provided by this section
19 shall make an application for the special license plates on a
20 form provided by the director of revenue and furnish proof of
21 eligibility as the director may require.

22 2. Upon payment of a fifteen dollar fee in addition to the
23 registration fee and other documents which may be required by
24 law, the department of revenue shall issue to the vehicle owner a
25 personalized license plate which shall bear an insignia depicting
26 a yellow rose superimposed over the outline of a badge and shall

2 bear the words "TO PROTECT AND SERVE" in the place of the words
3 "SHOW-ME STATE". Such license plates shall be made with fully
4 reflective material with a common color scheme and design, shall
5 be clearly visible at night, and shall be aesthetically
6 attractive, as prescribed by section 301.130. Notwithstanding
7 the provisions of section 301.144, no additional fee shall be
8 charged for the personalization of license plates pursuant to
9 this section.

10 3. As used in this section the term "person" shall mean:

11 (1) A person wounded in the line of duty as a peace
12 officer; or

13 (2) A surviving spouse, parent, brother, sister, or adult
14 child, including an adopted child or stepchild, of a person
15 killed in the line of duty as a peace officer.

16 4. As used in this section, the term "peace officer" has
17 the same meaning assigned by section 590.010, RSMo.

18 5. The director may consult with any organization which
19 represents the interests of any person, as defined in subsection
20 3 of this section when formulating the design for the special
21 license plate described in this section.

22 6. The director of revenue shall make necessary rules and
23 regulations for the administration of this section, and shall
24 design all necessary forms required by this section. Any rule or
25 portion of a rule, as that term is defined in section 536.010,
26 RSMo, that is created under the authority delegated in this

2 section shall become effective only if it complies with and is
3 subject to all of the provisions of chapter 536, RSMo, and, if
4 applicable, section 536.028, RSMo. This section and chapter 536,
5 RSMo, are nonseverable and if any of the powers vested with the
6 general assembly pursuant to chapter 536, RSMo, to review, to
7 delay the effective date, or to disapprove and annul a rule are
8 subsequently held unconstitutional, then the grant of rulemaking
9 authority and any rule proposed or adopted after August 28, 2004,
10 shall be invalid and void.

11 301.3130. 1. Any member of the Missouri Association of
12 State Troopers Emergency Relief Society, after an annual payment
13 of an emblem-use authorization fee to the Missouri Association of
14 State Troopers Emergency Relief Society, may receive special
15 license plates for any vehicle the member owns, either solely or
16 jointly, other than an apportioned motor vehicle or a commercial
17 motor vehicle licensed in excess of eighteen thousand pounds
18 gross weight. The Missouri Association of State Troopers
19 Emergency Relief Society hereby authorizes the use of its
20 official emblem to be affixed on multiyear personalized license
21 plates within the plate area prescribed by the director of
22 revenue as provided in this section. Any contribution to the
23 Missouri Association of State Troopers Emergency Relief Society
24 derived from this section, except reasonable administrative
25 costs, shall be used solely for the purposes of the Missouri
26 Association of State Troopers Emergency Relief Society. Any

2 member of the Missouri Association of State Troopers Emergency
3 Relief Society may annually apply for the use of the emblem.

4 2. Upon annual application and payment of a twenty-five
5 dollar emblem-use contribution to the Missouri Association of
6 State Troopers Emergency Relief Society, the Missouri Association
7 of State Troopers Emergency Relief Society shall issue to the
8 vehicle owner, without further charge, an "emblem-use
9 authorization statement", which shall be presented by the vehicle
10 owner to the director of revenue at the time of registration.
11 Upon presentation of the annual statement and payment of a
12 fifteen dollar fee in addition to the regular registration fees,
13 and presentation of any documents which may be required by law,
14 the director of revenue shall issue to the vehicle owner a
15 special license plate which shall bear the emblem of the Missouri
16 Association of State Troopers Emergency Relief Society and the
17 words "The MASTERS" in place of the words "SHOW-ME STATE". Such
18 license plates shall be made with fully reflective material with
19 a common color scheme and design of the standard license plate,
20 shall be clearly visible at night, shall have a reflective white
21 background in the area of the plate configuration, and shall be
22 aesthetically attractive, as prescribed by section 301.130.
23 Notwithstanding the provisions of section 301.144, no additional
24 fee shall be charged for the personalization of license plates
25 pursuant to this section.

26 3. A vehicle owner who was previously issued a plate with

2 the Missouri Association of State Troopers Emergency Relief
3 Society emblem authorized by this section, but who does not
4 provide an emblem-use authorization statement at a subsequent
5 time of registration, shall be issued a new plate which does not
6 bear the Missouri Association of State Troopers Emergency Relief
7 Society emblem, as otherwise provided by law.

8 4. The director of revenue shall make necessary rules and
9 regulations for the enforcement of this section, and shall design
10 all necessary forms required by this section. Any rule or
11 portion of a rule, as that term is defined in section 536.010,
12 RSMo, that is created under the authority delegated in this
13 section shall become effective only if it complies with and is
14 subject to all of the provisions of chapter 536, RSMo, and, if
15 applicable, section 536.028, RSMo. This section and chapter 536,
16 RSMo, are nonseverable and if any of the powers vested with the
17 general assembly pursuant to chapter 536, RSMo, to review, to
18 delay the effective date, or to disapprove and annul a rule are
19 subsequently held unconstitutional, then the grant of rulemaking
20 authority and any rule proposed or adopted after August 28, 2004,
21 shall be invalid and void.

22 301.3131. 1. Any member of Optimist International may
23 receive special license plates as prescribed by this section, for
24 any motor vehicle such person owns, either solely or jointly,
25 other than an apportioned motor vehicle or a commercial motor
26 vehicle licensed in excess of eighteen thousand pounds gross

2 weight, after an annual payment of an emblem-use authorization
3 fee to Optimist International of which the person is a member.
4 Optimist International hereby authorizes the use of its official
5 emblem to be affixed on multiyear personalized license plates as
6 provided in this section. Any contribution to Optimist
7 International derived from this section, except reasonable
8 administrative costs, shall be used solely for the purposes of
9 Optimist International. Any member of Optimist International may
10 annually apply for the use of the emblem.

11 2. Upon annual application and payment of a twenty-five
12 dollar emblem-use contribution to Optimist International, the
13 organization shall issue to the vehicle owner, without further
14 charge, an emblem-use authorization statement, which shall be
15 presented by the owner to the department of revenue at the time
16 of registration of a motor vehicle. Upon presentation of the
17 annual statement, payment of a fifteen dollar fee in addition to
18 the registration fee and documents which may be required by law,
19 the department of revenue shall issue to the vehicle owner a
20 personalized license plate which shall bear the emblem of
21 Optimist International and shall have the words "FRIEND OF YOUTH"
22 in place of the words "SHOW-ME STATE". Such license plates shall
23 be made with fully reflective material with a common color scheme
24 and design, shall be clearly visible at night, and shall be
25 aesthetically attractive, as prescribed by section 301.130.
26 Notwithstanding the provisions of section 301.144, no additional

2 fee shall be charged for the personalization of license plates
3 pursuant to this section.

4 3. A vehicle owner, who was previously issued a plate with
5 the Optimist International emblem authorized by this section but
6 who does not provide an emblem-use authorization statement at a
7 subsequent time of registration, shall be issued a new plate
8 which does not bear the Optimist International emblem, as
9 otherwise provided by law. The director of revenue shall make
10 necessary rules and regulations for the administration of this
11 section, and shall design all necessary forms required by this
12 section. No rule or portion of a rule promulgated pursuant to
13 the authority of this section shall become effective unless it
14 has been promulgated pursuant to the provisions of chapter 536,
15 RSMo.

16 301.3132. 1. Any member designated by the Missouri Society
17 of Professional Engineers may receive special license plates as
18 prescribed by this section, for any motor vehicle such person
19 owns, either solely or jointly, other than an apportioned motor
20 vehicle or a commercial motor vehicle licensed in excess of
21 eighteen thousand pounds gross weight, after an annual payment of
22 an emblem-use authorization fee to the Missouri Society of
23 Professional Engineers Education Foundation. The Missouri
24 Society of Professional Engineers hereby authorizes the use of
25 its official emblem to be affixed on multiyear personalized
26 license plates provided in this section. Any contribution to the

2 Missouri Society of Professional Engineers Education Foundation
3 derived from this section, except reasonable administrative
4 costs, shall be used solely for the purposes of the Missouri
5 Society of Professional Engineers Education Foundation and shall
6 be deposited into the society's education fund. Any person
7 designated by the Missouri Society of Professional Engineers may
8 annually apply for the use of the emblem.

9 2. Upon annual application and annual payment of a twenty-
10 five dollar emblem-use contribution to the Missouri Society of
11 Professional Engineers Education Foundation, the organization
12 shall issue to the vehicle owner, without further charge, an
13 emblem-use authorization statement, which shall be presented by
14 the owner to the department of revenue at the time of
15 registration of a motor vehicle. Upon presentation of the annual
16 statement, payment of a fifteen dollar fee in addition to the
17 registration fee and documents which may be required by law, the
18 department of revenue shall issue to the vehicle owner a
19 personalized license plate which shall bear the emblem of the
20 Missouri Society of Professional Engineers and the words
21 "MISSOURI SOCIETY OF PROFESSIONAL ENGINEERS" in place of "SHOW-ME
22 STATE". Such license plates shall be made with fully reflective
23 material with a common color scheme and design, shall be clearly
24 visible at night, and shall be aesthetically attractive, as
25 prescribed by section 301.130. Notwithstanding the provisions of
26 section 301.144, no additional fee shall be added for the

2 personalization of license plates issued pursuant to this
3 section.

4 3. A vehicle owner, who was previously issued a plate with
5 the Missouri Society of Professional Engineers' emblem authorized
6 by this section but who does not provide an emblem-use
7 authorization statement at the subsequent time of registration,
8 shall be issued a new plate which does not bear the Missouri
9 Society of Professional Engineers' emblem, as otherwise provided
10 by law.

11 4. The director of the department of revenue shall make
12 necessary rules and regulations for the administration of this
13 section, and shall design all necessary forms required by this
14 section. Any rule or portion of a rule, as that term is defined
15 in section 536.010, RSMo, that is created under the authority
16 delegated in this section shall become effective only if it
17 complies with and is subject to all of the provisions of chapter
18 536, RSMo, and, if applicable, section 536.028, RSMo. This
19 section and chapter 536, RSMo, are nonseverable and if any of the
20 powers vested with the general assembly pursuant to chapter 536,
21 RSMo, to review, to delay the effective date, or to disapprove
22 and annul a rule are subsequently held unconstitutional, then the
23 grant of rulemaking authority and any rule proposed or adopted
24 after August 28, 2004, shall be invalid and void.

25 301.3133. 1. Any vehicle owner, after an annual
26 contribution to the Missouri Travel Council, may receive special

2 license plates commemorating the bicentennial anniversary of the
3 Lewis and Clark expedition for any vehicle the member owns,
4 either solely or jointly, other than an apportioned motor vehicle
5 or a commercial motor vehicle licensed in excess of eighteen
6 thousand pounds gross weight. The Missouri Travel Council, in
7 conjunction with the department of revenue, shall design the
8 Lewis and Clark bicentennial special license plate. The
9 background of the plate shall depict a full-color image, covering
10 the entire plate, and lightened across two-thirds of the area so
11 as not to hinder the readability of the license plate
12 registration number. Such license plates shall be made with
13 fully reflective material, shall be clearly visible at night, and
14 shall be aesthetically attractive, as prescribed by section
15 301.130.

16 2. Upon making a twenty-five dollar contribution to the
17 Missouri Travel Council, the motor vehicle owner may apply for
18 the special license plate commemorating the bicentennial
19 anniversary of the Lewis and Clark expedition. If the
20 contribution is made directly to the Missouri Travel Council, the
21 Missouri Travel Council shall issue the individual making the
22 contribution a receipt, verifying the contribution, that may be
23 used to apply for the Lewis and Clark special license plate. If
24 the contribution is made directly to the director of revenue
25 pursuant to section 301.3031, the director shall note the
26 contribution and the owner may then apply for the Lewis and Clark

2 plate. The applicant for such special license plate must pay a
3 fifteen dollar fee in addition to the regular registration fees
4 and present any other documentation required by law for each set
5 of Lewis and Clark plates issued pursuant to this section.

6 Notwithstanding the provisions of section 301.144, no additional
7 fee shall be charged for the personalization of license plates
8 issued pursuant to this section.

9 3. The director of revenue may promulgate rules and
10 regulations for the administration of this section. Any rule or
11 portion of a rule, as that term is defined in section 536.010,
12 RSMo, that is created under the authority delegated in this
13 section shall become effective only if it complies with and is
14 subject to all of the provisions of chapter 536, RSMo, and, if
15 applicable, section 536.028, RSMo. This section and chapter 536,
16 RSMo, are nonseverable, and if any of the powers vested with the
17 general assembly pursuant to chapter 536, RSMo, to review, to
18 delay the effective date, or to disapprove and annul a rule are
19 subsequently held unconstitutional, then the grant of rulemaking
20 authority and any rule proposed or adopted after August 28, 2004,
21 shall be invalid and void.

22 4. A vehicle owner who was previously issued a Lewis and
23 Clark special license plate pursuant to this section, but does
24 not provide a receipt evidencing a contribution to the Missouri
25 Travel Council or make a contribution directly to the department
26 of revenue at a subsequent time of registration, shall be issued

2 a new license plate which does not commemorate the bicentennial
3 anniversary of the Lewis and Clark expedition. The director of
4 revenue shall make necessary rules and regulations for the
5 enforcement of this section, and shall design all necessary forms
6 required by this section.

7 301.3137. 1. Any current member or alumnus of the Alpha
8 Phi Omega organizations at any college or university within this
9 state may apply for special motor vehicle license plates for any
10 vehicle such person owns, either solely or jointly, other than an
11 apportioned motor vehicle or a commercial motor vehicle licensed
12 in excess of eighteen thousand pounds gross weight, after an
13 annual payment of an emblem-use authorization fee to Alpha Phi
14 Omega. Alpha Phi Omega hereby authorizes the use of their
15 official emblem to be affixed on multiyear personalized license
16 plates as provided in this section. Any contribution to Alpha
17 Phi Omega derived from this section, except reasonable
18 administrative costs, shall be used solely for the purposes of
19 that organization. Any member or alumnus of Alpha Phi Omega may
20 annually apply for the use of the organization's emblem.

21 2. Upon annual application and payment of a twenty-five
22 dollar emblem-use contribution to Alpha Phi Omega, the
23 organization shall issue to the vehicle owner, without further
24 charge, an emblem-use authorization statement, which shall be
25 presented by the owner to the department of revenue at the time
26 of registration of a motor vehicle. Upon presentation of the

2 annual statement, payment of a fifteen dollar fee in addition to
3 the registration fee and documents which may be required by law,
4 the department of revenue shall issue to the vehicle owner a
5 personalized license plate which shall bear the emblem of Alpha
6 Phi Omega and the words "ALPHA PHI OMEGA" shall replace the words
7 "SHOW-ME STATE". Such license plates shall be made with fully
8 reflective material with a common color scheme and design, shall
9 be clearly visible at night, and shall be aesthetically
10 attractive, as prescribed by section 301.130. Notwithstanding
11 the provisions of section 301.144, no additional fee shall be
12 charged for the personalization of license plates pursuant to
13 this section.

14 3. A vehicle owner, who was previously issued a plate with
15 the Alpha Phi Omega emblem authorized by this section but who
16 does not provide an emblem-use authorization statement at a
17 subsequent time of registration, shall be issued a new plate
18 which does not bear the Alpha Phi Omega emblem, as otherwise
19 provided by law. The director of revenue shall make necessary
20 rules and regulations for the administration of this section, and
21 shall design all necessary forms required by this section. Any
22 rule or portion of a rule, as that term is defined in section
23 536.010, RSMo, that is created under the authority delegated in
24 this section shall become effective only if it complies with and
25 is subject to all of the provisions of chapter 536, RSMo, and, if
26 applicable, section 536.028, RSMo. This section and chapter 536,

2 RSMo, are nonseverable and if any of the powers vested with the
3 general assembly pursuant to chapter 536, RSMo, to review, to
4 delay the effective date, or to disapprove and annul a rule are
5 subsequently held unconstitutional, then the grant of rulemaking
6 authority and any rule proposed or adopted after August 28, 2004,
7 shall be invalid and void.

8 301.3139. 1. Any Boy Scout of appropriate age as
9 prescribed by law or parent of a Boy Scout may receive special
10 license plates as prescribed by this section, for any motor
11 vehicle such person owns, either solely or jointly, other than an
12 apportioned motor vehicle or a commercial motor vehicle licensed
13 in excess of eighteen thousand pounds gross weight, after an
14 annual payment of an emblem-use authorization fee to the Boy
15 Scouts of America Council of which the person is a member or the
16 parent of a member. The Boy Scouts of America hereby authorizes
17 the use of its official emblem to be affixed on multiyear
18 personalized license plates as provided in this section. Any
19 contribution to the Boy Scouts of America derived from this
20 section, except reasonable administrative costs, shall be used
21 solely for the purposes of the Boy Scouts of America. Any Boy
22 Scout or parent of a Boy Scout may annually apply for the use of
23 the emblem and pay the twenty-five dollar emblem-use
24 authorization fee at any local district council in the state.

25 2. Upon annual application and payment of a twenty-five
26 dollar emblem-use contribution to the Boy Scouts of America, the

2 organization shall issue to the vehicle owner, without further
3 charge, an emblem-use authorization statement, which shall be
4 presented by the owner to the department of revenue at the time
5 of registration of a motor vehicle. Upon presentation of the
6 annual statement, payment of a fifteen dollar fee in addition to
7 the registration fee and documents which may be required by law,
8 the department of revenue shall issue to the vehicle owner a
9 personalized license plate which shall bear the emblem of the Boy
10 Scouts of America and the words "BOY SCOUTS OF AMERICA" in place
11 of the words "SHOW-ME STATE". Such license plates shall be made
12 with fully reflective material with a common color scheme and
13 design, shall be clearly visible at night, and shall be
14 aesthetically attractive, as prescribed by section 301.130.
15 Notwithstanding the provisions of section 301.144, no additional
16 fee shall be charged for the personalization of license plates
17 pursuant to this section.

18 3. A vehicle owner, who was previously issued a plate with
19 the Boy Scouts of America emblem authorized by this section but
20 who does not provide an emblem-use authorization statement at a
21 subsequent time of registration, shall be issued a new plate
22 which does not bear the Boy Scouts of America emblem, as
23 otherwise provided by law. The director of revenue shall make
24 necessary rules and regulations for the administration of this
25 section, and shall design all necessary forms required by this
26 section. Any rule or portion of a rule, as that term is defined

2 in section 536.010, RSMo, that is created under the authority
3 delegated in this section shall become effective only if it
4 complies with and is subject to all of the provisions of chapter
5 536, RSMo, and, if applicable, section 536.028, RSMo. This
6 section and chapter 536, RSMo, are nonseverable and if any of the
7 powers vested with the general assembly pursuant to chapter 536,
8 RSMo, to review, to delay the effective date, or to disapprove
9 and annul a rule are subsequently held unconstitutional, then the
10 grant of rulemaking authority and any rule proposed or adopted
11 after August 28, 2004, shall be invalid and void.

12 301.3142. 1. Any immediate family member, including step-
13 siblings or step-children, who wishes to pay tribute to a member
14 of the United States military who was a resident of this state
15 and who was killed in the line of duty may receive special
16 license plates as prescribed by this section, for any motor
17 vehicle such person owns, either solely or jointly, other than an
18 apportioned motor vehicle or a commercial motor vehicle licensed
19 in excess of eighteen thousand pounds gross weight.

20 2. Upon annual application payment of a fifteen dollar fee
21 in addition to the registration fee, and presentation of any
22 other documents which may be required by law or upon biennial
23 application, payment of a thirty dollar fee in addition to the
24 registration fee and presentation of proof of eligibility for
25 such plates, and presentation of any other documents which may be
26 required by law, the department of revenue may issue to the

2 vehicle owner a personalized license plate which shall bear the
3 initials of the member of the United States military killed while
4 in the line of duty, a gold star on the left side of the plates,
5 followed by a three-letter description of the relative's relation
6 to the veteran, provided such license plate configuration is not
7 currently in use, and which shall bear the words "WE SHALL NOT
8 FORGET" in place of the words "SHOW-ME STATE". Such license
9 plates shall be made with fully reflective material with a common
10 color scheme and design, shall be clearly visible at night, and
11 shall be aesthetically attractive, as prescribed by section
12 301.130. Notwithstanding the provisions of section 301.144, no
13 additional fee shall be charged for the personalization of
14 license plates pursuant to this section.

15 3. License plates issued pursuant to the provisions of this
16 section shall not be transferable to any other person except that
17 any registered co-owner of the motor vehicle shall be entitled to
18 operate the motor vehicle with such plates for the duration of
19 the year licensed in the event of the death of the qualified
20 person. The director of revenue shall make necessary rules and
21 regulations for the administration of this section, and shall
22 design all necessary forms required by this section. Any rule or
23 portion of a rule, as that term is defined in section 536.010,
24 RSMo, that is created under the authority delegated in this
25 section shall become effective only if it complies with and is
26 subject to all of the provisions of chapter 536, RSMo, and, if

2 applicable, section 536.028, RSMo. This section and chapter 536,
3 RSMo, are nonseverable and if any of the powers vested with the
4 general assembly pursuant to chapter 536, RSMo, to review, to
5 delay the effective date, or to disapprove and annul a rule are
6 subsequently held unconstitutional, then the grant of rulemaking
7 authority and any rule proposed or adopted after August 28, 2004,
8 shall be invalid and void.

9 301.3143. 1. Any current member or alumnus of the Delta
10 Tau Delta organization at any college or university within this
11 state may apply for special motor vehicle license plates for any
12 vehicle such person owns, either solely or jointly, other than an
13 apportioned motor vehicle or a commercial motor vehicle licensed
14 in excess of eighteen thousand pounds gross weight, after an
15 annual payment of an emblem-use authorization fee to the
16 appropriate organization. Delta Tau Delta hereby authorizes the
17 use of their official emblem to be affixed on multiyear
18 personalized license plates as provided in this section. Any
19 contribution to Delta Tau Delta derived from this section, except
20 reasonable administrative costs, shall be used solely for the
21 purposes of the organization. Any member of Delta Tau Delta may
22 annually apply for the use of the organization's emblem.

23 2. Upon annual application and payment of a twenty-five
24 dollar emblem-use contribution to Delta Tau Delta, the
25 organization shall issue to the vehicle owner, without further
26 charge, an emblem-use authorization statement, which shall be

2 presented by the owner to the department of revenue at the time
3 of registration of a motor vehicle. Upon presentation of the
4 annual statement, payment of a fifteen dollar fee in addition to
5 the registration fee, and documents which may be required by law,
6 the department of revenue shall issue to the vehicle owner a
7 personalized license plate which shall bear the emblem of Delta
8 Tau Delta and shall bear the words "Delta Tau Delta" in place of
9 the words "SHOW-ME STATE". Such license plates shall be made
10 with fully reflective material with a common color scheme and
11 design, shall be clearly visible at night, and shall be
12 aesthetically attractive, as prescribed by section 301.130.
13 Notwithstanding the provisions of section 301.144, no additional
14 fee shall be charged for the personalization of license plates
15 pursuant to this section.

16 3. A vehicle owner, who was previously issued a plate with
17 the Delta Tau Delta emblem authorized by this section but who
18 does not provide an emblem-use authorization statement at a
19 subsequent time of registration, shall be issued a new plate
20 which does not bear the Delta Tau Delta emblem, as otherwise
21 provided by law. The director of revenue shall make necessary
22 rules and regulations for the administration of this section, and
23 shall design all necessary forms required by this section. Any
24 rule or portion of a rule, as that term is defined in section
25 536.010, RSMo, that is created under the authority delegated in
26 this section shall become effective only if it complies with and

2 is subject to all of the provisions of chapter 536, RSMo, and, if
3 applicable, section 536.028, RSMo. This section and chapter 536,
4 RSMo, are nonseverable and if any of the powers vested with the
5 general assembly pursuant to chapter 536, RSMo, to review, to
6 delay the effective date, or to disapprove and annul a rule are
7 subsequently held unconstitutional, then the grant of rulemaking
8 authority and any rule proposed or adopted after August 28, 2004,
9 shall be invalid and void.

10 301.3144. 1. Any person may receive special license plates
11 as prescribed by this section, for any motor vehicle such person
12 owns, either solely or jointly, other than an apportioned motor
13 vehicle or a commercial motor vehicle licensed in excess of
14 eighteen thousand pounds gross weight, after an annual
15 contribution of an emblem-use authorization fee to Camp Quality
16 of Missouri. Any contribution given pursuant to this section
17 shall be designated for the sole use of providing scholarships to
18 children with cancer who are residents of the state of Missouri
19 for attendance at any summer camp conducted by Camp Quality in
20 the state of Missouri. Camp Quality of Missouri hereby
21 authorizes the use of its official emblem to be affixed on
22 single-year or multiyear personalized license plates as provided
23 in this section. Any person may annually or biannually apply for
24 the use of the emblem.

25 2. Upon annual application and payment of a twenty-five
26 dollar emblem-use contribution to Camp Quality of Missouri, that

2 organization shall issue to the vehicle owner, without further
3 charge, an emblem-use authorization statement, which shall be
4 presented by the owner to the department of revenue at the time
5 of registration of a motor vehicle. Upon presentation of the
6 annual or biannual statement, payment of a fifteen dollar fee, in
7 addition to the registration fees, and presentation of other
8 documents which may be required by law, the department of revenue
9 shall issue to the vehicle owner a personalized license plate
10 which shall bear the emblem of Camp Quality of Missouri and shall
11 bear the words "CAMP QUALITY-FUN FOR KIDS WITH CANCER" in the
12 place of the words "SHOW-ME STATE". Such license plates shall be
13 made with fully reflective material with a common color scheme
14 and design, shall be clearly visible at night, and shall be
15 aesthetically attractive, as prescribed by section 301.130.
16 Notwithstanding the provisions of section 301.144, no additional
17 fee shall be charged for the personalization of license plates
18 pursuant to this section.

19 3. A vehicle owner, who was previously issued a plate with
20 the Camp Quality of Missouri emblem authorized by this section
21 but who does not provide an emblem-use authorization statement at
22 a subsequent time of registration, shall be issued a new plate
23 which does not bear the Camp Quality of Missouri emblem, as
24 otherwise provided by law.

25 4. The director of the department of revenue shall make
26 necessary rules and regulations for the administration of this

2 section, and shall design all necessary forms required by this
3 section. Any rule or portion of a rule, as that term is defined
4 in section 536.010, RSMo, that is created under the authority
5 delegated in this section shall become effective only if it
6 complies with and is subject to all of the provisions of chapter
7 536, RSMo, and, if applicable, section 536.028, RSMo. This
8 section and chapter 536, RSMo, are nonseverable and if any of the
9 powers vested with the general assembly pursuant to chapter 536,
10 RSMo, to review, to delay the effective date, or to disapprove
11 and annul a rule are subsequently held unconstitutional, then the
12 grant of rulemaking authority and any rule proposed or adopted
13 after August 28, 2004, shall be invalid and void.

14 301.3146. 1. Any member of the search and rescue council
15 of Missouri, after an annual payment of an emblem-use
16 authorization fee to the search and rescue council of Missouri,
17 may receive special license plates for any vehicle the member
18 owns, either solely or jointly, other than an apportioned motor
19 vehicle or a commercial motor vehicle licensed in excess of
20 eighteen thousand pounds gross weight. The search and rescue
21 council of Missouri hereby authorizes the use of its official
22 emblem to be affixed on multiyear personalized license plates
23 within the plate area prescribed by the director of revenue and
24 as provided in this section. Any contribution to the search and
25 rescue council of Missouri derived from this section, except
26 reasonable administrative costs, shall be used solely for the

2 purposes of the search and rescue council of Missouri. Any
3 member of the search and rescue council of Missouri may annually
4 apply for the use of the emblem.

5 2. Upon annual application and payment of a twenty-five
6 dollar emblem-use contribution to the search and rescue council
7 of Missouri, the search and rescue council of Missouri shall
8 issue to the vehicle owner, without further charge, an "emblem-
9 use authorization statement", which shall be presented by the
10 vehicle owner to the director of revenue at the time of
11 registration. Upon presentation of the annual statement and
12 payment of a fifteen dollar fee in addition to the regular
13 registration fees, and presentation of any documents which may be
14 required by law, the director of revenue shall issue to the
15 vehicle owner a special license plate which shall bear the emblem
16 of the search and rescue council of Missouri and the words
17 "SEARCH AND RESCUE" in place of the words "SHOW-ME-STATE". Such
18 license plates shall be made with fully reflective material with
19 a common color scheme and design of the standard license plate,
20 shall be clearly visible at night, shall have a reflective white
21 background in the area of the plate configuration, and shall be
22 aesthetically attractive, as prescribed by section 301.130.
23 Notwithstanding the provisions of section 301.144, no additional
24 fee shall be charged for the personalization of license plates
25 pursuant to this section.

26 3. A vehicle owner who was previously issued a plate with

2 the search and rescue council of Missouri emblem authorized by
3 this section, but who does not provide an emblem-use
4 authorization statement at a subsequent time of registration,
5 shall be issued a new plate which does not bear the search and
6 rescue council of Missouri emblem, as otherwise provided by law.
7 The director of revenue shall make necessary rules and
8 regulations for the enforcement of this section, and shall design
9 all necessary forms required by this section.

10 301.3147. 1. Any current undergraduate or alumnus member
11 of any chapter of Theta Chi Fraternity may apply for special
12 motor vehicle license plates for any vehicle such person owns,
13 either solely or jointly, other than an apportioned motor vehicle
14 or a commercial motor vehicle licensed in excess of eighteen
15 thousand pounds gross weight, after an annual contribution of at
16 least twenty-five dollars to the Foundation Chapter of Theta Chi
17 Fraternity, Inc. Theta Chi Fraternity, Inc. hereby authorizes
18 the use of their official emblem to be affixed on multiyear
19 personalized license plates as provided in this section. Any
20 contribution to Theta Chi Fraternity, Inc. derived from this
21 section, except reasonable administrative costs, shall be used
22 solely for the purposes of that organization. Any undergraduate
23 or alumnus member of Theta Chi Fraternity, Inc. may annually
24 apply for the use of the organization's emblem.

25 2. Upon annual application and payment of twenty-five
26 dollars to the Foundation Chapter of Theta Chi Fraternity, Inc.,

2 the organization shall issue to the vehicle owner, without
3 further charge, an emblem-use authorization statement, which
4 shall be presented by the owner to the department of revenue at
5 the time of registration of a motor vehicle. Upon presentation
6 of the annual statement, payment of a fifteen dollar fee in
7 addition to the registration fee and documents which may be
8 required by law, the department of revenue shall issue to the
9 vehicle owner a personalized license plate which shall bear the
10 emblem of Theta Chi Fraternity, Inc. and shall bear the words
11 "THETA CHI FRATERNITY" in the place of the words "SHOW-ME STATE".
12 Such license plates shall be made with fully reflective material
13 with a common color scheme and design, shall be clearly visible
14 at night, and shall be aesthetically attractive, as prescribed by
15 section 301.130. Notwithstanding the provisions of section
16 301.144, no additional fee shall be charged for personalization
17 of license plates pursuant to this section.

18 3. A vehicle owner, who has previously, issued a plate with
19 the Theta Chi Fraternity, Inc. emblem authorized by this section
20 but who does not provide an emblem-use authorization statement at
21 a subsequent time of registration, shall be issued a new plate
22 which does not bear the Theta Chi Fraternity, Inc. emblem, as
23 otherwise provided by law. The director of revenue shall make
24 necessary rules and regulations for the administration of this
25 section, and shall design all necessary forms required by this
26 section. Any rule or portion of a rule, as that term is defined

2 in section 536.010, RSMo, that is created under the authority
3 delegated in this section shall become effective only if it
4 complies with and is subject to all of the provisions of chapter
5 536, RSMo, and, if applicable, section 536.028, RSMo. This
6 section and chapter 536, RSMo, are nonseverable and if any of the
7 powers vested with the general assembly pursuant to chapter 536,
8 RSMo, to review, to delay the effective date, or to disapprove
9 and annul a rule are subsequently held unconstitutional, then the
10 grant of rulemaking authority and any rule proposed or adopted
11 after August 28, 2004, shall be invalid and void.

12 301.3150. 1. An organization, other than an organization
13 seeking a special military license plate, that seeks
14 authorization to establish a new specialty license plate shall
15 initially petition the department of revenue by submitting the
16 following:

17 (1) An application in a form prescribed by the director for
18 the particular specialty license plate being sought, describing
19 the proposed specialty license plate in general terms and have a
20 sponsor of at least one current member of the general assembly.
21 The application may contain written testimony for support of this
22 specialty plate;

23 (2) Each application submitted pursuant to this section
24 shall be accompanied by a list of at least two hundred potential
25 applicants who plan to purchase the specialty plate if the
26 specialty plate is approved pursuant to this section;

2 (3) An application fee, not to exceed five thousand
3 dollars, to defray the department's cost for issuing, developing
4 and programming the implementation of the specialty plate, if
5 authorized; and

6 (4) All moneys received by the department of revenue, for
7 the reviewing and development of specialty plates shall be
8 deposited in the state treasury to the credit of the "Department
9 of Revenue Specialty Plate Fund" which is hereby created. The
10 state treasurer shall be custodian of the fund and shall make
11 disbursements from the funds requested by the Missouri director
12 of revenue for personal services, expenses, and equipment
13 required to prepare, review, develop, and disseminate a new
14 specialty plate and process the two hundred applications to be
15 submitted once the plate is approved and to refund deposits for
16 the application of such specialty plate, if the application is
17 not approved by the joint committee on transportation oversight
18 and for no other purpose.

19 2. At the end of each state fiscal year, the director of
20 revenue shall:

21 (1) Determine the amount of all moneys deposited into the
22 department of revenue specialty plate fund;

23 (2) Determine the amount of disbursements from the
24 department of revenue specialty plate fund which were made to
25 produce the specialty plate and process the two hundred
26 applications; and

2 (3) Subtract the amount of disbursements from the income
3 figure referred to in subdivision (1) of this subsection and
4 deliver this figure to the state treasurer.

5 3. The state treasurer shall transfer an amount of money
6 equal to the figure provided by the director of revenue from the
7 department of revenue specialty plate fund to the state highway
8 department fund. An unexpended balance in the department of
9 revenue specialty plate fund at the end of the biennium not
10 exceeding twenty-five thousand dollars shall be exempt from the
11 provisions of section 33.080, RSMo, relating to transfer of
12 unexpended balances to the general revenue fund.

13 4. The documents and fees required pursuant to this section
14 shall be submitted to the department of revenue by July first
15 prior to the next regular session of the general assembly to be
16 approved or denied by the joint committee on transportation
17 oversight during that legislative session.

18 5. The department of revenue shall give notice of any
19 proposed specialty plate in a manner reasonably calculated to
20 advise the public of such proposal. Reasonable notice shall
21 include posting the proposal for the specialty plate on the
22 department's official public web site, and making available
23 copies of the specialty plate application to any representative
24 of the news media or public upon request and posting the
25 application on a bulletin board or other prominent public place
26 which is easily accessible to the public and clearly designated

2 for that purpose at the principal office.

3 6. Adequate notice conforming with all the requirements of
4 subsection 5 of this section shall be given not less than four
5 weeks, exclusive of weekends and holidays when the facility is
6 closed, after the submission of the application by the
7 organization to the department of revenue. Written or electronic
8 testimony in support or opposition of the proposed specialty
9 plate shall be submitted to the department of revenue by November
10 thirtieth of the year of filing of the original proposal. All
11 written testimony shall contain the printed name, signature,
12 address, phone number, and e-mail address, if applicable, of the
13 individual giving the testimony.

14 7. The department of revenue shall submit for approval all
15 applications for the development of specialty plates to the joint
16 committee on transportation oversight during a regular session of
17 the general assembly for approval.

18 8. If the specialty license plate requested by an
19 organization is approved by the joint committee on transportation
20 oversight, the organization shall submit the proposed art design
21 for the specialty license plate to the department as soon as
22 practicable, but no later than sixty days after the approval of
23 the specialty license plate. If the specialty license plate
24 requested by the organization is not approved by the joint
25 committee on transportation oversight, ninety-seven percent of
26 the application fee shall be refunded to the requesting

2 organization.

3 9. An emblem-use authorization fee may be charged by the
4 organization prior to the issuance of an approved specialty
5 plate. The organization's specialty plate proposal approved by
6 the joint committee on transportation oversight shall state what
7 fee is required to obtain such statement and if such fee is
8 required annually or biennially, if the applicant has a two-year
9 registration. An organization applying for specialty plates
10 shall authorize the use of its official emblem to be affixed on
11 multiyear personalized license plates within the plate area
12 prescribed by the director of revenue and as provided in this
13 section. Any contribution to the organization derived from the
14 emblem-use contribution, except reasonable administrative costs,
15 shall be used solely for the purposes of the organization. Any
16 member of the organization or nonmember, if applicable, may
17 annually apply for the use of the emblem, if applicable.

18 10. The department shall begin production and distribution
19 of each new specialty license plate within one year after
20 approval of the specialty license plate by the joint committee on
21 transportation oversight.

22 11. The department shall issue a specialty license plate to
23 the owner who meets the requirements for issuance of the
24 specialty plate for any motor vehicle such owner owns, either
25 solely or jointly, other than an apportioned motor vehicle or a
26 commercial motor vehicle licensed in excess of eighteen thousand

2 pounds gross weight.

3 12. Each new or renewed application for an approved
4 specialty license plate shall be made to the department of
5 revenue, accompanied by an additional fee of fifteen dollars and
6 the appropriate emblem-use authorization statement.

7 13. The appropriate registration fees, fifteen dollar
8 specialty plate fee, processing fees and documents otherwise
9 required for the issuance of registration of the motor vehicle as
10 set forth by law must be submitted at the time the specialty
11 plates are actually issued and renewed or as otherwise provided
12 by law. However, no additional fee for the personalization of
13 this plate shall be charged.

14 14. Once a specialty plate design is approved, a request
15 for such plate may be made any time during a registration period.
16 If a request is made for a specialty license plate to replace a
17 current valid license plate, all documentation, credits, and fees
18 provided for in this chapter when replacing a current license
19 plate shall apply.

20 15. A vehicle owner who was previously issued a plate with
21 an organization emblem authorized by this section, but who does
22 not provide an emblem-use authorization statement at a subsequent
23 time of registration if required, shall be issued a new plate
24 which does not bear the organization's emblem, as otherwise
25 provided by law.

26 16. Specialty license plates shall bear a design approved

2 by the organization submitting the original application for
3 approval by the joint committee on transportation oversight. The
4 design shall be within the plate area prescribed by the director
5 of revenue, and the designated organization's name or slogan
6 shall be in place of the words "SHOW-ME STATE". Such license
7 plates shall be made with fully reflective material with a common
8 color scheme, shall be clearly visible at night, shall have a
9 reflective white background in the area of the plate
10 configuration, and shall be aesthetically attractive, as
11 prescribed by section 301.130 and as provided in this section.
12 In addition to a design, the specialty license plates shall be in
13 accordance with criteria and plate design set forth in this
14 chapter.

15 17. The department is authorized to discontinue the
16 issuance and renewal of a specialty license plate if the
17 organization has stopped providing services and emblem-use
18 authorization statements are no longer being issued by the
19 organization. Such organizations shall notify the department
20 immediately to discontinue the issuance of a specialty plate.

21 18. The organization that requested the specialty license
22 plate shall not redesign the specialty personalized license plate
23 unless such organization pays the director in advance all
24 redesigned plate fees. All plate holders of such plates must pay
25 the replacement fees prescribed in section 301.300 for the
26 replacement of the existing specialty plate. All other

2 applicable license plate fees in accordance with this chapter
3 shall be required.

4 301.3152. Any person or organization who has received a
5 notice of denial of application for development of a specialty
6 plate may make a request to the joint committee on transportation
7 oversight within fifteen days of receipt of the notice for a
8 review of the committee's determination at a hearing before the
9 committee at a time deemed appropriate.

10 301.3154. The fees for specialty military license plates
11 shall be assessed as provided for by the statute creating such
12 license plate except that no additional fee shall be charged for
13 personalized military plates.

14 301.3155. 1. Any supporter of the American Heart
15 Association of appropriate age as prescribed by law may receive
16 special license plates as prescribed by this section, for any
17 motor vehicle such person owns, either solely or jointly, other
18 than an apportioned motor vehicle or a commercial motor vehicle
19 licensed in excess of eighteen thousand pounds gross weight,
20 after an annual payment of an emblem-use authorization fee to the
21 American Heart Association of which the person is a supporter.
22 The American Heart Association hereby authorizes the use of its
23 official emblem Go Red For Women to be affixed on multi-year
24 personalized license plates as provided in this section. Any
25 contribution to the American Heart Association derived from this
26 section, except reasonable administrative costs, shall be used

2 solely for the purposes of the American Heart Association. Any
3 supporter of the American Heart Association may annually apply
4 for the use of the emblem and pay the twenty-five dollar emblem-
5 use authorization fee at any local district council in the state.

6 2. Upon annual application and payment of a twenty-five
7 dollar emblem-use contribution to the American Heart Association,
8 the organization shall issue to the vehicle owner, without
9 further charge, an emblem-use authorization statement, which
10 shall be presented by the owner to the department of revenue at
11 the time of registration of a motor vehicle. Upon presentation
12 of the annual statement, payment of a fifteen dollar fee in
13 addition to the registration fee and documents which may be
14 required by law, the department of revenue shall issue to the
15 vehicle owner a personalized license plate which shall bear the
16 emblem of the Go Red For Women on the left side of the plate and
17 the words "Go Red For Women" shall replace the words "SHOW-ME
18 STATE". The words "Winning Women" shall appear beneath the words
19 "GO RED FOR WOMEN". Such license plates shall be made with fully
20 reflective material with a common color scheme and design, shall
21 be clearly visible at night, and shall be aesthetically
22 attractive, as prescribed by section 301.130. Notwithstanding
23 the provisions of section 301.144, no additional fee shall be
24 charged for the personalization of license plates pursuant to
25 this section.

26 3. A vehicle owner, who was previously issued a plate with

2 the Go Red For Women emblem authorized by this section but who
3 does not provide an emblem-use authorization statement at a
4 subsequent time of registration, shall be issued a new plate
5 which does not bear the Go Red For Women emblem, as otherwise
6 provided by law. The director of revenue shall make necessary
7 rules and regulations for the administration of this section.
8 Any rule or portion of a rule, as that term is defined in section
9 536.010, RSMo, that is created under the authority delegated in
10 this section shall become effective only if it complies with and
11 is subject to all of the provisions of chapter 536, RSMo, and, if
12 applicable, section 536.028, RSMo. This section and chapter 536,
13 RSMo, are nonseverable and if any of the powers vested with the
14 general assembly pursuant to chapter 536, RSMo, to review, to
15 delay the effective date, or to disapprove and annul a rule are
16 subsequently held unconstitutional, then the grant of rulemaking
17 authority and any rule proposed or adopted after August 28, 2004,
18 shall be invalid and void.

19 301.3999. 1. Any person who served in the active military
20 service in a branch of the armed services of the United States
21 and was honorably discharged from such service may apply for
22 special personalized license plates for any vehicle other than an
23 apportioned motor vehicle or a commercial motor vehicle licensed
24 in excess of eighteen thousand pounds gross weight. Any such
25 person shall make application for the special license plates on a
26 form provided by the director of revenue and furnish such proof

2 of service and status as an honorably discharged veteran as the
3 director may require.

4 2. Upon presentation of proof of eligibility and payment of
5 a fifteen dollar fee in addition to the regular registration
6 fees, and presentation of any documents which may be required by
7 law, the director shall issue to the vehicle owner special
8 personalized license plates with the words "U.S. VET" in place of
9 the words "SHOW-ME STATE". Such license plates shall be made
10 with fully reflective material with a common color scheme and
11 design, shall be clearly visible at night, shall have a
12 reflective white background with a blue and red configuration in
13 the area of the plate configuration, and shall be aesthetically
14 attractive, as prescribed by section 301.130. Notwithstanding
15 the provisions of section 301.144, no additional fee shall be
16 charged for the personalization of license plates pursuant to
17 this section.

18 3. No more than one set of special license plates shall be
19 issued pursuant to this section to a qualified applicant.
20 License plates issued pursuant to this section shall not be
21 transferable to any other person except that any registered co-
22 owner of the vehicle may operate the vehicle for the duration of
23 the registration in the event of the death of the qualified
24 person. The director of revenue shall make necessary rules and
25 regulations for the enforcement of this section, and shall design
26 all necessary forms required by this section. Any rule or

2 portion of a rule, as that term is defined in section 536.010,
3 RSMo, that is created under the authority delegated in this
4 section shall become effective only if it complies with and is
5 subject to all of the provisions of chapter 536, RSMo, and, if
6 applicable, section 536.028, RSMo. This section and chapter 536,
7 RSMo, are nonseverable and if any of the powers vested with the
8 general assembly pursuant to chapter 536, RSMo, to review, to
9 delay the effective date, or to disapprove and annul a rule are
10 subsequently held unconstitutional, then the grant of rulemaking
11 authority and any rule proposed or adopted after August 28, 2004,
12 shall be invalid and void.

13 302.130. 1. Any person at least fifteen years of age who,
14 except for age or lack of instruction in operating a motor
15 vehicle, would otherwise be qualified to obtain a license
16 pursuant to sections 302.010 to 302.340 may apply for and the
17 director shall issue a temporary instruction permit entitling the
18 applicant, while having such permit in the applicant's immediate
19 possession, to drive a motor vehicle of the appropriate class
20 upon the highways for a period of twelve months, but any such
21 person, except when operating a motorcycle or motortricycle, must
22 be accompanied by a licensed operator for the type of motor
23 vehicle being operated who is actually occupying a seat beside
24 the driver for the purpose of giving instruction in driving the
25 motor vehicle, who is at least twenty-one years of age, and in
26 the case of any driver under sixteen years of age, the licensed

2 operator occupying the seat beside the driver shall be a
3 grandparent, parent, guardian, a driver training instructor
4 holding a valid driver education endorsement on a teaching
5 certificate issued by the department of elementary and secondary
6 education or a qualified instructor of a private drivers'
7 education program who has a valid driver's license. Beginning
8 January 1, 2001, an applicant for a temporary instruction permit
9 shall successfully complete a vision test and a test of the
10 applicant's ability to understand highway signs which regulate,
11 warn or direct traffic and practical knowledge of the traffic
12 laws of this state, pursuant to section 302.173. In addition,
13 beginning January 1, 2001, no permit shall be granted pursuant to
14 this subsection unless a parent or legal guardian gives written
15 permission by signing the application and in so signing, state
16 they, or their designee as set forth in subsection 2 of this
17 section, will provide a minimum of twenty hours of
18 behind-the-wheel driving instruction. The twenty hours of
19 behind-the-wheel driving instruction that is completed pursuant
20 to this subsection may include any time that the holder of an
21 instruction permit has spent operating a motor vehicle in a
22 driver training program taught by a driver training instructor
23 holding a valid driver education endorsement on a teaching
24 certificate issued by the department of elementary and secondary
25 education or by a qualified instructor of a private drivers'
26 education program. If the applicant for a permit is enrolled in

2 a federal residential job training program, the instructor, as
3 defined in subsection 5 of this section, is authorized to sign
4 the application stating that the applicant will receive the
5 behind-the-wheel driving instruction required by this section.

6 2. In the event the parent, grandparent or guardian of the
7 person under sixteen years of age has a physical disability which
8 prohibits or disqualifies said parent, grandparent or guardian
9 from being a qualified licensed operator pursuant to this
10 section, said parent, grandparent or guardian may designate a
11 maximum of two individuals authorized to accompany the applicant
12 for the purpose of giving instruction in driving the motor
13 vehicle. An authorized designee must be a licensed operator for
14 the type of motor vehicle being operated and have attained
15 twenty-one years of age. At least one of the designees must
16 occupy the seat beside the applicant while giving instruction in
17 driving the motor vehicle. The name of the authorized designees
18 must be provided to the department of revenue by the parent,
19 grandparent or guardian at the time of application for the
20 temporary instruction permit. The name of each authorized
21 designee shall be printed on the temporary instruction permit,
22 however, the director may delay the time at which permits are
23 printed bearing such names until the inventories of blank permits
24 and related forms existing on August 28, 1998, are exhausted.

25 3. The director, upon proper application on a form
26 prescribed by the director, in his or her discretion, may issue a

2 restricted instruction permit effective for a school year or more
3 restricted period to an applicant who is enrolled in a high
4 school driver training program taught by a driver training
5 instructor holding a valid driver education endorsement on a
6 teaching certificate issued by the state department of elementary
7 and secondary education even though the applicant has not reached
8 the age of sixteen years but has passed the age of fifteen years.
9 Such instruction permit shall entitle the applicant, when the
10 applicant has such permit in his or her immediate possession, to
11 operate a motor vehicle on the highways, but only when a driver
12 training instructor holding a valid driver education endorsement
13 on a teaching certificate issued by the state department of
14 elementary and secondary education is occupying a seat beside the
15 driver.

16 4. The director, in his or her discretion, may issue a
17 temporary driver's permit to an applicant who is otherwise
18 qualified for a license permitting the applicant to operate a
19 motor vehicle while the director is completing the director's
20 investigation and determination of all facts relative to such
21 applicant's rights to receive a license. Such permit must be in
22 the applicant's immediate possession while operating a motor
23 vehicle, and it shall be invalid when the applicant's license has
24 been issued or for good cause has been refused.

25 5. In the event that the applicant for a temporary
26 instruction permit described in subsection 1 of this section is a

2 participant in a federal residential job training program, the
3 permittee may operate a motor vehicle accompanied by a driver
4 training instructor who holds a valid driver education
5 endorsement issued by the department of elementary and secondary
6 education and a valid driver's license.

7 6. A person at least fifteen years of age may operate a
8 motor vehicle as part of a driver training program taught by a
9 driver training instructor holding a valid driver education
10 endorsement on a teaching certificate issued by the department of
11 elementary and secondary education or a qualified instructor of a
12 private drivers' education program.

13 7. Beginning January 1, 2003, the director shall issue with
14 every temporary instruction permit issued pursuant to subsection
15 1 of this section a sticker or sign bearing the words "PERMIT
16 DRIVER". The design and size of such sticker or sign shall be
17 determined by the director by regulation. Every applicant issued
18 a temporary instruction permit and sticker on or after January 1,
19 2003, may display or affix the sticker or sign on the rear window
20 of the motor vehicle. Such sticker or sign may be displayed on
21 the rear window of the motor vehicle whenever the holder of the
22 instruction permit operates a motor vehicle during his or her
23 temporary permit licensure period.

24 8. Beginning July 1, 2005, the director shall verify that
25 an applicant for an instruction permit issued under this section
26 is lawfully present in the United States before accepting the

2 application. The director shall not issue an instruction permit
3 for a period that exceeds an applicant's lawful presence in the
4 United States. The director may establish procedures to verify
5 the lawful presence of the applicant and establish the duration
6 of any permit issued under this section.

7 9. The director may adopt rules and regulations necessary
8 to carry out the provisions of this section.

9 302.171. 1. Beginning July 1, 2005, the director shall
10 verify that an applicant for a driver's license is lawfully
11 present in the United States before accepting the application.
12 The director shall not issue a driver's license for a period that
13 exceeds an applicant's lawful presence in the United States. The
14 director may establish procedures to verify the lawful presence
15 of the applicant and establish the duration of any driver's
16 license issued under this section. An application for a license
17 shall be made upon an approved form furnished by the director.
18 Every application shall state the full name, Social Security
19 number, age, height, weight, color of eyes, sex, residence,
20 mailing address of the applicant, and the classification for
21 which the applicant has been licensed, and, if so, when and by
22 what state, and whether or not such license has ever been
23 suspended, revoked, or disqualified, and, if revoked, suspended
24 or disqualified, the date and reason for such suspension,
25 revocation or disqualification and whether the applicant is
26 making a one dollar donation to promote an organ donation program

2 as prescribed in subsection 2 of this section. A driver's
3 license, nondriver's license, or instruction permit issued under
4 this chapter shall contain the applicant's legal name as it
5 appears on a birth certificate or as legally changed through
6 marriage or court order. No name change by common usage based on
7 common law shall be permitted. The application shall also
8 contain such information as the director may require to enable
9 the director to determine the applicant's qualification for
10 driving a motor vehicle; and shall state whether or not the
11 applicant has been convicted in this or any other state for
12 violating the laws of this or any other state or any ordinance of
13 any municipality, relating to driving without a license, careless
14 driving, or driving while intoxicated, or failing to stop after
15 an accident and disclosing the applicant's identity, or driving a
16 motor vehicle without the owner's consent. The application shall
17 contain a certification by the applicant as to the truth of the
18 facts stated therein. Every person who applies for a license to
19 operate a motor vehicle who is less than twenty-one years of age
20 shall be provided with educational materials relating to the
21 hazards of driving while intoxicated, including information on
22 penalties imposed by law for violation of the
23 intoxication-related offenses of the state. Beginning January 1,
24 2001, if the applicant is less than eighteen years of age, the
25 applicant must comply with all requirements for the issuance of
26 an intermediate driver's license pursuant to section 302.178.

2 2. An applicant for a license may make a donation of one
3 dollar to promote an organ donor program. The director of
4 revenue shall collect the donations and deposit all such
5 donations in the state treasury to the credit of the organ donor
6 program fund established in sections 194.297 to 194.304, RSMo.
7 Moneys in the organ donor program fund shall be used solely for
8 the purposes established in sections 194.297 to 194.304, RSMo,
9 except that the department of revenue shall retain no more than
10 one percent for its administrative costs. The donation
11 prescribed in this subsection is voluntary and may be refused by
12 the applicant for the license at the time of issuance or renewal
13 of the license. The director shall make available an
14 informational booklet or other informational sources on the
15 importance of organ donations to applicants for licensure as
16 designed by the organ donation advisory committee established in
17 sections 194.297 to 194.304, RSMo. The director shall inquire of
18 each applicant at the time the licensee presents the completed
19 application to the director whether the applicant is interested
20 in making the one dollar donation prescribed in this subsection
21 and whether the applicant is interested in inclusion in the organ
22 donor registry and shall also specifically inform the licensee of
23 the ability to consent to organ donation by completing the form
24 on the reverse of the license that the applicant will receive in
25 the manner prescribed by subsection 6 of section 194.240, RSMo.
26 The director shall notify the department of health and senior

2 services of information obtained from applicants who indicate to
3 the director that they are interested in registry participation,
4 and the department of health and senior services shall enter the
5 complete name, address, date of birth, race, gender and a unique
6 personal identifier in the registry established in subsection 1
7 of section 194.304, RSMo.

8 3. An applicant for a license may make a donation of one
9 dollar to promote a blindness education, screening and treatment
10 program. The director of revenue shall collect the donations and
11 deposit all such donations in the state treasury to the credit of
12 the blindness education, screening and treatment program fund
13 established in section 192.935, RSMo. Moneys in the blindness
14 education, screening and treatment program fund shall be used
15 solely for the purposes established in section 192.935, RSMo,
16 except that the department of revenue shall retain no more than
17 one percent for its administrative costs. The donation
18 prescribed in this subsection is voluntary and may be refused by
19 the applicant for the license at the time of issuance or renewal
20 of the license. The director shall inquire of each applicant at
21 the time the licensee presents the completed application to the
22 director whether the applicant is interested in making the one
23 dollar donation prescribed in this subsection.

24 4. Beginning July 1, 2005, the director shall deny the
25 driving privilege of any person who commits fraud or deception
26 during the examination process or who makes application for an

2 instruction permit, driver's license, or nondriver's license
3 which contains or is substantiated with false or fraudulent
4 information or documentation, or who knowingly conceals a
5 material fact or otherwise commits a fraud in any such
6 application. The period of denial shall be one year from the
7 effective date of the denial notice sent by the director. The
8 denial shall become effective ten days after the date the denial
9 notice is mailed to the person. The notice shall be mailed to
10 the person at the last known address shown on the person's
11 driving record. The notice shall be deemed received three days
12 after mailing unless returned by the postal authorities. No such
13 individual shall reapply for a driver's examination, instruction
14 permit, driver's license, or nondriver's license until the period
15 of denial is completed. No individual who is denied the driving
16 privilege under this section shall be eligible for a limited
17 driving privilege issued under section 302.309.

18 5. All appeals of denials under this section shall be made
19 as required by section 302.311.

20 6. The period of limitation for criminal prosecution under
21 this section shall be extended under subdivision (1) of
22 subsection 3 of section 556.036, RSMo.

23 7. The director may promulgate rules and regulations
24 necessary to administer and enforce this section. No rule or
25 portion of a rule promulgated pursuant to the authority of this
26 section shall become effective unless it has been promulgated

2 pursuant to chapter 536, RSMo.

3 302.173. 1. Any applicant for a license, who does not
4 possess a valid license issued pursuant to the laws of this
5 state, another state, or a country which has a reciprocal
6 agreement with the state of Missouri regarding the exchange of
7 licenses pursuant to section 302.172 shall be examined as herein
8 provided. Any person who has failed to renew such person's
9 license on or before the date of its expiration or within six
10 months thereafter must take the complete examination. Any active
11 member of the armed forces, their adult dependents or any active
12 member of the peace corps may apply for a renewal license without
13 examination of any kind, unless otherwise required by sections
14 302.700 to 302.780, provided the renewal application shows that
15 the previous license had not been suspended or revoked. Any
16 person honorably discharged from the armed forces of the United
17 States who held a valid license prior to being inducted may apply
18 for a renewal license within sixty days after such person's
19 honorable discharge without submitting to any examination of such
20 person's ability to safely operate a motor vehicle over the
21 highways of this state unless otherwise required by sections
22 302.700 to 302.780, other than the vision test provided in
23 section 302.175, unless the facts set out in the renewal
24 application or record of convictions on the expiring license, or
25 the records of the director show that there is good cause to
26 authorize the director to require the applicant to submit to the

2 complete examination. No applicant for a renewal license shall
3 be required to submit to any examination of his or her ability to
4 safely operate a motor vehicle over the highways of this state
5 unless otherwise required by sections 302.700 to 302.780 or
6 regulations promulgated thereunder, other than a test of the
7 applicant's ability to understand highway signs regulating,
8 warning or directing traffic and the vision test provided in
9 section 302.175, unless the facts set out in the renewal
10 application or record of convictions on the expiring license, or
11 the records of the director show that there is good cause to
12 authorize the director to require the applicant to submit to the
13 complete examination. The examination shall be made available in
14 each county. Reasonable notice of the time and place of the
15 examination shall be given the applicant by the person or officer
16 designated to conduct it. The complete examination shall include
17 a test of the applicant's natural or corrected vision as
18 prescribed in section 302.175, the applicant's ability to
19 understand highway signs regulating, warning or directing
20 traffic, the applicant's practical knowledge of the traffic laws
21 of this state, and an actual demonstration of ability to exercise
22 due care in the operation of a motor vehicle of the
23 classification for which the license is sought. When an
24 applicant for a license has a license from a state which has
25 requirements for issuance of a license comparable to the Missouri
26 requirements or a license from a country which has a reciprocal

2 agreement with the state of Missouri regarding the exchange of
3 licenses pursuant to section 302.172 and such license has not
4 expired more than six months prior to the date of application for
5 the Missouri license, the director may waive the test of the
6 applicant's practical knowledge of the traffic laws of this
7 state, and the requirement of actual demonstration of ability to
8 exercise due care in the operation of a motor vehicle. If the
9 director has reasonable grounds to believe that an applicant is
10 suffering from some known physical or mental ailment which
11 ordinarily would interfere with the applicant's fitness to
12 operate a motor vehicle safely upon the highways, the director
13 may require that the examination include a physical or mental
14 examination by a licensed physician of the applicant's choice, at
15 the applicant's expense, to determine the fact. The director
16 shall prescribe regulations to ensure uniformity in the
17 examinations and in the grading thereof and shall prescribe and
18 furnish all forms to the members of the highway patrol and to
19 other persons authorized to conduct examinations as may be
20 necessary to enable the officer or person to properly conduct the
21 examination. The records of the examination shall be forwarded
22 to the director who shall not issue any license hereunder if in
23 the director's opinion the applicant is not qualified to operate
24 a motor vehicle safely upon the highways of this state.

25 2. Beginning July 1, 2005, when the examiner has reasonable
26 grounds to believe that an individual has committed fraud or

2 deception during the examination process, the license examiner
3 shall immediately forward to the director all information
4 relevant to any fraud or deception, including but not limited to,
5 a statement of the examiner's grounds for belief that the person
6 committed or attempted to commit fraud or deception in the
7 written, skills, or vision examination.

8 3. The director of revenue shall delegate the power to
9 conduct the examinations required for a license or permit to any
10 member of the highway patrol or any person employed by the
11 highway patrol. The powers delegated to any examiner may be
12 revoked at any time by the director of revenue upon notice.

13 [3.] 4. Notwithstanding the requirements of subsections 1
14 and [2] 3 of this section, the successful completion of a
15 motorcycle rider training course approved pursuant to sections
16 302.133 to [302.138] 302.137 shall constitute an actual
17 demonstration of the person's ability to exercise due care in the
18 operation of a motorcycle or motortricycle, and no further
19 driving test shall be required to obtain a motorcycle or
20 motortricycle license or endorsement.

21 302.177. 1. To all applicants for a license or renewal to
22 transport persons or property classified in section 302.015 who
23 are at least twenty-one years of age and under the age of
24 seventy, and who submit a satisfactory application and meet the
25 requirements set forth in sections 302.010 to 302.605, the
26 director shall issue or renew a license upon the payment of a fee

2 of thirty dollars; except that, no license shall be issued if an
3 applicant's license is currently suspended, taken up, canceled,
4 revoked, or deposited in lieu of bail.

5 2. To all applicants for a license or renewal who are
6 between twenty-one and sixty-nine years of age, and who submit a
7 satisfactory application and meet the requirements set forth in
8 sections 302.010 to 302.605, the director shall issue or renew a
9 license upon the payment of a fee of fifteen dollars; except
10 that, no license shall be issued if an applicant's license is
11 currently suspended, taken up, canceled, revoked, or deposited in
12 lieu of bail.

13 3. All licenses issued pursuant to subsections 1 and 2 of
14 this section shall expire on the applicant's birthday in the
15 sixth year after issuance and must be renewed on or before the
16 date of expiration, which date shall be shown on the license.
17 The director shall have the authority to stagger the expiration
18 date of driver's licenses and nondriver's licenses being issued
19 or renewed over a six-year period.

20 4. To all applicants for a license or renewal to transport
21 persons or property classified in section 302.015 who are between
22 eighteen and twenty-one years of age or greater than sixty-nine
23 years of age, or, beginning September 30, 2005, to an applicant
24 for such license containing a school bus endorsement issued
25 pursuant to section 302.272, and who submit a satisfactory
26 application and meet the requirements set forth in sections

2 302.010 to 302.605, the director shall issue or renew a license
3 upon the payment of a fee of fifteen dollars.

4 5. To all other applicants for a license or renewal less
5 than twenty-one years of age or greater than sixty-nine years of
6 age who submit a satisfactory application and meet the
7 requirements set forth in sections 302.010 to 302.605, the
8 director shall issue or renew a license upon the payment of a fee
9 of seven dollars and fifty cents. All licenses issued pursuant
10 to this subsection and subsection 4 of this section or, beginning
11 September 30, 2005, to an applicant for a license to transport
12 persons or property which contains a school bus endorsement
13 issued pursuant to section 302.272, shall expire on the
14 applicant's birthday in the third year after issuance.

15 6. Beginning July 1, 2005, the director shall not issue a
16 driver's license for a period that exceeds an applicant's lawful
17 presence in the United States. The director may establish
18 procedures to verify the lawful presence of the applicant and
19 establish the duration of any driver's license issued under this
20 section.

21 7. The director of revenue may adopt any rules and
22 regulations necessary to carry out the provisions of this
23 section. No rule or portion of a rule promulgated pursuant to
24 the authority of this section shall become effective unless it
25 has been promulgated pursuant to the provisions of chapter 536,
26 RSMo.

2 302.181. 1. The license issued pursuant to the provisions
3 of sections 302.010 to 302.340 shall be in such form as the
4 director shall prescribe, but the license shall be a card made of
5 plastic or other comparable material. All licenses shall be
6 manufactured of materials and processes that will prohibit, as
7 nearly as possible, the ability to reproduce, alter, counterfeit,
8 forge, or duplicate any license without ready detection. All
9 licenses shall bear the licensee's Social Security number, if the
10 licensee has one, and if not, a notarized affidavit must be
11 signed by the licensee stating that the licensee does not possess
12 a Social Security number, or, if applicable, a certified
13 statement must be submitted as provided in subsection 4 of this
14 section. The license shall also bear the expiration date of the
15 license, the classification of the license, the name, date of
16 birth, residence address including the county of residence or a
17 code number corresponding to such county established by the
18 department, and brief description and colored photograph or
19 digitized image of the licensee, and a facsimile of the signature
20 of the licensee. The director shall provide by administrative
21 rule the procedure and format for a licensee to indicate on the
22 back of the license together with the designation for an
23 anatomical gift as provided in section 194.240, RSMo, the name
24 and address of the person designated pursuant to sections 404.800
25 to 404.865, RSMo, as the licensee's attorney in fact for the
26 purposes of a durable power of attorney for health care

2 decisions. No license shall be valid until it has been so signed
3 by the licensee. If any portion of the license is prepared by a
4 private firm, any contract with such firm shall be made in
5 accordance with the competitive purchasing procedures as
6 established by the state director of the division of purchasing.
7 For all licenses issued or renewed after March 1, 1992, the
8 applicant's Social Security number shall serve as the applicant's
9 license number. Where the licensee has no Social Security
10 number, or where the licensee is issued a license without a
11 Social Security number in accordance with subsection 4 of this
12 section, the director shall issue a license number for the
13 licensee and such number shall also include an indicator showing
14 that the number is not a Social Security number.

15 2. All film involved in the production of photographs for
16 licenses shall become the property of the department of revenue.

17 3. The license issued shall be carried at all times by the
18 holder thereof while driving a motor vehicle, and shall be
19 displayed upon demand of any officer of the highway patrol, or
20 any police officer or peace officer, or any other duly authorized
21 person, for inspection when demand is made therefor. Failure of
22 any operator of a motor vehicle to exhibit his or her license to
23 any duly authorized officer shall be presumptive evidence that
24 such person is not a duly licensed operator.

25 4. The director of revenue shall issue a commercial or
26 noncommercial driver's license without a Social Security number

2 to an applicant therefor, who is otherwise qualified to be
3 licensed, upon presentation to the director of a certified
4 statement that the applicant objects to the display of the Social
5 Security number on the license. The director shall assign an
6 identification number, that is not based on a Social Security
7 number, to the applicant which shall be displayed on the license
8 in lieu of the Social Security number.

9 5. The director of revenue shall not issue a license
10 without [the] a facial photograph [to an applicant therefor, who
11 is otherwise qualified to be licensed, upon presentation to the
12 director of a statement on forms prescribed and made available by
13 the department of revenue which states that the applicant is a
14 member of a specified religious denomination which prohibits
15 photographs of members as being contrary to its religious tenets.
16 The license shall state thereon that no photograph is required
17 because of the religious affiliation of the licensee. The
18 director of revenue shall establish guidelines and furnish to
19 each circuit court such forms as the director deems necessary to
20 comply with this subsection. The circuit court shall not charge
21 or receive any fee or court cost for the performance of any duty
22 or act pursuant to this subsection] or digital image of the
23 license applicant, except as provided pursuant to subsection 8 of
24 this section. A photograph or digital image of the applicant's
25 full facial features shall be taken in a manner prescribed by the
26 director. No photograph or digital image will be taken wearing

2 anything which cloaks the facial features of the individual.

3 6. The department of revenue may issue a temporary license
4 or a full license without the photograph or with the last
5 photograph or digital image in the department's records to
6 [out-of-state applicants and] members of the armed forces, except
7 that where such temporary license is issued it shall be valid
8 only until the applicant shall have had time to appear and have
9 his or her picture taken and a license with his or her photograph
10 issued.

11 7. The department of revenue shall issue upon request a
12 nondriver's license card containing essentially the same
13 information and photograph or digital image, except as provided
14 pursuant to subsection 8 of this section, as the driver's license
15 upon payment of six dollars [if the applicant is under the age of
16 sixty-five. An applicant who is sixty-five years of age or older
17 may purchase a nondriver's license card without a photograph for
18 one dollar or a nondriver's license card with a photograph for
19 six dollars]. All nondriver's licenses shall expire on the
20 applicant's birthday in the sixth year after issuance. A person
21 who has passed his or her seventieth birthday shall upon
22 application be issued a nonexpiring nondriver's license card.
23 The nondriver's license card shall be used for identification
24 purposes only and shall not be valid as a license.

25 8. If otherwise eligible, an applicant may receive a
26 driver's license or nondriver's license without a photograph or

2 digital image of the applicant's full facial features except that
3 such applicant's photograph or digital image shall be taken and
4 maintained by the director and not printed on such license. In
5 order to qualify for a license without a photograph or digital
6 image pursuant to this section the applicant must:

7 (1) Present a form provided by the department of revenue
8 requesting the applicant's photograph be omitted from the license
9 or nondriver's license due to religious affiliations. The form
10 shall be signed by the applicant and another member of the
11 religious tenant verifying the photograph or digital image
12 exemption on the license or nondriver's license is required as
13 part of their religious affiliation. The required signatures on
14 the prescribed form shall be properly notarized.

15 (2) Provide satisfactory proof to the director that the
16 applicant has been a U.S. citizen for at least five years and a
17 resident of this state for at least one year, except that an
18 applicant moving to this state possessing a valid drivers license
19 from another state without a photograph, shall be exempt from the
20 one year state residency requirement. The director may establish
21 rules necessary to determine satisfactory proof of citizenship
22 and residency pursuant to this section.

23 (3) Applications for a driver's license or nondriver's
24 license without a photograph or digital image must be made in
25 person at a license office determined by the director. The
26 director is authorized to limit the number of offices that may

2 issue a driver's or nondriver's license without a photograph or
3 digital image pursuant to this section.

4 9. The department of revenue shall make available, at one
5 or more locations within the state, an opportunity for
6 individuals to have their full facial photograph taken by an
7 employee of the department of revenue, or their designee, who is
8 of the same sex as the individual being photographed, in a
9 segregated location.

10 [8.] 10. Beginning July 1, 2005, the director shall not
11 issue a driver's license or a nondriver's license for a period
12 that exceeds an applicant's lawful presence in the United States.
13 The director may, by rule or regulation, establish procedures to
14 verify the lawful presence of the applicant and establish the
15 duration of any driver's license or nondriver's license issued
16 under this section.

17 11. No rule or portion of a rule promulgated pursuant to
18 the authority of this chapter shall become effective unless it is
19 promulgated pursuant to the provisions of chapter 536, RSMo.

20 302.225. 1. Every court having jurisdiction over offenses
21 committed under sections 302.010 to 302.780, or any other law of
22 this state, or county or municipal ordinance, regulating the
23 operation of vehicles on highways or any other offense in which
24 the commission of such offense involves the use of a motor
25 vehicle, including felony convictions, shall, within [ten] seven
26 days thereafter, forward to the [Missouri state highway patrol,

2 or at the written direction of the Missouri state highway patrol,
3 to the] department of revenue, in a manner approved by the
4 director of the department of public safety a record of any plea
5 or finding of guilty of any person in the court for a violation
6 of sections 302.010 to 302.780 or for any moving traffic
7 violation under the laws of this state or county or municipal
8 ordinances. The record related to offenses involving alcohol,
9 controlled substances, or drugs shall be entered in the Missouri
10 uniform law enforcement system records. The director of revenue
11 shall enter the conviction information into the appropriate
12 computer systems and transmit the conviction information as
13 required in 49 CFR Part 384, or as amended by the Secretary of
14 the United States Department of Transportation. The record of
15 all convictions involving the assessment of points as provided in
16 section 302.302 and convictions involving a commercial motor
17 vehicle as defined in section 302.700 furnished by a court to the
18 [highway patrol and not to the] department of revenue shall be
19 forwarded by the [highway patrol] department of revenue within
20 fifteen days of receipt to the [director of revenue] Missouri
21 state highway patrol. The record related to offenses involving
22 alcohol, controlled substances, or drugs, or in which the
23 Missouri state highway patrol was the arresting agency shall be
24 entered into the Missouri uniform law enforcement system records.

25 2. Whenever any person is convicted of any offense or
26 series of offenses for which sections 302.010 to 302.340 makes

2 mandatory the suspension or revocation of the license of such
3 person by the director of revenue, the circuit court in which
4 such conviction is had shall require the surrender to it of all
5 licenses, then held by the person so convicted, and the court
6 shall within [ten] seven days thereafter forward the same,
7 together with a record of the conviction, to the director of
8 revenue.

9 3. No municipal judge or municipal official shall have
10 power to revoke any license.

11 302.230. Any person who makes a false unsworn statement or
12 affidavit or knowingly swears or affirms falsely as to any matter
13 or thing required by sections 302.010 to 302.540 shall be deemed
14 guilty of a class A misdemeanor [and punishable only by a fine].
15 No person who pleads guilty or nolo contendere, or is found
16 guilty of making a false statement or affidavit shall be licensed
17 to operate a motor vehicle for a period of one year after such
18 plea, finding or conviction.

19 302.233. 1. Notwithstanding any other provision of law,
20 any person who commits or assists another individual in
21 committing fraud or deception during any examination process
22 required by sections 302.010 to 302.782, or who knowingly
23 conceals a material fact or provides information which contains
24 or is substantiated with false or fraudulent information or
25 documentation, or otherwise commits a fraud in an application for
26 an instruction permit, driver's license, nondriver's license, or

2 commercial driver's license or permit is guilty of a class A
3 misdemeanor.

4 2. An applicant who pleads guilty or nolo contendere to, or
5 is found guilty of a violation of this section shall not be
6 licensed to operate a motor vehicle or commercial motor vehicle
7 for a period of one year after such plea, finding, or conviction.

8 3. Any person assisting an applicant who pleads guilty or
9 nolo contendere to, or is found guilty of a violation of this
10 section shall have his or her existing motor vehicle or
11 commercial motor vehicle license revoked and lose all driving
12 privileges for a period of one year after such plea, finding, or
13 conviction.

14 302.272. 1. No person shall operate any school bus owned
15 by or under contract with a public school or the state board of
16 education unless such driver has qualified for a school bus
17 [permit] endorsement under this section and complied with the
18 pertinent rules and regulations of the department of revenue and
19 any final rule issued by the secretary of the United States
20 Department of Transportation or has a valid school bus
21 endorsement on a valid commercial driver's license issued by
22 another state. A school bus [permit] endorsement shall be issued
23 to any applicant who meets the following qualifications:

24 (1) The applicant has a valid state license issued under
25 this chapter or has a license valid in any other state;

26 (2) The applicant is at least twenty-one years of age;

2 (3) The applicant has passed a medical examination,
3 including vision and hearing tests, as prescribed by the director
4 of revenue and, if the applicant is at least seventy years of
5 age, the applicant shall pass the medical examination annually to
6 maintain or renew the [permit] endorsement; and

7 (4) The applicant has successfully passed an examination
8 for the operation of a school bus as prescribed by the director
9 of revenue. The examination shall include, but need not be
10 limited to, a written skills examination of applicable laws,
11 rules and procedures, including any examinations prescribed by
12 the secretary of the United States Department of Transportation,
13 and a driving test in the type of vehicle to be operated. The
14 test shall be completed in the appropriate class of vehicle to be
15 driven. For purposes of this section classes of school buses
16 shall comply with the Commercial Motor Vehicle Safety Act of 1986
17 (Title XII of Pub. Law 99-570).

18 2. Except as otherwise provided in this section, a school
19 bus [permit] endorsement shall be renewed every three years and
20 shall require the applicant to provide a medical examination as
21 specified in subdivision (3) of subsection 1 of this section and
22 to successfully pass a written skills examination as prescribed
23 by the director of revenue in consultation with the department of
24 elementary and secondary education. If the applicant is at least
25 seventy years of age, the school bus [permit] endorsement shall
26 be renewed annually, and the applicant shall successfully pass

2 the examination prescribed in subdivision (4) of subsection 1 of
3 this section prior to receiving the renewed [permit] endorsement.
4 The director may waive the written skills examination on renewal
5 of a school bus [permit] endorsement upon verification of the
6 applicant's successful completion within the preceding twelve
7 months of a training program which has been approved by the
8 director in consultation with the department of elementary and
9 secondary education and which is at least eight hours in duration
10 with special instruction in school bus driving.

11 3. The fee for a new or renewed school bus [permit]
12 endorsement shall be three dollars.

13 4. Upon the applicant's completion of the requirements of
14 subsections 1, 2 and 3 of this section, the director of revenue
15 [shall] may issue a temporary school bus permit to the applicant
16 until such time as a [permanent] school bus [permit] endorsement
17 shall be issued following the record clearance as provided in
18 subsection 6 of this section.

19 5. The director of revenue, to the best of the director's
20 knowledge, shall not issue or renew a school bus [permit]
21 endorsement to any applicant:

22 (1) Whose driving record shows that such applicant's
23 privilege to operate a motor vehicle has been suspended, revoked
24 or disqualified or whose driving record shows a history of moving
25 vehicle violations;

26 (2) Who has pled guilty to or been found guilty of any

2 felony or misdemeanor for violation of drug regulations as
3 defined in chapter 195, RSMo; of any felony for an offense
4 against the person as defined by chapter 565, RSMo, or any other
5 offense against the person involving the endangerment of a child
6 as prescribed by law; of any misdemeanor or felony for a sexual
7 offense as defined by chapter 566, RSMo; of any misdemeanor or
8 felony for prostitution as defined by chapter 567, RSMo; of any
9 misdemeanor or felony for an offense against the family as
10 defined in chapter 568, RSMo; of any felony or misdemeanor for a
11 weapons offense as defined by chapter 571, RSMo; of any
12 misdemeanor or felony for pornography or related offense as
13 defined by chapter 573, RSMo; or of any similar crime in any
14 federal, state, municipal or other court of similar jurisdiction
15 of which the director has knowledge;

16 (3) Who has pled guilty to or been found guilty of any
17 felony involving robbery, arson, burglary or a related offense as
18 defined by chapter 569, RSMo; or any similar crime in any
19 federal, state, municipal or other court of similar jurisdiction
20 within the preceding ten years of which the director has
21 knowledge.

22 6. The [department of social services or the] Missouri
23 highway patrol[, whichever has access to applicable records,]
24 shall provide a record of clearance or denial of clearance for
25 any applicant for a school bus [permit] endorsement for the
26 convictions specified in subdivisions (2) and (3) of subsection 5

2 of this section. The Missouri highway patrol in providing the
3 record of clearance or denial of clearance for any such applicant
4 is authorized to obtain from the Federal Bureau of Investigation
5 any information which might aid the Missouri highway patrol in
6 providing such record of clearance or denial of clearance. The
7 [department of social services or the] Missouri highway patrol
8 shall provide the record of clearance or denial of clearance
9 within thirty days of the date requested, relying on information
10 available at that time, except that the [department of social
11 services or the] Missouri highway patrol shall provide any
12 information subsequently discovered to the department of revenue.

13 7. For purposes of obtaining the record of clearance or
14 denial for convictions specified in subdivisions (2) and (3) of
15 subsection 5 of this section, the applicant for a school bus
16 endorsement shall submit two sets of fingerprints. One set of
17 fingerprints shall be used by the highway patrol in order to
18 search the criminal history repository and the second set shall
19 be forwarded to the Federal Bureau of Investigation for searching
20 the federal criminal history files.

21 8. The applicant shall pay the fee for the state criminal
22 history information pursuant to section 43.530, RSMo, and pay the
23 appropriate fee determined by the Federal Bureau of Investigation
24 for the federal criminal history record when he or she applies
25 for the school bus endorsement pursuant to this section. The
26 director shall distribute the fees collected for the state and

2 federal criminal histories to the highway patrol.

3 9. The director may adopt any rules and regulations
4 necessary to carry out the provisions of this section. Any rule
5 or portion of a rule, as that term is defined in section 536.010,
6 RSMo, that is created under the authority delegated in this
7 section shall become effective only if it complies with and is
8 subject to all of the provisions of chapter 536, RSMo, and, if
9 applicable, section 536.028, RSMo. This section and chapter 536,
10 RSMo, are nonseverable and if any of the powers vested with the
11 general assembly pursuant to chapter 536, RSMo, to review, to
12 delay the effective date, or to disapprove and annul a rule are
13 subsequently held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after August 28, 2004,
15 shall be invalid and void.

16 10. Except as otherwise provided in this section, an
17 applicant who possesses a valid driver's license from another
18 state with a valid school bus endorsement and who is otherwise
19 qualified to receive a school bus endorsement in this state,
20 shall be issued a school bus permit. The requirements to obtain
21 and retain such permit shall be identical to those requirements
22 for a school bus endorsement issued pursuant to this section.

23 302.273. 1. Notwithstanding any provisions of section
24 302.272, any individual who operates a school bus as that term is
25 defined in 49 CFR Part 383, section 383.5, shall meet the
26 requirements for and be issued a school bus endorsement as

2 required by the secretary pursuant to 49 CFR, part 383, section
3 383.123.

4 2. The director is authorized to promulgate any rules and
5 regulations necessary to carry out the provisions of this
6 section. Any rule or portion of a rule, as that term is defined
7 in section 536.010, RSMo, that is created under the authority
8 delegated in this section shall become effective only if it
9 complies with and is subject to all of the provisions of chapter
10 536, RSMo, and, if applicable, section 536.028, RSMo. This
11 section and chapter 536, RSMo, are nonseverable and if any of the
12 powers vested with the general assembly pursuant to chapter 536,
13 RSMo, to review, to delay the effective date, or to disapprove
14 and annul a rule are subsequently held unconstitutional, then the
15 grant of rulemaking authority and any rule proposed or adopted
16 after August 28, 2004, shall be invalid and void.

17 302.302. 1. The director of revenue shall put into effect
18 a point system for the suspension and revocation of licenses.
19 Points shall be assessed only after a conviction or forfeiture of
20 collateral. The initial point value is as follows:

21 (1) Any moving violation of a state law or
22 county or municipal or federal traffic ordinance or
23 regulation not listed in this section, other than a
24 violation of vehicle equipment provisions or a
25 court-ordered supervision as provided in
26 section 302.303 2 points

2	(except any violation of municipal stop sign	
3	ordinance where no accident is involved	1 point)
4	(2) Speeding	
5	In violation of a state law	3 points
6	In violation of a county or municipal ordinance	2 points
7	(3) Leaving the scene of an accident in	
8	violation of section 577.060, RSMo	12 points
9	In violation of any county or municipal	
10	ordinance	6 points
11	(4) Careless and imprudent driving in	
12	violation of subsection 4 of section 304.016, RSMo	4 points
13	In violation of a county or municipal ordinance	2 points
14	(5) Operating without a valid license in	
15	violation of subdivision (1) or (2) of subsection 1	
16	of section 302.020:	
17	(a) For the first conviction	2 points
18	(b) For the second conviction	4 points
19	(c) For the third conviction	6 points
20	(6) Operating with a suspended or	
21	revoked license prior to restoration of operating	
22	privileges	12 points
23	(7) Obtaining a license by misrepresentation	12 points
24	(8) For the first conviction of driving	
25	while in an intoxicated condition or under the	
26	influence of controlled substances or drugs	8 points

2 (9) For the second or subsequent
3 conviction of any of the following offenses however
4 combined: driving while in an intoxicated condition,
5 driving under the influence of controlled substances
6 or drugs or driving with a blood alcohol content
7 of eight-hundredths of one percent or more by weight . 12 points

8 (10) For the first conviction for driving
9 with blood alcohol content eight-hundredths of
10 one percent or more by weight
11 In violation of state law 8 points
12 In violation of a county or municipal ordinance
13 or federal law or regulation 8 points

14 (11) Any felony involving the use of a motor
15 vehicle 12 points

16 (12) Knowingly permitting unlicensed operator
17 to operate a motor vehicle 4 points

18 (13) For a conviction for failure to maintain
19 financial responsibility pursuant to county or municipal
20 ordinance or pursuant to section 303.025, RSMo 4 points

21 2. The director shall, as provided in subdivision (5) of
22 subsection 1 of this section, assess an operator points for a
23 conviction pursuant to subdivision (1) or (2) of subsection 1 of
24 section 302.020, when the director issues such operator a license
25 or permit pursuant to the provisions of sections 302.010 to
26 302.340.

2 3. An additional two points shall be assessed when personal
3 injury or property damage results from any violation listed in
4 subsection 1 of this section and if found to be warranted and
5 certified by the reporting court.

6 4. When any of the acts listed in subdivision (2), (3), (4)
7 or (8) of subsection 1 of this section constitutes both a
8 violation of a state law and a violation of a county or municipal
9 ordinance, points may be assessed for either violation but not
10 for both. Notwithstanding that an offense arising out of the
11 same occurrence could be construed to be a violation of
12 subdivisions (8), (9) and (10) of subsection 1 of this section,
13 no person shall be tried or convicted for more than one offense
14 pursuant to subdivisions (8), (9) and (10) of subsection 1 of
15 this section for offenses arising out of the same occurrence.

16 5. The director of revenue shall put into effect a system
17 for staying the assessment of points against an operator. The
18 system shall provide that the satisfactory completion of a
19 driver-improvement program or, in the case of violations
20 committed while operating a motorcycle, a motorcycle-rider
21 training course approved by the director of the department of
22 public safety, by an operator, when so ordered and verified by
23 any court having jurisdiction over any law of this state or
24 county or municipal ordinance, regulating motor vehicles, other
25 than a violation committed in a commercial motor vehicle as
26 defined in section 302.700 or a violation committed by an

2 individual who has been issued a commercial driver's license or
3 is required to obtain a commercial driver's license in this state
4 or any other state, shall be accepted by the director in lieu of
5 the assessment of points for a violation pursuant to subdivision
6 (1), (2) or (4) of subsection 1 of this section or pursuant to
7 subsection 3 of this section. For the purposes of this
8 subsection, the driver-improvement program shall meet or exceed
9 the standards of the National Safety Council's eight-hour
10 "Defensive Driving Course" or, in the case of a violation which
11 occurred during the operation of a motorcycle, the program shall
12 meet the standards established by the director of the department
13 of public safety pursuant to sections 302.133 to 302.138. The
14 completion of a driver-improvement program or a motorcycle-rider
15 training course shall not be accepted in lieu of points more than
16 one time in any thirty-six-month period and shall be completed
17 within sixty days of the date of conviction in order to be
18 accepted in lieu of the assessment of points. Every court having
19 jurisdiction pursuant to the provisions of this subsection shall,
20 within fifteen days after completion of the driver-improvement
21 program or motorcycle-rider training course by an operator,
22 forward a record of the completion to the director, all other
23 provisions of the law to the contrary notwithstanding. The
24 director shall establish procedures for record keeping and the
25 administration of this subsection.

26 302.309. 1. Whenever any license is suspended pursuant to

2 sections 302.302 to 302.309, the director of revenue shall return
3 the license to the operator immediately upon the termination of
4 the period of suspension and upon compliance with the
5 requirements of chapter 303, RSMo.

6 2. Any operator whose license is revoked pursuant to these
7 sections, upon the termination of the period of revocation, shall
8 apply for a new license in the manner prescribed by law.

9 3. (1) All circuit courts or the director of revenue shall
10 have jurisdiction to hear applications and make eligibility
11 determinations granting limited driving privileges. Any
12 application may be made in writing to the director of revenue and
13 the person's reasons for requesting the limited driving privilege
14 shall be made therein.

15 (2) When any court of record having jurisdiction or the
16 director of revenue finds that an operator is required to operate
17 a motor vehicle in connection with any of the following:

- 18 (a) A business, occupation, or employment;
 - 19 (b) Seeking medical treatment for such operator;
 - 20 (c) Attending school or other institution of higher
21 education;
 - 22 (d) Attending alcohol or drug treatment programs; or
 - 23 (e) Any other circumstance the court or director finds
24 would create an undue hardship on the operator;
- 25 the court or director may grant such limited driving privilege as
26 the circumstances of the case justify if the court or director

2 finds undue hardship would result to the individual, and while so
3 operating a motor vehicle within the restrictions and limitations
4 of the limited driving privilege the driver shall not be guilty
5 of operating a motor vehicle without a valid license.

6 (3) An operator may make application to the proper court in
7 the county in which such operator resides or in the county in
8 which is located the operator's principal place of business or
9 employment. Any application for a limited driving privilege made
10 to a circuit court shall name the director as a party defendant
11 and shall be served upon the director prior to the grant of any
12 limited privilege, and shall be accompanied by a copy of the
13 applicant's driving record as certified by the director. Any
14 applicant for a limited driving privilege shall have on file with
15 the department of revenue proof of financial responsibility as
16 required by chapter 303, RSMo. Any application by a person who
17 transports persons or property as classified in section 302.015
18 may be accompanied by proof of financial responsibility as
19 required by chapter 303, RSMo, but if proof of financial
20 responsibility does not accompany the application, or if the
21 applicant does not have on file with the department of revenue
22 proof of financial responsibility, the court or the director has
23 discretion to grant the limited driving privilege to the person
24 solely for the purpose of operating a vehicle whose owner has
25 complied with chapter 303, RSMo, for that vehicle, and the
26 limited driving privilege must state such restriction. When

2 operating such vehicle under such restriction the person shall
3 carry proof that the owner has complied with chapter 303, RSMo,
4 for that vehicle.

5 (4) The court order or the director's grant of the limited
6 driving privilege shall indicate the termination date of the
7 privilege, which shall be not later than the end of the period of
8 suspension or revocation. A copy of any court order shall be
9 sent by the clerk of the court to the director, and a copy shall
10 be given to the driver which shall be carried by the driver
11 whenever such driver operates a motor vehicle. The director of
12 revenue upon granting a limited driving privilege shall give a
13 copy of the limited driving privilege to the applicant. The
14 applicant shall carry a copy of the limited driving privilege
15 while operating a motor vehicle. A conviction which results in
16 the assessment of points pursuant to section 302.302, other than
17 a violation of a municipal stop sign ordinance where no accident
18 is involved, against a driver who is operating a vehicle pursuant
19 to a limited driving privilege terminates the privilege, as of
20 the date the points are assessed to the person's driving record.
21 If the date of arrest is prior to the issuance of the limited
22 driving privilege, the privilege shall not be terminated. The
23 director shall notify by ordinary mail the driver whose privilege
24 is so terminated.

25 (5) Except as provided in subdivision (6) of this
26 subsection, no person is eligible to receive a limited driving

2 privilege who at the time of application for a limited driving
3 privilege has previously been granted such a privilege within the
4 immediately preceding five years, or whose license has been
5 suspended or revoked for the following reasons:

6 (a) A conviction of violating the provisions of section
7 577.010 or 577.012, RSMo, or any similar provision of any federal
8 or state law, or a municipal or county law where the judge in
9 such case was an attorney and the defendant was represented by or
10 waived the right to an attorney in writing, until the person has
11 completed the first thirty days of a suspension or revocation
12 imposed pursuant to this chapter;

13 (b) A conviction of any felony in the commission of which a
14 motor vehicle was used;

15 (c) Ineligibility for a license because of the provisions
16 of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or
17 (11) of section 302.060;

18 (d) Because of operating a motor vehicle under the
19 influence of narcotic drugs, a controlled substance as defined in
20 chapter 195, RSMo, or having left the scene of an accident as
21 provided in section 577.060, RSMo;

22 (e) Due to a revocation for the first time for failure to
23 submit to a chemical test pursuant to section 577.041, RSMo, or
24 due to a refusal to submit to a chemical test in any other state,
25 if such person has not completed the first ninety days of such
26 revocation;

2 (f) Violation more than once of the provisions of section
3 577.041, RSMo, or a similar implied consent law of any other
4 state; or

5 (g) [Disqualification of a commercial driver's license
6 pursuant to sections 302.700 to 302.780, however, nothing in this
7 subsection shall prevent a person holding a commercial driver's
8 license who is suspended or revoked as a result of an action
9 occurring while not driving a commercial motor vehicle or driving
10 for pay, but while driving in an individual capacity as an
11 operator of a personal vehicle from applying for a limited
12 driving privilege to operate a commercial vehicle, if otherwise
13 eligible for such limited privilege; or

14 (h)] Due to a suspension pursuant to subsection 2 of section
15 302.525 and who has not completed the first thirty days of such
16 suspension, provided the person is not otherwise ineligible for a
17 limited driving privilege; or due to a revocation pursuant to
18 subsection 2 of section 302.525 if such person has not completed
19 such revocation.

20 (6) No person who possesses a commercial driver's license
21 shall receive a limited driving privilege issued for the purpose
22 of operating a commercial motor vehicle if such person's driving
23 privilege is suspended, revoked, canceled, denied, or
24 disqualified. Nothing in this section shall prohibit the
25 issuance of a limited driving privilege for the purpose of
26 operating a noncommercial motor vehicle provided that pursuant to

2 the provisions of this section, the applicant is not otherwise
3 ineligible for a limited driving privilege.

4 (7) (a) Provided that pursuant to the provisions of this
5 section, the applicant is not otherwise ineligible for a limited
6 driving privilege, a circuit court or the director may, in the
7 manner prescribed in this subsection, allow a person who has had
8 such person's license to operate a motor vehicle revoked where
9 that person cannot obtain a new license for a period of ten
10 years, as prescribed in subdivision (9) of section 302.060, to
11 apply for a limited driving privilege pursuant to this subsection
12 if such person has served at least three years of such
13 disqualification or revocation. Such person shall present
14 evidence satisfactory to the court or the director that such
15 person has not been convicted of any offense related to alcohol,
16 controlled substances or drugs during the preceding three years
17 and that the person's habits and conduct show that the person no
18 longer poses a threat to the public safety of this state.

19 (b) Provided that pursuant to the provisions of this
20 section, the applicant is not otherwise ineligible for a limited
21 driving privilege or convicted of involuntary manslaughter while
22 operating a motor vehicle in an intoxicated condition, a circuit
23 court or the director may, in the manner prescribed in this
24 subsection, allow a person who has had such person's license to
25 operate a motor vehicle revoked where that person cannot obtain a
26 new license for a period of five years because of two convictions

2 of driving while intoxicated, as prescribed in subdivision (10)
3 of section 302.060, to apply for a limited driving privilege
4 pursuant to this subsection if such person has served at least
5 two years of such disqualification or revocation. Such person
6 shall present evidence satisfactory to the court or the director
7 that such person has not been convicted of any offense related to
8 alcohol, controlled substances or drugs during the preceding two
9 years and that the person's habits and conduct show that the
10 person no longer poses a threat to the public safety of this
11 state. Any person who is denied a license permanently in this
12 state because of an alcohol-related conviction subsequent to a
13 restoration of such person's driving privileges pursuant to
14 subdivision (9) of section 302.060 shall not be eligible for
15 limited driving privilege pursuant to the provisions of this
16 subdivision.

17 4. Any person who has received notice of denial of a
18 request of limited driving privilege by the director of revenue
19 may make a request for a review of the director's determination
20 in the circuit court of the county in which the person resides or
21 the county in which is located the person's principal place of
22 business or employment within thirty days of the date of mailing
23 of the notice of denial. Such review shall be based upon the
24 records of the department of revenue and other competent evidence
25 and shall be limited to a review of whether the applicant was
26 statutorily entitled to the limited driving privilege.

2 5. The director of revenue shall promulgate rules and
3 regulations necessary to carry out the provisions of this
4 section. Any rule or portion of a rule, as that term is defined
5 in section 536.010, RSMo, that is created under the authority
6 delegated in this section shall become effective only if it
7 complies with and is subject to all of the provisions of chapter
8 536, RSMo, and, if applicable, section 536.028, RSMo. This
9 section and chapter 536, RSMo, are nonseverable and if any of the
10 powers vested with the general assembly pursuant to chapter 536,
11 RSMo, to review, to delay the effective date or to disapprove and
12 annul a rule are subsequently held unconstitutional, then the
13 grant of rulemaking authority and any rule proposed or adopted
14 after August 28, 2001, shall be invalid and void.

15 302.345. Notwithstanding any other provision of law, no
16 federal, state, county, municipal, or local court shall defer
17 imposition of judgment, suspend imposition of sentence, or allow
18 an individual who possesses a commercial driver's license or is
19 required to possess a commercial driver's license issued pursuant
20 to chapter 302, RSMo, or the laws of another state, to enter into
21 a diversion program that would prevent a conviction for any
22 violation, in any type of motor vehicle, of a federal, state,
23 county, municipal, or local traffic control law from appearing on
24 the driver's record maintained by the director of revenue.

25 302.347. The director of revenue shall adopt the materials
26 incorporated by reference and record keeping requirements as

2 prescribed in 49 CFR Part 384, or as amended by the secretary.

3 302.700. 1. Sections 302.700 to 302.780 may be cited as
4 the "Uniform Commercial Driver's License Act".

5 2. When used in sections 302.700 to 302.780, the following
6 words and phrases mean:

7 (1) "Alcohol", any substance containing any form of
8 alcohol, including, but not limited to, ethanol, methanol,
9 propanol and isopropanol;

10 (2) "Alcohol concentration", the number of grams of alcohol
11 per one hundred milliliters of blood or the number of grams of
12 alcohol per two hundred ten liters of breath or the number of
13 grams of alcohol per sixty-seven milliliters of urine;

14 (3) "Commercial driver's instruction permit", a permit
15 issued pursuant to section 302.720;

16 (4) "Commercial driver's license", a license issued by this
17 state to an individual which authorizes the individual to operate
18 a commercial motor vehicle;

19 (5) "Commercial driver's license information system", the
20 information system established pursuant to the Commercial Motor
21 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to
22 serve as a clearinghouse for locating information related to the
23 licensing and identification of commercial motor vehicle drivers;

24 (6) "Commercial motor vehicle", a motor vehicle designed or
25 used to transport passengers or property:

26 (a) If the vehicle has a gross combination weight rating of

2 twenty-six thousand one or more pounds inclusive of a towed unit
3 which has a gross vehicle weight rating of ten thousand one
4 pounds or more;

5 (b) If the vehicle has a gross vehicle weight rating of
6 twenty-six thousand one or more pounds or such lesser rating as
7 determined by federal regulation;

8 (c) If the vehicle is designed to transport [more than
9 fifteen] sixteen or more passengers, including the driver; or

10 (d) If the vehicle is transporting hazardous materials and
11 is required to be placarded under the Hazardous Materials
12 Transportation Act (46 U.S.C. 1801 et seq.);

13 (7) "Controlled substance", any substance so classified
14 under Section 102(6) of the Controlled Substances Act (21 U.S.C.
15 802(6)), and includes all substances listed in schedules I
16 through V of 21 CFR part 1308, as they may be revised from time
17 to time;

18 (8) "Conviction", an unvacated adjudication of guilt,
19 including pleas of guilt and nolo contendere, or a determination
20 that a person has violated or failed to comply with the law in a
21 court of original jurisdiction or an authorized administrative
22 proceeding, an unvacated forfeiture of bail or collateral
23 deposited to secure the person's appearance in court, the payment
24 of a fine or court cost, or violation of a condition of release
25 without bail, regardless of whether the penalty is rebated,
26 suspended or prorated;

2 (9) "Director", the director of revenue or his authorized
3 representative;

4 (10) "Disqualification", [a withdrawal of the privilege to
5 drive a commercial motor vehicle;] means any of the following
6 three actions:

7 (a) The suspension, revocation, or cancellation of a
8 commercial driver's license;

9 (b) Any withdrawal of a person's privileges to drive a
10 commercial motor vehicle by a state as the result of a violation
11 of federal, state, county, municipal, or local law relating to
12 motor vehicle traffic control or violations committed through the
13 operation of motor vehicles, other than parking, vehicle weight,
14 or vehicle defect violations;

15 (c) A determination by the Federal Motor Carrier Safety
16 Administration that a person is not qualified to operate a
17 commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

18 (11) "Drive", to drive, operate or be in physical control
19 of a commercial motor vehicle;

20 (12) "Driver", any person who drives, operates, or is in
21 physical control of a [commercial] motor vehicle, or who is
22 required to hold a commercial driver's license;

23 (13) "Driving under the influence of alcohol", the
24 commission of any one or more of the following acts [in a
25 commercial motor vehicle]:

26 (a) Driving a commercial motor vehicle with the alcohol

2 concentration of four one-hundredths of a percent or more as
3 prescribed by the secretary or such other alcohol concentration
4 as may be later determined by the secretary by regulation;

5 (b) Driving a commercial or noncommercial motor vehicle
6 while intoxicated in violation of any federal or state law, or in
7 violation of a county or municipal ordinance;

8 (c) Driving a commercial or noncommercial motor vehicle
9 with excessive blood alcohol content in violation of any federal
10 or state law, or in violation of a county or municipal ordinance;

11 (d) Refusing to submit to a chemical test in violation of
12 section 577.041, RSMo, section 302.750, any federal or state law,
13 or a county or municipal ordinance; or

14 (e) Having any state, county or municipal alcohol-related
15 enforcement contact, as defined in subsection 3 of section
16 302.525; provided that any suspension or revocation pursuant to
17 section 302.505, committed in a noncommercial motor vehicle by an
18 individual twenty-one years of age or older shall have been
19 committed by the person with an alcohol concentration of at least
20 eight-hundredths of one percent or more, or in the case of an
21 individual who is less than twenty-one years of age, shall have
22 been committed by the person with an alcohol concentration of at
23 least two-hundredths of one percent or more, and if committed in
24 a commercial motor vehicle, a concentration of four-hundredths of
25 one percent or more;

26 (14) "Driving under the influence of a controlled

2 substance", the commission of any one or more of the following
3 acts in a commercial or noncommercial motor vehicle:

4 (a) Driving a commercial or noncommercial motor vehicle
5 while under the influence of any substance so classified under
6 Section 102(6) of the Controlled Substances Act (21 U.S.C.
7 802(6)), including any substance listed in schedules I through V
8 of 21 CFR part 1308, as they may be revised from time to time;

9 (b) Driving a commercial or noncommercial motor vehicle
10 while in a drugged condition in violation of any federal or state
11 law or in violation of a county or municipal ordinance; or

12 (c) Refusing to submit to a chemical test in violation of
13 section 577.041, RSMo, section 302.750, any federal or state law,
14 or a county or municipal ordinance;

15 (15) "Employer", any person, including the United States, a
16 state, or a political subdivision of a state, who owns or leases
17 a commercial motor vehicle or assigns a driver to operate such a
18 vehicle;

19 (16) "Farm vehicle", a commercial motor vehicle controlled
20 and operated by a farmer used exclusively for the transportation
21 of agricultural products, farm machinery, farm supplies, or a
22 combination of these, within one hundred fifty miles of the farm,
23 other than one which requires placarding for hazardous materials
24 as defined in this section, or used in the operation of a common
25 or contract motor carrier, except that a farm vehicle shall not
26 be a commercial motor vehicle when the total combined gross

2 weight rating does not exceed twenty-six thousand one pounds when
3 transporting fertilizers as defined in subdivision (20) of this
4 subsection;

5 (17) "Fatality", the death of a person as a result of a
6 motor vehicle accident;

7 (18) "Felony", any offense under state or federal law that
8 is punishable by death or imprisonment for a term exceeding one
9 year;

10 [(18)] (19) "Gross combination weight rating" or "GCWR",
11 the value specified by the manufacturer as the loaded weight of a
12 combination (articulated) vehicle. In the absence of a value
13 specified by the manufacturer, GCWR will be determined by adding
14 the GVWR of the power unit and the total weight of the towed unit
15 and any load thereon;

16 [(19)] (20) "Gross vehicle weight rating" or "GVWR", the
17 value specified by the manufacturer as the loaded weight of a
18 single vehicle;

19 [(20)] (21) "Hazardous materials", hazardous materials as
20 specified in Section 103 of the Hazardous Materials
21 Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers,
22 including but not limited to ammonium nitrate, phosphate,
23 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special
24 fuel, shall not be considered hazardous materials when
25 transported by a farm vehicle provided all other provisions of
26 this definition are followed;

2 (22) "Imminent hazard", the existence of a condition that
3 presents a substantial likelihood that death, serious illness,
4 severe personal injury, or a substantial endangerment to health,
5 property, or the environment may occur before the reasonably
6 foreseeable completion date of a formal proceeding begins to
7 lessen the risk of that death, illness, injury, or endangerment;

8 (23) "Issuance", the initial licensure, license transfers,
9 license renewals, and license upgrades;

10 [(21)] (24) "Motor vehicle", any self-propelled vehicle not
11 operated exclusively upon tracks;

12 (25) "Noncommercial motor vehicle", a motor vehicle or
13 combination of motor vehicles not defined by the term "commercial
14 motor vehicle" in this section;

15 [(22)] (26) "Out of service", a temporary prohibition
16 against the operation of a commercial motor vehicle by a
17 particular driver, or the operation of a particular commercial
18 motor vehicle, or the operation of a particular motor carrier;

19 [(23)] (27) "Out-of-service order", a declaration by the
20 Federal Highway Administration, or any authorized enforcement
21 officer of a federal, state, Commonwealth of Puerto Rico,
22 Canadian, Mexican or any local jurisdiction, that a driver, or a
23 commercial motor vehicle, or a motor carrier operation, is out of
24 service;

25 (28) "School bus", a commercial motor vehicle used to
26 transport preprimary, primary, or secondary school students from

2 home to school, from school to home, or to and from school-
3 sponsored events. School bus does not include a bus used as a
4 common carrier as defined by the secretary;

5 [(24)] (29) "Secretary", the Secretary of Transportation of
6 the United States;

7 [(25)] (30) "Serious traffic violation", driving a
8 commercial motor vehicle in such a manner that the driver
9 receives a conviction for the following offenses or driving a
10 noncommercial motor vehicle when the driver receives a conviction
11 for the following offenses and the conviction results in the
12 suspension or revocation of the driver's license or noncommercial
13 motor vehicle driving privilege:

14 (a) Excessive speeding, as defined by the secretary by
15 regulation;

16 (b) Careless, reckless or imprudent driving which includes,
17 but shall not be limited to, any violation of section 304.016,
18 RSMo, any violation of section 304.010, RSMo, or any other
19 violation of federal or state law, or any county or municipal
20 ordinance while driving a commercial motor vehicle in a willful
21 or wanton disregard for the safety of persons or property, or
22 improper or erratic traffic lane changes, or following the
23 vehicle ahead too closely, but shall not include careless and
24 imprudent driving by excessive speed;

25 (c) A violation of any federal or state law or county or
26 municipal ordinance regulating the operation of motor vehicles

2 arising out of an accident or collision which resulted in death
3 to any person, other than a parking violation; [or]

4 (d) Driving a commercial motor vehicle without obtaining a
5 commercial driver's license in violation of any federal or state
6 or county or municipal ordinance;

7 (e) Driving a commercial motor vehicle without a commercial
8 driver's license in the driver's possession in violation of any
9 federal or state or county or municipal ordinance. Any
10 individual who provides proof to the court which has jurisdiction
11 over the issued citation that the individual held a valid
12 commercial driver's license on the date that the citation was
13 issued, shall not be guilty of this offense;

14 (f) Driving a commercial motor vehicle without the proper
15 commercial driver's license class or endorsement for the specific
16 vehicle group being operated or for the passengers or type of
17 cargo being transported in violation of any federal or state law
18 or county or municipal ordinance; or

19 (g) Any other violation of a federal or state law or county
20 or municipal ordinance regulating the operation of motor
21 vehicles, other than a parking violation, as prescribed by the
22 secretary by regulation;

23 [(26)] (31) "State", a state, territory or possession of
24 the United States, the District of Columbia, the Commonwealth of
25 Puerto Rico, Mexico, and any province of Canada;

26 [(27)] (32) "United States", the fifty states and the

2 District of Columbia.

3 302.720. 1. Except when operating under an instruction
4 permit as described in this section, no person may drive a
5 commercial motor vehicle unless the person has been issued a
6 commercial driver's license with applicable endorsements valid
7 for the type of vehicle being operated as specified in sections
8 302.700 to 302.780. A commercial driver's instruction permit
9 shall allow the holder of a valid license to operate a commercial
10 motor vehicle when accompanied by the holder of a commercial
11 driver's license valid for the vehicle being operated and who
12 occupies a seat beside the individual, or reasonably near the
13 individual in the case of buses, for the purpose of giving
14 instruction in driving the commercial motor vehicle. A
15 commercial driver's instruction permit shall be valid for the
16 vehicle being operated for a period of not more than six months,
17 and shall not be issued until the permit holder has met all other
18 requirements of sections 302.700 to 302.780, except for the
19 driving test. A permit holder, unless otherwise disqualified,
20 may be granted one six-month renewal within a one-year period.
21 The fee for such permit or renewal shall be five dollars. In the
22 alternative, a commercial driver's instruction permit shall be
23 issued for a thirty-day period to allow the holder of a valid
24 driver's license to operate a commercial motor vehicle if the
25 applicant has completed all other requirements except the driving
26 test. The permit may be renewed for one additional thirty-day

2 period and the fee for the permit and for renewal shall be five
3 dollars.

4 2. No person may be issued a commercial driver's license
5 until he has passed written and driving tests for the operation
6 of a commercial motor vehicle which complies with the minimum
7 federal standards established by the secretary and has satisfied
8 all other requirements of the Commercial Motor Vehicle Safety Act
9 of 1986 (Title XII of Pub. Law 99-570), as well as any other
10 requirements imposed by state law. Applicants for a hazardous
11 materials endorsement must also meet the requirements of the U.S.
12 Patriot Act of 2001 (Title X of Public Law 107-56) as specified
13 and required by regulations promulgated by the secretary.

14 Nothing contained in this subsection shall be construed as
15 prohibiting the director from establishing alternate testing
16 formats for those who are functionally illiterate; provided,
17 however, that any such alternate test must comply with the
18 minimum requirements of the Commercial Motor Vehicle Safety Act
19 of 1986 (Title XII of Pub. Law 99-570) as established by the
20 secretary.

21 (1) The written and driving tests shall be held at such
22 times and in such places as the superintendent may designate. A
23 twenty-five dollar examination fee shall be paid by the applicant
24 upon completion of any written or driving test. The director
25 shall delegate the power to conduct the examinations required
26 under sections 302.700 to 302.780 to any member of the highway

2 patrol or any person employed by the highway patrol qualified to
3 give driving examinations.

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

21 (3) Every applicant for renewal of a commercial driver's
22 license shall provide such certifications and information as
23 required by the secretary and if such person transports a
24 hazardous material must also meet the requirements of the U.S.
25 Patriot Act of 2001 (Title X of Public Law 107-56) as specified
26 and required by regulations promulgated by the secretary, such

2 person shall be required to take the written test for such
3 endorsement. A twenty-five dollar examination fee shall be paid
4 for upon completion of such tests.

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

14 4. Beginning July 1, 2005, the director shall not issue an
15 instruction permit under this section unless the director
16 verifies that the applicant is lawfully present in the United
17 States before accepting the application. The director may, by
18 rule or regulation, establish procedures to verify the lawful
19 presence of the applicant under this section. No rule or portion
20 of a rule promulgated pursuant to the authority of this section
21 shall become effective unless it has been promulgated pursuant to
22 chapter 536, RSMo.

23 302.725. Any person who drives a commercial motor vehicle
24 without the proper class of license or applicable endorsements
25 valid for the type of vehicle being operated, or a commercial
26 driver's instruction permit, or a receipt which indicates the

2 driver is qualified to drive a commercial motor vehicle, [or
3 while driving privileges are suspended, revoked, or canceled, or
4 while disqualified from operating a commercial motor vehicle,] or
5 who violates license restrictions in any state, or driving a
6 commercial motor vehicle without a commercial driver's license in
7 his or her possession shall be guilty of a class A misdemeanor.

8 Any individual who provides proof to the court which has
9 jurisdiction over the issued citation by the date the individual
10 must appear in court or pay any fine for such a violation that
11 the individual held a valid commercial driver's license on the
12 date the citation was issued shall not be guilty of this offense.

13 No court shall suspend the imposition of sentence as to such
14 person nor sentence such person to a fine in lieu of a term of
15 imprisonment, nor shall such person be eligible for parole or
16 probation until he has served a minimum of forty-eight
17 consecutive hours of imprisonment, unless as a condition of such
18 parole or probation, such person performs at least ten days
19 involving at least forty hours of community service under the
20 supervision of the court in those jurisdictions which have a
21 recognized program for community service. Upon receipt of such
22 conviction the director shall [revoke] disqualify such person's
23 privilege to drive a commercial motor vehicle [for a period of
24 two years] pursuant to section 302.755.

25 302.727. 1. A person commits the crime of driving a
26 commercial motor vehicle while revoked if such person operates a

2 commercial motor vehicle when, as a result of prior violations
3 committed operating a commercial motor vehicle, the driver's
4 commercial driver license is revoked, suspended, or canceled, or
5 the driver is disqualified from operating a commercial motor
6 vehicle.

7 2. Any person convicted of driving a commercial motor
8 vehicle while revoked is guilty of a class A misdemeanor. Any
9 person with no prior alcohol-related enforcement contacts as
10 defined in section 302.525, convicted a fourth or subsequent time
11 of driving a commercial motor vehicle while revoked or a county
12 or municipal ordinance of driving a commercial motor vehicle
13 while suspended or revoked where the judge in such case was an
14 attorney and the defendant was represented by or waived the right
15 to an attorney in writing, and where the prior three driving a
16 commercial motor vehicle while revoked offenses occurred within
17 ten years of the date of occurrence of the present offense and
18 where the person received and served a sentence of ten days or
19 more on such previous offenses; and any person with a prior
20 alcohol-related enforcement contact as defined in section
21 302.525, convicted a third or subsequent time of driving a
22 commercial motor vehicle while revoked or a county or municipal
23 ordinance of driving a commercial motor vehicle while suspended
24 or revoked where the judge in such case was an attorney and the
25 defendant was represented by or waived the right to an attorney
26 in writing, and where the prior two driving a commercial motor

2 vehicle while revoked offenses occurred within ten years of the
3 date of occurrence of the present offense and where the person
4 received and served a sentence of ten days or more on such
5 previous offenses is guilty of a class D felony. No court shall
6 suspend the imposition of sentence as to such a person nor
7 sentence such person to pay a fine in lieu of a term of
8 imprisonment, nor shall such person be eligible for parole or
9 probation until he or she has served a minimum of forty-eight
10 consecutive hours of imprisonment, unless as a condition of such
11 parole or probation, such person performs at least ten days
12 involving at least forty hours of community service under the
13 supervision of the court in those jurisdictions which have a
14 recognized program for community service. Driving a commercial
15 motor vehicle while revoked is a class D felony on the second or
16 subsequent conviction pursuant to section 577.010, RSMo, or a
17 fourth or subsequent conviction for any other offense.

18 302.735. 1. An application shall not be taken from a
19 nonresident after September 30, 2005. The application for a
20 commercial driver's license shall include, but not be limited to,
21 the applicant's legal name, mailing and residence address, if
22 different, a physical description of the person, including sex,
23 height, weight and eye color, the person's Social Security
24 number, date of birth and any other information deemed
25 appropriate by the director. The application shall also require,
26 beginning September 30, 2005, the applicant to provide the names

2 of all states where the applicant has been previously licensed to
3 drive any type of motor vehicle during the preceding ten years.

4 2. The application for a commercial driver's license or
5 renewal shall be accompanied by the payment of a fee of forty
6 dollars. The fee for a duplicate commercial driver's license
7 shall be twenty dollars. A commercial driver's license shall
8 expire on the applicant's birthday in the sixth year after
9 issuance and must be renewed on or before the date of expiration.
10 The director shall have the authority to stagger the issuance or
11 renewal of commercial driver's license applicants over a six-year
12 period. When a person changes such person's name an application
13 for a duplicate license shall be made to the director of revenue.
14 When a person changes such person's mailing address or residence
15 the applicant shall notify the director of revenue of said
16 change, however, no application for a duplicate license is
17 required. To all applicants for a commercial license or renewal
18 who are between eighteen and twenty-one years of age and seventy
19 years of age and older, the application shall be accompanied by a
20 fee of twenty dollars. A commercial license issued pursuant to
21 this section to an applicant less than twenty-one years of age
22 and seventy years of age and older or, beginning September 30,
23 2005, to an applicant for a commercial driver's license
24 containing a school bus or hazardous materials endorsement shall
25 expire on the applicant's birthday in the third year after
26 issuance.

2 3. Within thirty days after moving to this state, the
3 holder of a commercial driver's license shall apply for a
4 commercial driver's license in this state. The applicant shall
5 meet all other requirements of sections 302.700 to 302.780,
6 except that the director may waive the driving test for a
7 commercial driver's license as required in section 302.720 if the
8 applicant for a commercial driver's license has a valid
9 commercial driver's license from a state which has requirements
10 for issuance of such license comparable to those in this state.

11 4. Any person who falsifies any information in an
12 application or test for a commercial driver's license shall not
13 be licensed to operate a commercial motor vehicle, or the
14 person's commercial driver's license shall be canceled, for a
15 period of one year after the director discovers such
16 falsification.

17 5. Beginning July 1, 2005, the director shall not issue a
18 commercial driver's license under this section unless the
19 director verifies that the applicant is lawfully present in the
20 United States before accepting the application. If lawful
21 presence is granted for a temporary period, no commercial
22 driver's license shall be issued. The director may, by rule or
23 regulation, establish procedures to verify the lawful presence of
24 the applicant and establish the duration of any commercial
25 driver's license issued under this section. No rule or portion
26 of a rule promulgated pursuant to the authority of this section

2 shall become effective unless it has been promulgated pursuant to
3 chapter 536, RSMo.

4 302.740. 1. The commercial driver's license shall be
5 manufactured of materials and processes that will prohibit as
6 nearly as possible, the ability to reproduce, alter, counterfeit,
7 forge, or duplicate any license without ready detection. Such
8 license shall include, but not be limited to, the following
9 information: a colored photograph of the person, the legal name
10 and address of the person, a physical description of the person,
11 including sex, height, weight and eye color, the person's Social
12 Security number or such other number or identifier deemed
13 appropriate by the director or the secretary, the date of birth,
14 class or type of commercial motor vehicle or vehicles which the
15 person is authorized to drive, the name of this state, and the
16 words "COMMERCIAL DRIVER'S LICENSE" or "CDL", the dates of
17 issuance and expiration, the person's signature and such other
18 information as the director prescribes.

19 2. Before issuing a commercial driver's license, the
20 director shall obtain driving record information from sources
21 including, but not limited to, the national driver's register
22 [or], the commercial driver's license information system [of],
23 and any state driver's licensing system in which the person has
24 been licensed; except that the director shall only be required to
25 obtain the complete driving record from each state the person has
26 ever been licensed in when such person is issued an initial

2 commercial driver's license or renews his or her commercial
3 driver's license for the first time. The director shall maintain
4 a notation in the driving record system of the date when he or
5 she has obtained the driving records from all other states which
6 the person has been licensed.

7 3. Within ten days after issuing a commercial driver's
8 license, the director shall notify the commercial driver's
9 license information system of such fact, providing all
10 information required to ensure identification of the person. For
11 the purpose of this subsection, the date of issuance shall be the
12 date the commercial driver's license is mailed to the applicant.

13 4. The commercial driver's license shall indicate the class
14 of vehicle the person may drive and any applicable endorsements
15 or restrictions. Commercial driver's license classifications,
16 endorsements and restrictions shall be in compliance with the
17 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
18 Law 99-570) and those prescribed by the director. The commercial
19 driver's license driving record shall contain a complete history
20 of the driver, including information and convictions from
21 previous states of licensure.

22 302.755. 1. A person is disqualified from driving a
23 commercial motor vehicle for a period of not less than one year
24 if convicted of a first violation of:

25 (1) Driving a [commercial] motor vehicle under the
26 influence of alcohol or a controlled substance;

2 (2) Driving a commercial motor vehicle which causes a
3 fatality through the negligent operation of the commercial motor
4 vehicle, including but not limited to the crimes of vehicular
5 manslaughter, homicide by motor vehicle, and negligent homicide;

6 (3) Driving a commercial motor vehicle while revoked
7 pursuant to section 302.727;

8 (4) Leaving the scene of an accident involving a commercial
9 or noncommercial motor vehicle operated by the person;

10 [(3)] (5) Using a commercial or noncommercial motor vehicle
11 in the commission of any felony, as defined in section 302.700,
12 except a felony as provided in subsection 4 of this section.

13 2. If any of the violations described in subsection 1 of
14 this section occur while transporting a hazardous material the
15 person is disqualified for a period of not less than three years.

16 3. Any person is disqualified from operating a commercial
17 motor vehicle for life if convicted of two or more violations of
18 any of the offenses specified in subsection 1 of this section, or
19 any combination of those offenses, arising from two or more
20 separate incidents. The director may issue rules and
21 regulations, in accordance with guidelines established by the
22 secretary, under which a disqualification for life under this
23 section may be reduced to a period of not less than ten years.

24 4. Any person is disqualified from driving a commercial
25 motor vehicle for life who uses a commercial or noncommercial
26 motor vehicle in the commission of any felony involving the

2 manufacture, distribution, or dispensing of a controlled
3 substance, or possession with intent to manufacture, distribute,
4 or dispense a controlled substance.

5 5. Any person is disqualified from operating a commercial
6 motor vehicle for a period of not less than sixty days if
7 convicted of two serious traffic violations or one hundred twenty
8 days if convicted of three serious traffic violations, [committed
9 in a commercial motor vehicle] arising from separate incidents
10 occurring within a three-year period.

11 6. Any person found to be operating a commercial motor
12 vehicle while having any measurable alcohol concentration shall
13 immediately be issued a continuous twenty-four-hour
14 out-of-service order by a law enforcement officer in this state.

15 7. Any person who is convicted of operating a commercial
16 motor vehicle [during a continuous twenty-four-hour period]
17 beginning at the time of issuance of the out-of-service order
18 until its expiration is guilty of a class A misdemeanor.

19 8. Any person convicted for the first time of driving while
20 out of service shall be disqualified from driving a commercial
21 motor vehicle for a period of ninety days.

22 9. Any person convicted of driving while out of service on
23 a second occasion during any ten-year period, involving separate
24 incidents, shall be disqualified for a period of one year.

25 10. Any person convicted of driving while out of service on
26 a third or subsequent occasion during any ten-year period,

2 involving separate incidents, shall be disqualified for a period
3 of three years.

4 11. Any person convicted of a first violation of an
5 out-of-service order while transporting hazardous materials or
6 while operating a motor vehicle designed to transport [more than
7 fifteen] sixteen or more passengers, including the driver, is
8 disqualified for a period of one hundred eighty days.

9 12. Any person convicted of any subsequent violation of an
10 out-of-service order in a separate incident within ten years
11 after a previous violation, while transporting hazardous
12 materials or while operating a motor vehicle designed to
13 transport fifteen passengers, including the driver, is
14 disqualified for a period of three years.

15 13. Any person convicted of any other offense as specified
16 by regulations promulgated by the Secretary of Transportation
17 shall be disqualified in accordance with such regulations.

18 14. After suspending, revoking, canceling or disqualifying
19 a driver, the director shall update records to reflect such
20 action and notify a nonresident's licensing authority and the
21 commercial driver's license information system within ten days in
22 the manner prescribed in 49 CFR Part 384, or as amended by the
23 secretary.

24 15. Any person disqualified from operating a commercial
25 motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section
26 shall have such commercial driver's license canceled, and upon

2 conclusion of the period of disqualification shall take the
3 written and driving tests and meet all other requirements of
4 sections 302.700 to 302.780. Such disqualification and
5 cancellation shall not be withdrawn by the director until such
6 person reapplies for a commercial driver's license in this or any
7 other state after meeting all requirements of sections 302.700 to
8 302.780.

9 16. The director shall disqualify a driver upon receipt of
10 notification that the secretary has determined a driver to be an
11 imminent hazard pursuant to 49 CFR, Part 383.52. Due process of
12 a disqualification determined by the secretary pursuant to this
13 section shall be held in accordance with regulations promulgated
14 by the secretary. The period of disqualification determined by
15 the secretary pursuant to this section shall be served
16 concurrently to any other period of disqualification which may be
17 imposed by the director pursuant to this section. Both
18 disqualifications shall appear on the driving record of the
19 driver.

20 302.756. 1. Notwithstanding any other provision of law to
21 the contrary, any driver who violates or fails to comply with an
22 out-of-service order is subject to a civil penalty [of one
23 thousand dollars] not to exceed an amount as determined by the
24 secretary pursuant to 49 CFR Part 383, or as amended by the
25 secretary, in addition to disqualification as provided by law.
26 Any civil penalty established in this section shall not become

2 effective and enforced until October 1, 1996.

3 2. Any employer who violates an out-of-service order, or
4 who knowingly requires or permits or authorizes a driver to
5 violate or fail to comply with an out-of-service order or to
6 commit a railroad crossing violation, is subject to a civil
7 penalty [of two thousand five hundred dollars] not to exceed an
8 amount as determined by the secretary pursuant to 49 CFR Part
9 383, or as amended by the secretary.

10 3. The [general] chief counsel to the [division of motor
11 carrier and railroad safety within the department of economic
12 development] state highways and transportation commission shall
13 bring an action in accordance with the procedures under section
14 390.156, RSMo, to recover a civil penalty under this section
15 against a driver who violates or fails to comply with an
16 out-of-service order, or against an employer who violates an
17 out-of-service order or knowingly requires or permits a driver to
18 violate or fail to comply with an out-of-service order, or both.

19 4. In addition to any other remedies under this section,
20 actions under this section may be brought against a driver or
21 employer who violates or fails to comply with an out-of-service
22 order with reference to a motor vehicle or combination of motor
23 vehicles used in intrastate commerce which has a capacity of more
24 than five passengers, excluding the driver.

25 302.760. Within ten days after conviction, suspension,
26 revocation, cancellation or disqualification of any nonresident

2 holder of a commercial driver's license or any nonresident who is
3 required to possess a commercial driver's license for any
4 violation committed in a [commercial motor] vehicle of state law
5 or any county or municipal ordinance regulating the operation of
6 motor vehicles, other than parking violations, the director shall
7 notify the driver's licensing authority in the licensing state of
8 such action in the manner prescribed in 49 CFR Part 384, or as
9 amended by the secretary.

10 304.013. 1. No person shall operate an all-terrain
11 vehicle, as defined in section 301.010, RSMo, upon the highways
12 of this state, except as follows:

13 (1) All-terrain vehicles owned and operated by a
14 governmental entity for official use;

15 (2) All-terrain vehicles operated for agricultural purposes
16 or industrial on-premises purposes between the official sunrise
17 and sunset on the day of operation;

18 (3) All-terrain vehicles operated by handicapped persons
19 for short distances occasionally only on the state's secondary
20 roads when operated between the hours of sunrise and sunset;

21 (4) Governing bodies of cities may issue special permits to
22 licensed drivers for special uses of all-terrain vehicles on
23 highways within the city limits. Fees of fifteen dollars may be
24 collected and retained by cities for such permits;

25 (5) Governing bodies of counties may issue special permits
26 to licensed drivers for special uses of all-terrain vehicles on

2 county roads within the county. Fees of fifteen dollars may be
3 collected and retained by the counties for such permits.

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

17 3. A person operating an all-terrain vehicle on a highway
18 pursuant to an exception covered in this section shall have a
19 valid operator's or chauffeur's license, except that a
20 handicapped person operating such vehicle pursuant to subdivision
21 (3) of subsection 1 of this section, but shall not be required to
22 have passed an examination for the operation of a motorcycle, and
23 the vehicle shall be operated at speeds of less than thirty miles
24 per hour. When operated on a highway, an all-terrain vehicle
25 shall have a bicycle safety flag, which extends not less than
26 seven feet above the ground, attached to the rear of the vehicle.

2 The bicycle safety flag shall be triangular in shape with an area
3 of not less than thirty square inches and shall be day-glow in
4 color.

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

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

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

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

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

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

26 304.029. 1. Notwithstanding any other law to the contrary,

2 a low-speed vehicle may be operated upon a highway in the state
3 if it meets the requirements of this section. Every person
4 operating a low-speed vehicle shall be granted all the rights and
5 shall be subject to all the duties applicable to the driver of
6 any other motor vehicle except as to the special regulations in
7 this section and except as to those provisions which by their
8 nature can have no application.

9 2. The operator of a low-speed vehicle shall observe all
10 traffic laws and local ordinances regarding the rules of the
11 road. A low-speed vehicle shall not be operated on a street or a
12 highway with a posted speed limit greater than thirty-five miles
13 per hour. The provisions of this subsection shall not prohibit a
14 low-speed vehicle from crossing a street or highway with a posted
15 speed limit greater than thirty-five miles per hour.

16 3. A low-speed vehicle shall be exempt from the
17 requirements of sections 307.350 to 307.402, RSMo, for purposes
18 of titling and registration. Low-speed vehicles shall comply
19 with the standards in 49 CFR 571.500, as amended.

20 4. Every operator of a low-speed vehicle shall maintain
20 financial responsibility on such low-speed vehicle as required by
21 chapter 303, RSMo, if the low-speed vehicle is to be operated
22 upon the highways of this state.

23 5. Each person operating a low-speed vehicle on a highway
24 in this state shall possess a valid driver's license issued
25 pursuant to chapter 302, RSMo.

20 6. For purposes of this section a "low-speed vehicle" shall
21 have the meaning ascribed to it in 49 CFR, section 571.3, as
22 amended.

23 7. All low-speed vehicles shall be manufactured in
24 compliance with the National Highway Traffic Safety
25 Administration standards for low-speed vehicles in 49 CFR
26 571.500, as amended.

27 8. Nothing in this section shall prevent county or
28 municipal governments from adopting more stringent local
29 ordinances governing low-speed vehicle operation if the governing
30 body of the county or municipality determines that such
31 ordinances are necessary in the interest of public safety. The
32 department of transportation may prohibit the operation of low-
33 speed vehicles on any highway under its jurisdiction if it
34 determines that the prohibition is necessary in the interest of
35 public safety.

36 304.031. 1. As used in this section, "Traffic Signal
2 Preemption System (TSPS)" shall mean a traffic-control system
3 designated for use by emergency vehicles, as defined in section
4 304.031, to improve traffic movement by temporarily controlling
5 signalized intersections.

6 2. The owner of a traffic control signal may authorize use
7 of a TSPS by the following persons for the following purposes:

8 (1) An authorized operator in an authorized emergency
9 vehicle, or an authorized person who is an employee or member of

2 an agency or entity which operates emergency vehicles, who may
3 activate a TSPS from a station where the entity's emergency
4 vehicles are based to control a traffic signal near that station,
5 in order to improve the safety and efficiency of emergency
6 response operations;

7 (2) An authorized operator in a bus, in order to interrupt
8 the cycle of the traffic control signal in such a way as to keep
9 the green light showing for longer than it otherwise would;

10 (3) An authorized operator in a traffic signal maintenance
11 vehicle, in order to facilitate traffic signal maintenance
12 activities.

13 3. A TSPS used by an authorized person in an emergency
14 vehicle or at a station where emergency vehicles are stationed
15 shall preempt and override a device operated by any other person.

16 4. A traffic control signal operating device used as
17 authorized under this section must operate in such a way that the
18 device does not continue to control the signal once the vehicle
19 containing the device has arrived at the intersection, regardless
20 of whether the vehicle remains at the intersection. No motor
21 vehicle driver shall be convicted of any traffic violation if
22 there is evidence that TSPS has been used by a government
23 official to improperly change the sequence of the traffic
24 signals.

25 5. It shall be unlawful for any person not approved herein
26 to use a TSPS to control traffic.

2 6. Violation of this section shall be deemed a class B
3 misdemeanor.

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

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

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

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

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

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

24 3. No person shall drive a vehicle through a railroad
25 crossing when there is not sufficient space to drive completely
26 through the crossing.

2 4. No person shall drive a vehicle through a railroad
3 crossing unless such vehicle has sufficient undercarriage
4 clearance necessary to prevent the undercarriage of the vehicle
5 from contacting the railroad crossing.

6 5. Every commercial motor vehicle as defined in section
7 302.700, RSMo, shall, upon approaching a railroad grade crossing,
8 be driven at a rate of speed which will permit said commercial
9 motor vehicle to be stopped before reaching the nearest rail of
10 such crossing and shall not be driven upon or over such crossing
11 until due caution has been taken to ascertain that the course is
12 clear. This section does not apply to vehicles which are
13 required to stop at railroad crossings pursuant to section
14 304.030.

15 6. Any person violating the provisions of this section is
16 guilty of a class C misdemeanor.

17 304.070. 1. Any person who violates any of the provisions
18 of subsections 1, 3, and 6 of section 304.050 is guilty of a
19 class A misdemeanor. In addition, beginning July 1, 2005, the
20 court may suspend the driver's license of any person who violates
21 the provision of subsection 1 of section 304.050. If ordered by
22 the court, the director shall suspend the driver's license for
23 ninety days for a first offense of subsection 1 of section
24 304.050, and one hundred twenty days for a second or subsequent
25 offense of subsection 1 of section 304.050.

26 2. Any appeal of a suspension imposed under subsection 1 of

2 this section shall be a direct appeal of the court order and
3 subject to review by the presiding judge of the circuit court or
4 another judge within the circuit other than the judge who issued
5 the original order to suspend the driver's license. The director
6 of revenue's entry of the court ordered suspension on the driving
7 record is not a decision subject to review pursuant to section
8 302.311, RSMo. Any suspension of the driver's license ordered by
9 the court under this section shall be in addition to any other
10 suspension that may occur as a result of the conviction pursuant
11 to other provisions of law.

12 304.154. 1. Beginning January 1, 2005, a towing company
13 operating a tow truck pursuant to the authority granted in
14 section 304.155 or 304.157 shall:

15 (1) Have and occupy a verifiable business address;

16 (2) Have a fenced, secure, and lighted storage lot or an
17 enclosed, secure building for the storage of motor vehicles;

18 (3) Be available twenty-four hours a day, seven days a
19 week. Availability shall mean that an employee of the towing
20 company or an answering service answered by a person is able to
21 respond to a tow request;

22 (4) Maintain a valid insurance policy issued by an insurer
23 authorized to do business in this state, or a bond or other
24 acceptable surety providing coverage for the death of, or injury
25 to, persons and damage to property for each accident or
26 occurrence in the amount of at least five hundred thousand

2 dollars per incident;

3 (5) Provide workers' compensation insurance for all
4 employees of the towing company if required by chapter 287, RSMo;
5 and

6 (6) Maintain current motor vehicle registrations on all tow
7 trucks currently operated within the towing company fleet.

8 2. Counties may adopt ordinances with respect to towing
9 company standards in addition to the minimum standards contained
10 in this section. A towing company located in a county of the
11 second, third, and fourth classification is exempt from the
12 provisions of this section.

13 304.155. 1. Any law enforcement officer within the
14 officer's jurisdiction, or an officer of a government agency
15 where that agency's real property is concerned, may authorize a
16 towing company to remove to a place of safety:

17 (1) Any abandoned property on the right-of-way of:

18 (a) Any interstate highway or freeway in an urbanized area,
19 left unattended for ten hours, or after four hours if a law
20 enforcement officer determines that the abandoned property is a
21 serious hazard to other motorists;

22 (b) Any interstate highway or freeway outside of an
23 urbanized area, left unattended for forty-eight hours, or after
24 two hours if a law enforcement officer determines that the
25 abandoned property is a serious hazard to other motorists;

26 (c) Any state highway other than an interstate highway or

2 freeway in an urbanized area, left unattended for more than ten
3 hours; or

4 (d) Any state highway other than an interstate highway or
5 freeway outside of an urbanized area, left unattended for more
6 than forty-eight hours; provided that commercial motor vehicles
7 not hauling waste designated as hazardous under 49 U.S.C. 5103(a)
8 may only be removed under this subdivision to a place of safety
9 until the owner or owner's representative has had a reasonable
10 opportunity to contact a towing company of choice;

11 (2) Any unattended abandoned property illegally left
12 standing upon any highway or bridge if the abandoned property is
13 left in a position or under such circumstances as to obstruct the
14 normal movement of traffic where there is no reasonable
15 indication that the person in control of the property is
16 arranging for its immediate control or removal;

17 (3) Any abandoned property which has been abandoned under
18 section 577.080, RSMo;

19 (4) Any abandoned property which has been reported as
20 stolen or taken without consent of the owner;

21 (5) Any abandoned property for which the person operating
22 such property is arrested for an alleged offense for which the
23 officer is required to take the person into custody and where
24 such person is unable to arrange for the property's timely
25 removal;

26 (6) Any abandoned property which due to any other state law

2 or local ordinance is subject to towing because of the owner's
3 outstanding traffic or parking violations;

4 (7) Any abandoned property left unattended in violation of
5 a state law or local ordinance where signs have been posted
6 giving notice of the law or where the violation causes a safety
7 hazard; or

8 (8) Any abandoned property illegally left standing on the
9 waters of this state as defined in section 306.010, RSMo, where
10 the abandoned property is obstructing the normal movement of
11 traffic, or where the abandoned property has been unattended for
12 more than ten hours or is floating loose on the water.

13 2. The state transportation department may immediately
14 remove any abandoned, unattended, wrecked, burned or partially
15 dismantled property, spilled cargo or other personal property
16 from the roadway of any state highway if the abandoned property,
17 cargo or personal property is creating a traffic hazard because
18 of its position in relation to the state highway. In the event
19 the property creating a traffic hazard is a commercial motor
20 vehicle, as defined in section 302.700, RSMo, the department's
21 authority under this subsection shall be limited to authorizing a
22 towing company to remove the commercial motor vehicle to a place
23 of safety, except that the owner of the commercial motor vehicle
24 or the owner's designated representative shall have a reasonable
25 opportunity to contact a towing company of choice. The
26 provisions of this subsection shall not apply to vehicles

2 transporting any material which has been designated as hazardous
3 under Section 5103(a) of Title 49, U.S.C.

4 3. Any law enforcement agency authorizing a tow pursuant to
5 this section in which the abandoned property is moved from the
6 immediate vicinity shall complete a crime inquiry and inspection
7 report. Any state or federal government agency other than a law
8 enforcement agency authorizing a tow pursuant to this section in
9 which the abandoned property is moved away from the immediate
10 vicinity in which it was abandoned shall report the towing to the
11 state highway patrol or water patrol within two hours of the tow
12 along with a crime inquiry and inspection report as required in
13 this section. Any local government agency, other than a law
14 enforcement agency, authorizing a tow pursuant to this section
15 where property is towed away from the immediate vicinity shall
16 report the tow to the local law enforcement agency within two
17 hours along with a crime inquiry and inspection report.

18 4. Neither the law enforcement officer, government agency
19 official nor anyone having custody of abandoned property under
20 his direction shall be liable for any damage to such abandoned
21 property occasioned by a removal authorized by this section or by
22 ordinance of a county or municipality licensing and regulating
23 the sale of abandoned property by the municipality, other than
24 damages occasioned by negligence or by willful or wanton acts or
25 omissions.

26 5. The owner of abandoned property removed as provided in

2 this section or in section 304.157 shall be responsible for
3 payment of all reasonable charges for towing and storage of such
4 abandoned property as provided in section 304.158.

5 6. Upon the towing of any abandoned property pursuant to
6 this section or under authority of a law enforcement officer or
7 local government agency pursuant to section 304.157, the law
8 enforcement agency that authorized such towing or was properly
9 notified by another government agency of such towing shall
10 promptly make an inquiry with the national crime information
11 center and any statewide Missouri law enforcement computer system
12 to determine if the abandoned property has been reported as
13 stolen and shall enter the information pertaining to the towed
14 property into the statewide law enforcement computer system. If
15 the abandoned property is not claimed within ten working days of
16 the towing, the tower who has online access to the department of
17 revenue's records shall make an inquiry to determine the
18 abandoned property owner and lienholder, if any, of record. In
19 the event that the records of the department of revenue fail to
20 disclose the name of the owner or any lienholder of record, the
21 tower shall comply with the requirements of subsection 3 of
22 section 304.156. If the tower does not have online access, the
23 law enforcement agency shall submit a crime inquiry and
24 inspection report to the director of revenue. A towing company
25 that does not have online access to the department's records and
26 that is in possession of abandoned property after ten working

2 days shall report such fact to the law enforcement agency with
3 which the crime inquiry and inspection report was filed. The
4 crime inquiry and inspection report shall be designed by the
5 director of revenue and shall include the following:

6 (1) The year, model, make and property identification
7 number of the property and the owner and any lienholders, if
8 known;

9 (2) A description of any damage to the property noted by
10 the officer authorizing the tow;

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

13 (4) The storage location of the towed property;

14 (5) The name, telephone number and address of the towing
15 company;

16 (6) The date, place and reason for the towing of the
17 abandoned property;

18 (7) The date of the inquiry of the national crime
19 information center, any statewide Missouri law enforcement
20 computer system and any other similar system which has titling
21 and registration information to determine if the abandoned
22 property had been stolen. This information shall be entered only
23 by the law enforcement agency making the inquiry;

24 (8) The signature and printed name of the officer
25 authorizing the tow [and the towing operator]; and

26 (9) The name of the towing company, the signature and

2 printed name of the towing operator, and an indicator disclosing
3 whether the tower has online access to the department's records;

4 (10) Any additional information the director of revenue
5 deems appropriate.

6 7. One copy of the crime inquiry and inspection report
7 shall remain with the agency which authorized the tow. One copy
8 shall be provided to and retained by the storage facility and one
9 copy shall be retained by the towing facility in an accessible
10 format in the business records for a period of three years from
11 the date of the tow or removal.

12 8. The owner of such abandoned property, or the holder of a
13 valid security interest of record, may reclaim it from the towing
14 company upon proof of ownership or valid security interest of
15 record and payment of all reasonable charges for the towing and
16 storage of the abandoned property.

17 9. Any person who removes abandoned property at the
18 direction of a law enforcement officer or an officer of a
19 government agency where that agency's real property is concerned
20 as provided in this section shall have a lien for all reasonable
21 charges for the towing and storage of the abandoned property
22 until possession of the abandoned property is voluntarily
23 relinquished to the owner of the abandoned property or to the
24 holder of a valid security interest of record. Any personal
25 property within the abandoned property need not be released to
26 the owner thereof until the reasonable or agreed charges for such

2 recovery, transportation or safekeeping have been paid or
3 satisfactory arrangements for payment have been made, except that
4 any medication prescribed by a physician shall be released to the
5 owner thereof upon request. The company holding or storing the
6 abandoned property shall either release the personal property to
7 the owner of the abandoned property or allow the owner to inspect
8 the property and provide an itemized receipt for the contents.
9 The company holding or storing the property shall be strictly
10 liable for the condition and safe return of the personal
11 property. Such lien shall be enforced in the manner provided
12 under section 304.156.

13 10. Towing companies shall keep a record for three years on
14 any abandoned property towed and not reclaimed by the owner of
15 the abandoned property. Such record shall contain information
16 regarding the authorization to tow, copies of all correspondence
17 with the department of revenue concerning the abandoned property,
18 including copies of any online records of the towing company
19 accessed and information concerning the final disposition of the
20 possession of the abandoned property.

21 11. If a lienholder repossesses any motor vehicle, trailer,
22 all-terrain vehicle, outboard motor or vessel without the
23 knowledge or cooperation of the owner, then the reposessor shall
24 notify the local law enforcement agency where the repossession
25 occurred within two hours of the repossession and shall further
26 provide the local law enforcement agency with any additional

2 information the agency deems appropriate. The local law
3 enforcement agency shall make an inquiry with the national crime
4 information center and the Missouri statewide law enforcement
5 computer system and shall enter the repossessed vehicle into the
6 statewide law enforcement computer system.

7 12. Notwithstanding the provisions of section 301.227,
8 RSMo, any towing company who has complied with the notification
9 provisions in section 304.156, including notice that any property
10 remaining unredeemed after thirty days may be sold as scrap
11 property may then dispose of such property as provided in this
12 subsection. Such sale shall only occur if at least thirty days
13 has passed since the date of such notification, the abandoned
14 property remains unredeemed with no satisfactory arrangements
15 made with the towing company for continued storage, and the owner
16 or holder of a security agreement has not requested a hearing as
17 provided in section 304.156. The towing company may dispose of
18 such abandoned property by selling the property on a bill of sale
19 as prescribed by the director of revenue to a scrap metal
20 operator or licensed salvage dealer for destruction purposes
21 only. The towing company shall forward a copy of the bill of
22 sale provided by the scrap metal operator or licensed salvage
23 dealer to the director of revenue within two weeks of the date of
24 such sale. The towing company shall keep a record of each such
25 vehicle sold for destruction for three years that shall be
26 available for inspection by law enforcement and authorized

2 department of revenue officials. The record shall contain the
3 year, make, identification number of the property, date of sale,
4 and name of the purchasing scrap metal operator or licensed
5 salvage dealer and copies of all notifications issued by the
6 towing company as required in this chapter. Scrap metal
7 operators or licensed salvage dealers shall keep a record of the
8 purchase of such property as provided in section 301.227, RSMo.
9 Scrap metal operators and licensed salvage dealers may obtain a
10 junk certificate as provided in 301.227, RSMo, on vehicles
11 purchased on a bill of sale pursuant to this section.

12 304.156. 1. Within five working days of receipt of the
13 crime inquiry and inspection report under section 304.155 or the
14 abandoned property report under section 304.157, the director of
15 revenue shall search the records of the department of revenue, or
16 initiate an inquiry with another state, if the evidence presented
17 indicated the abandoned property was registered or titled in
18 another state, to determine the name and address of the owner and
19 lienholder, if any. After ascertaining the name and address of
20 the owner and lienholder, if any, the department shall, within
21 fifteen working days, notify the towing company. Any towing
22 company which comes into possession of abandoned property
23 pursuant to section 304.155 or 304.157 and who claims a lien for
24 recovering, towing or storing abandoned property shall give
25 notice to the title owner and to all persons claiming a lien
26 thereon, as disclosed by the records of the department of revenue

2 or of a corresponding agency in any other state. The towing
3 company shall notify the owner and any lienholder within ten
4 business days of the date of mailing indicated on the notice sent
5 by the department of revenue, by certified mail, return receipt
6 requested. The notice shall contain the following:

7 (1) The name, address and telephone number of the storage
8 facility;

9 (2) The date, reason and place from which the abandoned
10 property was removed;

11 (3) A statement that the amount of the accrued towing,
12 storage and administrative costs are the responsibility of the
13 owner, and that storage and/or administrative costs will continue
14 to accrue as a legal liability of the owner until the abandoned
15 property is redeemed;

16 (4) A statement that the storage firm claims a possessory
17 lien for all such charges;

18 (5) A statement that the owner or holder of a valid
19 security interest of record may retake possession of the
20 abandoned property at any time during business hours by proving
21 ownership or rights to a secured interest and paying all towing
22 and storage charges;

23 (6) A statement that, should the owner consider that the
24 towing or removal was improper or not legally justified, the
25 owner has a right to request a hearing as provided in this
26 section to contest the propriety of such towing or removal;

2 (7) A statement that if the abandoned property remains
3 unclaimed for thirty days from the date of mailing the notice,
4 title to the abandoned property will be transferred to the person
5 or firm in possession of the abandoned property free of all prior
6 liens; and

7 (8) A statement that any charges in excess of the value of
8 the abandoned property at the time of such transfer shall remain
9 a liability of the owner.

10 2. A towing company may only assess reasonable storage
11 charges for abandoned property towed without the consent of the
12 owner. Reasonable storage charges shall not exceed the charges
13 for vehicles which have been towed with the consent of the owner
14 on a negotiated basis. Storage charges may be assessed only for
15 the time in which the towing company complies with the procedural
16 requirements of sections 304.155 to 304.158.

17 3. In the event that the records of the department of
18 revenue fail to disclose the name of the owner or any lienholder
19 of record, the department shall notify the towing company which
20 shall attempt to locate documents or other evidence of ownership
21 on or within the abandoned property itself. The towing company
22 must certify that a physical search of the abandoned property
23 disclosed that no ownership documents were found and a good faith
24 effort has been made. For purposes of this section, "good faith
25 effort" means that the following checks have been performed by
26 the company to establish the prior state of registration and

2 title:

3 (1) Check of the abandoned property for any type of license
4 plates, license plate record, temporary permit, inspection
5 sticker, decal or other evidence which may indicate a state of
6 possible registration and title;

7 (2) Check the law enforcement report for a license plate
8 number or registration number if the abandoned property was towed
9 at the request of a law enforcement agency;

10 (3) Check the tow ticket/report of the tow truck operator
11 to see if a license plate was on the abandoned property at the
12 beginning of the tow, if a private tow; and

13 (4) If there is no address of the owner on the impound
14 report, check the law enforcement report to see if an
15 out-of-state address is indicated on the driver license
16 information.

17 4. If no ownership information is discovered, the director
18 of revenue shall be notified in writing and title obtained in
19 accordance with subsection 7 of this section.

20 5. (1) The owner of the abandoned property removed
21 pursuant to the provisions of section 304.155 or 304.157 or any
22 person claiming a lien, other than the towing company, within ten
23 days after the receipt of notification from the towing company
24 pursuant to subsection 1 of this section may file a petition in
25 the associate circuit court in the county where the abandoned
26 property is stored to determine if the abandoned property was

2 wrongfully taken or withheld from the owner. The petition shall
3 name the towing company among the defendants. The petition may
4 also name the agency ordering the tow or the owner, lessee or
5 agent of the real property from which the abandoned property was
6 removed. The director of revenue shall not be a party to such
7 petition but a copy of the petition shall be served on the
8 director of revenue who shall not issue title to such abandoned
9 property pursuant to this section until the petition is finally
10 decided.

11 (2) Upon filing of a petition in the associate circuit
12 court, the owner or lienholder may have the abandoned property
13 released upon posting with the court a cash or surety bond or
14 other adequate security equal to the amount of the charges for
15 towing and storage to ensure the payment of such charges in the
16 event he does not prevail. Upon the posting of the bond and the
17 payment of the applicable fees, the court shall issue an order
18 notifying the towing company of the posting of the bond and
19 directing the towing company to release the abandoned property.
20 At the time of such release, after reasonable inspection, the
21 owner or lienholder shall give a receipt to the towing company
22 reciting any claims for loss or damage to the abandoned property
23 or the contents thereof.

24 (3) Upon determining the respective rights of the parties,
25 the final order of the court shall provide for immediate payment
26 in full of recovery, towing, and storage fees by the abandoned

2 property owner or lienholder or the owner, lessee, or agent
3 thereof of the real property from which the abandoned property
4 was removed.

5 6. A towing and storage lien shall be enforced as provided
6 in subsection 7 of this section.

7 7. Thirty days after the notification form has been mailed
8 to the abandoned property owner and holder of a security
9 agreement and the property is unredeemed and no satisfactory
10 arrangement has been made with the lienholder in possession for
11 continued storage, and the owner or holder of a security
12 agreement has not requested a hearing as provided in subsection 5
13 of this section, the lienholder in possession may apply to the
14 director of revenue for a certificate. The application for title
15 shall be accompanied by:

16 (1) An affidavit from the lienholder in possession that he
17 has been in possession of the abandoned property for at least
18 thirty days and the owner of the abandoned property or holder of
19 a security agreement has not made arrangements for payment of
20 towing and storage charges;

21 (2) An affidavit that the lienholder in possession has not
22 been notified of any application for hearing as provided in this
23 section;

24 (3) A copy of the abandoned property report or crime
25 inquiry and inspection report;

26 (4) A copy of the thirty-day notice given by certified mail

2 to any owner and person holding a valid security interest and a
3 copy of the certified mail receipt indicating that the owner and
4 lienholder of record was sent a notice as required in this
5 section; and

6 (5) A copy of the envelope or mailing container showing the
7 address and postal markings indicating that the notice was "not
8 forwardable" or "address unknown".

9 8. If notice to the owner and holder of a security
10 agreement has been returned marked "not forwardable" or
11 "addressee unknown", the lienholder in possession shall comply
12 with subsection 3 of this section.

13 9. Any municipality or county may adopt an ordinance
14 regulating the removal and sale of abandoned property provided
15 such ordinance is consistent with sections 304.155 to 304.158,
16 and, for a home rule city with more than four hundred thousand
17 inhabitants and located in more than one county, includes the
18 following provisions:

19 (1) That the department of revenue records must be searched
20 to determine the registered owner or lienholder of the abandoned
21 property;

22 (2) That if a registered owner or lienholder is disclosed
23 in the records, that the owner and lienholder or owner or
24 lienholder are mailed a notice by the local governmental agency,
25 by U.S. mail, advising of the towing and impoundment;

26 (3) That if the vehicle is older than six years and more

2 than fifty percent damaged by collision, fire, or decay, and has
3 a fair market value of less than two hundred dollars as
4 determined by using any nationally recognized appraisal book or
5 method, it must be held no less than ten days after the notice is
6 sent pursuant to this section before being sold to a licensed
7 salvage or scrap business; provided however where a title is
8 required under this chapter an affidavit from a certified
9 appraiser attesting that the value of the vehicle is less than
10 two hundred dollars;

11 (4) That all other vehicles must be held no less than
12 thirty days after the notice is sent pursuant to this subsection
13 before they may be sold.

14 10. Any municipality or county which has physical
15 possession of the abandoned property and which sells abandoned
16 property in accordance with a local ordinance may transfer
17 ownership by means of a bill of sale signed by the municipal or
18 county clerk or deputy and sealed with the official municipal or
19 county seal. Such bill of sale shall contain the make and model
20 of the abandoned property, the complete abandoned property
21 identification number and the odometer reading of the abandoned
22 property if available and shall be lawful proof of ownership for
23 any dealer registered under the provisions of section 301.218,
24 RSMo, or section 301.560, RSMo, or for any other person. Any
25 dealer or other person purchasing such property from a
26 municipality or county shall apply within thirty days of purchase

2 for a certificate. Anyone convicted of a violation of this
3 section shall be guilty of an infraction.

4 11. Any persons who have towed abandoned property prior to
5 August 28, 1996, may, until January 1, 2000, apply to the
6 department of revenue for a certificate. The application shall
7 be accompanied by:

8 (1) A notarized affidavit explaining the circumstances by
9 which the abandoned property came into their possession,
10 including the name of the owner or possessor of real property
11 from which the abandoned property was removed;

12 (2) The date of the removal;

13 (3) The current location of the abandoned property;

14 (4) An inspection of the abandoned property as prescribed
15 by the director; and

16 (5) A copy of the thirty-day notice given by certified mail
17 to any owner and person holding a valid security interest of
18 record and a copy of the certified mail receipt.

19 12. If the director is satisfied with the genuineness of
20 the application and supporting documents submitted pursuant to
21 this section, the director shall issue one of the following:

22 (1) An original certificate of title if the vehicle owner
23 has obtained a vehicle examination certificate as provided in
24 section 301.190, RSMo, which indicates that the vehicle was not
25 previously in a salvaged condition or rebuilt;

26 (2) An original certificate of title designated as prior

2 salvage if the vehicle examination certificate as provided in
3 section 301.190, RSMo, indicates the vehicle was previously in a
4 salvage condition or rebuilt;

5 (3) A salvage certificate of title designated with the
6 words "salvage/abandoned property" or junking certificate based
7 on the condition of the abandoned property as stated in the
8 abandoned property report or crime inquiry and inspection report;

9 (4) Notwithstanding the provisions of section 301.573,
10 RSMo, to the contrary, if satisfied with the genuineness of the
11 application and supporting documents, the director shall issue an
12 original title to abandoned property previously issued a salvage
13 title as provided in this section, if the vehicle examination
14 certificate as provided in section 301.190, RSMo, does not
15 indicate the abandoned property was previously in a salvage
16 condition or rebuilt.

17 13. If abandoned property is insured and the insurer of
18 property regards the property as a total loss and the insurer
19 satisfies a claim by the owner for the property, then the insurer
20 or lienholder shall claim and remove the property from the
21 storage facility or make arrangements to transfer the title, and
22 such transfer of title subject to agreement shall be in complete
23 satisfaction of all claims for towing and storage, to the towing
24 company or storage facility. The owner of the abandoned vehicle,
25 lienholder or insurer, to the extent the vehicle owner's
26 insurance policy covers towing and storage charges, shall pay

2 reasonable fees assessed by the towing company and storage
3 facility. The property shall be claimed and removed or title
4 transferred to the towing company or storage facility within
5 thirty days of the date that the insurer paid a claim for the
6 total loss of the property or is notified as to the location of
7 the abandoned property, whichever is the later event. Upon
8 request, the insurer of the property shall supply the towing
9 company and storage facility with the name, address and phone
10 number of the insurance company and of the insured and with a
11 statement regarding which party is responsible for the payment of
12 towing and storage charges under the insurance policy.

13 304.157. 1. If a person abandons property, as defined in
14 section 304.001, on any real property owned by another without
15 the consent of the owner or person in possession of the property,
16 at the request of the person in possession of the real property,
17 any member of the state highway patrol, state water patrol,
18 sheriff, or other law enforcement officer within his jurisdiction
19 may authorize a towing company to remove such abandoned property
20 from the property in the following circumstances:

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

23 (2) In the judgment of a law enforcement officer, the
24 abandoned property constitutes a safety hazard or unreasonably
25 interferes with the use of the real property by the person in
26 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
25 authorization to tow pursuant to this subsection may be made only
26 under any of the following circumstances:

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

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

20 (3) The abandoned property is left unattended on private
21 property, and the owner, lessee or agent of the real property in
22 lawful possession of real property has notified the appropriate
23 law enforcement agency, and ninety-six hours have elapsed since
24 that notification.

25 5. Pursuant to this section, any owner or lessee in lawful
26 possession of real property that requests a towing company to tow

2 abandoned property without authorization from a law enforcement
3 officer shall at that time complete an abandoned property report
4 which shall be considered a legal declaration subject to criminal
5 penalty pursuant to section 575.060, RSMo. The report shall be
6 in the form designed, printed and distributed by the director of
7 revenue and shall contain the following:

8 (1) The year, model, make and abandoned property
9 identification number of the property and the owner and any
10 lienholders, if known;

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

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

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

18 (5) The date the report is completed;

19 (6) The printed name, address and phone number of the
20 owner, lessee or property or security manager in possession of
21 the real property;

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

23 (8) The signature of the towing operator;

24 (9) The signature of the owner, lessee or property or
25 security manager attesting to the facts that the property has
26 been abandoned for the time required by this section and that all

2 statements on the report are true and correct to the best of the
3 person's knowledge and belief and that the person is subject to
4 the penalties for making false statements;

5 (10) Space for the name of the law enforcement agency
6 notified of the towing of the abandoned property and for the
7 signature of the law enforcement official receiving the report;
8 and

9 (11) Any additional information the director of revenue
10 deems appropriate.

11 6. Any towing company which tows abandoned property without
12 authorization from a law enforcement officer pursuant to
13 subsection 4 of this section shall deliver a copy of the
14 abandoned property report to the local law enforcement agency
15 having jurisdiction over the location from which the abandoned
16 property was towed. The copy may be produced and sent by
17 facsimile machine or other device which produces a near exact
18 likeness of the print and signatures required, but only if the
19 law enforcement agency receiving the report has the technological
20 capability of receiving such copy and has registered the towing
21 company for such purpose. The registration requirements shall
22 not apply to law enforcement agencies located in counties of the
23 third or fourth classification. The report shall be delivered
24 within two hours if the tow was made from a signed location
25 pursuant to subdivision (1) of subsection 4 of this section,
26 otherwise the report shall be delivered within twenty-four hours.

2 7. The law enforcement agency receiving such abandoned
3 property report must record the date on which the abandoned
4 property report is filed with such agency and shall promptly make
5 an inquiry into the national crime information center and any
6 statewide Missouri law enforcement computer system to determine
7 if the abandoned property has been reported as stolen. The law
8 enforcement agency shall enter the information pertaining to the
9 towed property into the statewide law enforcement computer
10 system, and an officer shall sign the abandoned property report
11 and provide the towing company with a signed copy. The
12 department of revenue may design and sell to towing companies
13 informational brochures outlining owner or lessee of real
14 property obligations pursuant to this section.

15 8. The law enforcement agency receiving notification that
16 abandoned property has been towed by a towing company shall
17 search the records of the department of revenue and provide the
18 towing company with the latest owner and lienholder information
19 on the abandoned property, and if the tower has online access to
20 the department of revenue's records, the tower shall comply with
21 the requirements of section 301.155, RSMo. If the abandoned
22 property is not claimed within ten working days, the towing
23 company shall send a copy of the abandoned property report signed
24 by a law enforcement officer to the department of revenue.

25 9. If any owner or lessee of real property knowingly
26 authorizes the removal of abandoned property in violation of this

2 section, then the owner or lessee shall be deemed guilty of a
3 class C misdemeanor.

4 304.170. 1. No vehicle operated upon the highways of this
5 state shall have a width, including load, in excess of ninety-six
6 inches, except clearance lights, rearview mirrors or other
7 accessories required by federal, state or city law or regulation;
8 except that, vehicles having a width, including load, not in
9 excess of one hundred two inches, exclusive of clearance lights,
10 rearview mirrors or other accessories required by law or
11 regulations, may be operated on the interstate highways and such
12 other highways as may be designated by the highways and
13 transportation commission for the operation of such vehicles plus
14 a distance not to exceed ten miles from such interstate or
15 designated highway. Provided however, a recreational vehicle as
16 defined in section 700.010, RSMo, may exceed the foregoing width
17 limits if the appurtenances on such recreational vehicle extend
18 no further than the rearview mirrors. Such mirrors may only
19 extend the distance necessary to provide the required field of
20 view before the appurtenances were attached.

21 2. No vehicle operated upon the interstate highway system
22 or upon any route designated by the chief engineer of the state
23 transportation department shall have a height, including load, in
24 excess of fourteen feet. On all other highways, no vehicle shall
25 have a height, including load, in excess of thirteen and one-half
26 feet, except that any vehicle or combination of vehicles

2 transporting automobiles or other motor vehicles may have a
3 height, including load, of not more than fourteen feet.

4 3. No single motor vehicle operated upon the highways of
5 this state shall have a length, including load, in excess of
6 forty-five feet, except as otherwise provided in this section.

7 4. No bus, recreational motor vehicle or trackless trolley
8 coach operated upon the highways of this state shall have a
9 length in excess of forty-five feet, except that such vehicles
10 may exceed the forty-five feet length when such excess length is
11 caused by the projection of a front safety bumper or a rear
12 safety bumper or both. Such safety bumper shall not cause the
13 length of the bus or recreational motor vehicle to exceed the
14 forty-five feet length limit by more than one foot in the front
15 and one foot in the rear. The term "safety bumper" means any
16 device which may be fitted on an existing bumper or which
17 replaces the bumper and is so constructed, treated, or
18 manufactured that it absorbs energy upon impact.

19 5. No combination of truck-tractor and semitrailer or
20 truck-tractor equipped with dromedary and semitrailer operated
21 upon the highways of this state shall have a length, including
22 load, in excess of sixty feet; except that in order to comply
23 with the provisions of Title 23 of the United States Code (Public
24 Law 97-424), no combination of truck-tractor and semitrailer or
25 truck-tractor equipped with dromedary and semitrailer operated
26 upon the interstate highway system of this state shall have an

2 overall length, including load, in excess of the length of the
3 truck-tractor plus the semitrailer or truck-tractor equipped with
4 dromedary and semitrailer, the length of such semitrailer shall
5 not exceed fifty-three feet.

6 6. In order to comply with the provisions of Title 23 of
7 the United States Code (Public Law 97-424), no combination of
8 truck-tractor, semitrailer and trailer operated upon the
9 interstate highway system of this state shall have an overall
10 length, including load, in excess of the length of the
11 truck-tractor plus the semitrailer and trailer, neither of which
12 semitrailer or trailer shall exceed twenty-eight feet in length,
13 except that any existing semitrailer or trailer up to
14 twenty-eight and one-half feet in length actually and lawfully
15 operated on December 1, 1982, within a sixty-five foot overall
16 length limit in any state, may continue to be operated upon the
17 interstate highways of this state. On those primary highways not
18 designated by the state highways and transportation commission as
19 provided in subsection 10 of this section, no combination of
20 truck-tractor, semitrailer and trailer shall have an overall
21 length, including load, in excess of sixty-five feet; provided,
22 however, the state highways and transportation commission may
23 designate additional routes for such sixty-five foot
24 combinations.

25 7. Automobile transporters, boat transporters,
26 truck-trailer boat transporter combinations, stinger-steered

2 combination automobile transporters and stinger-steered
3 combination boat transporters having a length not in excess of
4 seventy-five feet may be operated on the interstate highways of
5 this state and such other highways as may be designated by the
6 highways and transportation commission for the operation of such
7 vehicles plus a distance not to exceed ten miles from such
8 interstate or designated highway. All length provisions
9 regarding automobile or boat transporters, truck-trailer boat
10 transporter combinations and stinger-steered combinations shall
11 include a semitrailer length not to exceed fifty-three feet and
12 are exclusive of front and rear overhang, which shall be no
13 greater than a three-foot front overhang and no greater than a
14 four-foot rear overhang.

15 8. Driveaway saddlemount combinations having a length not
16 in excess of seventy-five feet may be operated on the interstate
17 highways of this state and such other highways as may be
18 designated by the highways and transportation commission for the
19 operation of such vehicles plus a distance not to exceed ten
20 miles from such interstate or designated highway. Saddlemount
21 combinations must comply with the safety requirements of Section
22 393.71 of Title 49 of the Code of Federal Regulations and may
23 contain no more than three saddlemounted vehicles and one
24 fullmount.

25 9. No truck-tractor semitrailer-semitrailer combination
26 vehicles operated upon the interstate and designated primary

2 highway system of this state shall have a semitrailer length in
3 excess of twenty-eight feet or twenty-eight and one-half feet if
4 the semitrailer was in actual and lawful operation in any state
5 on December 1, 1982, operating in a truck-tractor
6 semitrailer-semi-trailer combination. The B-train assembly is
7 excluded from the measurement of semitrailer length when used
8 between the first and second semitrailer of a truck-tractor
9 semitrailer-semi-trailer combination, except that when there is no
10 semitrailer mounted to the B-train assembly, it shall be included
11 in the length measurement of the semitrailer.

12 10. The highways and transportation commission is
13 authorized to designate routes on the state highway system other
14 than the interstate system over which those combinations of
15 vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9
16 of this section may be operated. Combinations of vehicles
17 operated under the provisions of subsections 5, 6, 7, 8 and 9 of
18 this section may be operated at a distance not to exceed ten
19 miles from the interstate system and such routes as designated
20 under the provisions of this subsection.

21 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10
22 of this section, no other combination of vehicles operated upon
23 the primary or interstate highways of this state plus a distance
24 of ten miles from a primary or interstate highway shall have an
25 overall length, unladen or with load, in excess of sixty-five
26 feet or in excess of fifty-five feet on any other highway, except

2 the state highways and transportation commission may designate
3 additional routes for use by sixty-five foot combinations,
4 seventy-five foot stinger-steered combinations or seventy-five
5 foot saddlemount combinations. Any vehicle or combination of
6 vehicles transporting automobiles, boats or other motor vehicles
7 may carry a load which extends no more than three feet beyond the
8 front and four feet beyond the rear of the transporting vehicle
9 or combination of vehicles.

10 12. (1) Except as hereinafter provided, these restrictions
11 shall not apply to agricultural implements operating occasionally
12 on the highways for short distances, or to self-propelled
13 hay-hauling equipment or to implements of husbandry, or to the
14 movement of farm products as defined in section 400.9-109, RSMo,
15 or to vehicles temporarily transporting agricultural implements
16 or implements of husbandry or roadmaking machinery, or road
17 materials or towing for repair purposes vehicles that have become
18 disabled upon the highways; or to implement dealers delivering or
19 moving farm machinery for repairs on any state highway other than
20 the interstate system.

21 (2) Implements of husbandry and vehicles transporting such
22 machinery or equipment and the movement of farm products as
23 defined in section 400.9.109, RSMo, may be operated occasionally
24 for short distances on state highways when operated between the
25 hours of sunrise and sunset by a driver licensed as an operator
26 or chauffeur.

2 13. As used in this chapter the term "implements of
3 husbandry" means all self-propelled machinery operated at speeds
4 of less than thirty miles per hour, specifically designed for, or
5 especially adapted to be capable of, incidental over-the-road and
6 primary offroad usage and used exclusively for the application of
7 commercial plant food materials or agricultural chemicals, and
8 not specifically designed or intended for transportation of such
9 chemicals and materials. [No implement of husbandry may exceed a
10 width of eleven feet, six inches.]

11 14. The purpose of this section is to permit a single trip
12 per day by the implement of husbandry from the source of supply
13 to a given farm.

14 15. Sludge disposal units may be operated on all state
15 highways other than the interstate system. Such units shall not
16 exceed one hundred thirty-eight inches in width and may be
17 equipped with over-width tires. Such units shall observe all
18 axle weight limits. The chief engineer of the state
19 transportation department shall issue special permits for the
20 movement of such disposal units and may by such permits restrict
21 the movements to specified routes, days and hours.

22 304.190. 1. No motor vehicle, unladen or with load,
23 operating exclusively within the corporate limits of cities
24 containing seventy-five thousand inhabitants or more or within
25 two miles of the corporate limits of the city or within the
26 commercial zone of the city shall exceed fifteen feet in height.

2 2. No motor vehicle operating exclusively within any said
3 area shall have a greater weight than twenty-two thousand four
4 hundred pounds on one axle.

5 3. The "commercial zone" of the city is defined to mean
6 that area within the city together with the territory extending
7 one mile beyond the corporate limits of the city and one mile
8 additional for each fifty thousand population or portion thereof
9 provided, however, the commercial zone surrounding a city not
10 within a county shall extend eighteen miles beyond the corporate
11 limits of any such city not located within a county and shall
12 also extend throughout any first class charter county which
13 adjoins that city; further, provided, however, the commercial
14 zone of a city with a population of at least four hundred
15 thousand inhabitants but not more than four hundred fifty
16 thousand inhabitants shall extend twelve miles beyond the
17 corporate limits of any such city; except that this zone shall
18 extend from the southern border of such city's limits, beginning
19 with the western-most freeway, following said freeway south to
20 the first intersection with a multilane undivided highway, where
21 the zone shall extend south along said freeway to include a city
22 of the fourth classification with more than eight thousand nine
23 hundred but less than nine thousand inhabitants, and shall extend
24 north from the intersection of said freeway and multilane
25 undivided highway along the multilane undivided highway to the
26 city limits of a city with a population of at least four hundred

2 thousand inhabitants but not more than four hundred fifty
3 thousand inhabitants. In no case shall the commercial zone of a
4 city be reduced due to a loss of population. The provisions of
5 this section shall not apply to motor vehicles operating on the
6 interstate highways in the area beyond two miles of a corporate
7 limit of the city unless the United States Department of
8 Transportation increases the allowable weight limits on the
9 interstate highway system within commercial zones. In such case,
10 the mileage limits established in this section shall be
11 automatically increased only in the commercial zones to conform
12 with those authorized by the United States Department of
13 Transportation.

14 4. Nothing in this section shall prevent a city, county, or
15 municipality, by ordinance, from designating the routes over
16 which such vehicles may be operated.

17 306.461. 1. A sole owner of an outboard motor or vessel,
18 and multiple owners of an outboard motor or vessel who hold their
19 interest as joint tenants with right of survivorship or as
20 tenants by the entirety, on application and payment of the fee
21 required for an original certificate of title, may request the
22 director of revenue to issue a certificate of title for the
23 outboard motor or vessel in beneficiary form which includes a
24 directive to the director of revenue to transfer the certificate
25 of title on death of the sole owner or on death of all multiple
26 owners to one beneficiary or to two or more beneficiaries as

2 joint tenants with right of survivorship or as tenants by the
3 entirety named on the face of the certificate.

4 2. A certificate of title in beneficiary form may not be
5 issued to persons who hold their interest in an outboard motor or
6 vessel as tenants in common.

7 3. A certificate of title issued in beneficiary form shall
8 include after the name of the owner, or after the names of
9 multiple owners, the words "transfer on death to" or the
10 abbreviation "TOD" followed by the name of the beneficiary or
11 beneficiaries.

12 4. (1) During the lifetime of a sole owner and during the
13 lifetime of all multiple owners, the signature or consent of the
14 beneficiary or beneficiaries shall not be required for any
15 transaction relating to the outboard motor or vessel for which a
16 certificate of title in beneficiary form has been issued.

17 (2) A certificate of title in beneficiary form may be
18 revoked or the beneficiary or beneficiaries changed at any time
19 before the death of the sole owner or surviving multiple owner
20 only by the following methods:

21 (a) By a sale of the outboard motor or vessel with proper
22 assignment and delivery of the certificate of title to another
23 person; or

24 (b) By surrender of the outstanding certificate of title
25 and filing an application to reissue the certificate of title
26 with no designation of a beneficiary or with the designation of a

2 different beneficiary or beneficiaries with the director of
3 revenue in proper form and accompanied by the payment of the fee
4 for an original certificate of title.

5 (3) The beneficiary's or beneficiaries' interest in the
6 outboard motor or vessel at death of the owner or surviving owner
7 shall be subject to any contract of sale, assignment of ownership
8 or security interest to which the owner or owners of the outboard
9 motor or vessel were subject during their lifetime.

10 (4) The designation of a beneficiary or beneficiaries in a
11 certificate of title issued in beneficiary form may not be
12 changed or revoked by a will, any other instrument, or a change
13 in circumstances, or otherwise be changed or revoked except as
14 provided by subdivision (2) of this subsection.

15 5. (1) On proof of death of one of the owners of two or
16 more multiple owners, or of a sole owner, surrender of the
17 outstanding certificate of title, and on application and payment
18 of the fee for an original certificate of title, the director of
19 revenue shall issue a new certificate of title for the outboard
20 motor or vessel to the surviving owner or owners or, if none, to
21 the surviving beneficiary or beneficiaries, subject to any
22 outstanding security interest; and the current valid certificate
23 of number shall be so transferred. If the surviving beneficiary
24 or beneficiaries makes a request of the director of revenue, the
25 director may allow the beneficiary or beneficiaries to make one
26 assignment of title.

2 (2) The director of revenue may rely on a death certificate
3 or record or report that constitutes prima facie proof or
4 evidence of death under subdivisions (1) and (2) of section
5 472.290, RSMo.

6 (3) The transfer of an outboard motor or vessel at death
7 pursuant to this section is effective by reason of sections
8 301.675 to 301.682, RSMo, and sections 306.455 to 306.465, and is
9 not to be considered testamentary, or to be subject to the
10 requirements of section 473.087, RSMo, or section 474.320, RSMo.

11 306.530. 1. The owner of an outboard motor kept within
12 this state shall cause it to be registered in the office of the
13 director of revenue who shall issue a certificate of title for
14 the same.

15 2. The owner of any outboard motor acquired or brought into
16 the state shall file his application for registration and pay the
17 fee within sixty days after it is acquired or brought into this
18 state. The director of revenue may grant extensions of time for
19 registration to any person in deserving cases.

20 3. Any make of outboard motor older than 1960 which is
21 owned solely as a collector's item and which is used and intended
22 to be used for exhibition and educational purposes only and will
23 not be used on the waterways of this state, will be exempt from
24 titling and registration pursuant to this chapter.

25 307.020. As used in sections 307.020 to 307.120, unless the
26 context requires another or different construction:

2 (1) "Approved" means approved by the director of revenue
3 and when applied to lamps and other illuminating devices means
4 that such lamps and devices must be in good working order;

5 (2) "Auxiliary lamp" means an additional lighting device on
6 a motor vehicle used primarily to supplement the headlamps in
7 providing general illumination ahead of a vehicle;

8 (3) "Headlamp" means a major lighting device capable of
9 providing general illumination ahead of a vehicle;

10 (4) "Mounting height" means the distance from the center of
11 the lamp to the surface on which the vehicle stands;

12 (5) "Multiple-beam headlamps" means headlamps or similar
13 devices arranged so as to permit the driver of the vehicle to use
14 one of two or more distributions of light on the road;

15 (6) "Reflector" means an approved device designed and used
16 to give an indication by reflected light;

17 (7) "Single-beam headlamps" means headlamps or similar
18 devices arranged so as to permit the driver of the vehicle to use
19 but one distribution of light on the road;

20 (8) "Vehicle" means every device in, upon or by which a
21 person or property is or may be transported upon a highway,
22 excepting devices moved by human power or used exclusively upon
23 stationary rails or tracks;

24 (9) "When lighted lamps are required" means at any time
25 from a half-hour after sunset to a half-hour before sunrise and
26 at any other time when there is not sufficient light to render

2 clearly discernible persons and vehicles on the highway at a
3 distance of five hundred feet ahead. Lighted lamps shall also be
4 required any time the weather conditions require usage of the
5 motor vehicle's windshield wipers to operate the vehicle in a
6 careful and prudent manner as defined in section 304.012, RSMo.
7 The provisions of this section shall be interpreted to require
8 lighted lamps during periods of fog even if usage of the
9 windshield wipers is not necessary to operate the vehicle in a
10 careful and prudent manner.

11 307.040. 1. No person shall drive, move, park or be in
12 custody of any vehicle or combination of vehicles on any street
13 or highway during the times when lighted lamps are required
14 unless such vehicle or combination of vehicles displays lighted
15 lamps and illuminating devices as hereinafter in this chapter
16 required. No person shall use on any vehicle any approved
17 electric lamp or similar device unless the light source of such
18 lamp or device complies with the conditions of approval as to
19 focus and rated candlepower.

20 2. Notwithstanding the provisions of section 307.120, or
21 any other provision of law, violation of this section shall be
22 deemed an infraction and any person who violates this section as
23 it relates to violations of the usage of lighted lamps required
24 due to weather conditions or fog shall only be fined ten dollars
25 and no court costs shall be assessed.

26 307.100. 1. Any lighted lamp or illuminating device upon a

2 motor vehicle other than headlamps, spotlamps, front direction
3 signals or auxiliary lamps which projects a beam of light of an
4 intensity greater than three hundred candlepower shall be so
5 directed that no part of the beam will strike the level of the
6 roadway on which the vehicle stands at a distance of more than
7 seventy-five feet from the vehicle. Alternately flashing warning
8 signals may be used on school buses when used for school purposes
9 and on motor vehicles when used to transport United States mail
10 from post offices to boxes of addressees thereof and on emergency
11 vehicles as defined in section 304.022, RSMo, [and] on buses
12 owned or operated by churches, mosques, synagogues, temples or
13 other houses of worship, and on commercial passenger transport
14 vehicles or railroad passenger cars that are stopped to load or
15 unload passengers, but are prohibited on other motor vehicles,
16 motorcycles and motor-drawn vehicles except as a means for
17 indicating a right or left turn.

18 2. Notwithstanding the provisions of section 307.120,
19 violation of this section is an infraction.

20 307.400. 1. It is unlawful for any person to operate any
21 commercial motor vehicle as defined in Title 49, Code of Federal
22 Regulations, Part 390.5, either singly or in combination with a
23 trailer, as both vehicles are defined in Title 49, Code of
24 Federal Regulations, Part 390.5, unless such vehicles are
25 equipped and operated as required by Parts 390 through 397, Title
26 49, Code of Federal Regulations, as such regulations have been

2 and may periodically be amended, whether intrastate
3 transportation or interstate transportation. Members of the
4 Missouri state highway patrol are authorized to enter the cargo
5 area of a commercial motor vehicle or trailer to inspect the
6 contents when reasonable grounds exist to cause belief that the
7 vehicle is transporting hazardous materials as defined by Title
8 49 of the Code of Federal Regulations. The director of the
9 department of public safety is hereby authorized to further
10 regulate the safety of commercial motor vehicles and trailers as
11 he deems necessary to govern and control their operation on the
12 public highways of this state by promulgating and publishing
13 rules and regulations consistent with this chapter. Any such
14 rules shall, in addition to any other provisions deemed necessary
15 by the director, require:

16 (1) Every commercial motor vehicle and trailer and all
17 parts thereof to be maintained in a safe condition at all times;

18 (2) Accidents arising from or in connection with the
19 operation of commercial motor vehicles and trailers to be
20 reported to the department of public safety in such detail and in
21 such manner as the director may require.

22 Except for the provisions of subdivisions (1) and (2) of this
23 subsection, the provisions of this section shall not apply to any
24 commercial motor vehicle operated in intrastate commerce and
25 licensed for a gross weight of sixty thousand pounds or less when

2 used exclusively for the transportation of solid waste or
3 forty-two thousand pounds or less when the license plate has been
4 designated for farm use by the letter "F" as authorized by the
5 Revised Statutes of Missouri, unless such vehicle is transporting
6 hazardous materials as defined in Title 49, Code of Federal
7 Regulations.

8 2. Notwithstanding the provisions of subsection 1 of this
9 section to the contrary, Part 391, Subpart E, Title 49, Code of
10 Federal Regulations, relating to the physical requirements of
11 drivers shall not be applicable to drivers in intrastate
12 commerce, provided such drivers were licensed by this state as
13 chauffeurs to operate commercial motor vehicles on May 13, 1988.
14 Persons who are otherwise qualified and licensed to operate a
15 commercial motor vehicle in this state may operate such vehicle
16 intrastate at the age of eighteen years or older, except that any
17 person transporting hazardous material must be at least
18 twenty-one years of age.

19 3. Commercial motor vehicles and drivers of such vehicles
20 may be placed out of service if the vehicles are not equipped and
21 operated according to the requirements of this section. Criteria
22 used for placing vehicles and drivers out of service are the
23 North American Uniform Out-of-Service Criteria adopted by the
24 Commercial Vehicle Safety Alliance and the United States
25 Department of Transportation, as such criteria have been and may
26 periodically be amended.

2 4. Notwithstanding the provisions of subsection 1 of this
3 section to the contrary, Part 395, Title 49, Code of Federal
4 Regulations, relating to the hours of drivers, shall not apply to
5 any vehicle owned or operated by any public utility, rural
6 electric cooperative or other public service organization, or to
7 the driver of such vehicle, while providing restoration of
8 essential utility services during emergencies and operating
9 intrastate. For the purposes of this subsection, the term
10 "essential utility services" means electric, gas, water,
11 telephone and sewer services.

12 5. Part 395, Title 49, Code of Federal Regulations,
13 relating to the hours of drivers, shall not apply to drivers
14 transporting agricultural commodities or farm supplies for
15 agricultural purposes in this state if such transportation:

16 (1) Is limited to an area within a one hundred air mile
17 radius from the source of the commodities or the distribution
18 point for the farm supplies; and

19 (2) Is conducted during the planting and harvesting season
20 within this state, as defined by the department of public safety
21 by regulation.

22 6. The provisions of Part 395.8, Title 49, Code of Federal
23 Regulations, relating to recording of a driver's duty status,
24 shall not apply to drivers engaged in agricultural operations
25 referred to in subsection 5 of this section, if the motor carrier
26 who employs the driver maintains and retains for a period of six

2 months accurate and true records showing:

3 (1) The total number of hours the driver is on duty each
4 day; and

5 (2) The time at which the driver reports for, and is
6 released from, duty each day.

7 7. Notwithstanding the provisions of subsection 1 of this
8 section to the contrary, Parts 390 through 397, Title 49, Code of
9 Federal Regulations shall not apply to commercial motor vehicles
10 operated in intrastate commerce to transport property, which have
11 a gross vehicle weight rating or gross combination weight rating
12 of twenty-six thousand pounds or less. The exception provided by
13 this subsection shall not apply to vehicles transporting
14 hazardous materials as defined by Title 49 of the Code of Federal
15 Regulations. Nothing in this subsection shall be construed to
16 prohibit persons designated by the department of public safety
17 from inspecting vehicles defined in this subsection.

18 8. Violation of any provision of this section or any rule
19 promulgated as authorized therein is a class B misdemeanor.

20 [8.] 9. No rule or portion of a rule promulgated under the
21 authority of this chapter shall become effective unless it has
22 been promulgated pursuant to the provisions of section 536.024,
23 RSMo.

24 365.020. Unless otherwise clearly indicated by the context,
25 the following words and phrases have the meanings indicated:

26 (1) "Cash sale price", the price stated in a retail

2 installment contract for which the seller would have sold to the
3 buyer, and the buyer would have bought from the seller, the motor
4 vehicle which is the subject matter of the retail installment
5 contract, if the sale had been a sale for cash or at a cash price
6 instead of a retail installment transaction at a time sale price.
7 The cash sale price may include any taxes, registration,
8 certificate of title, license and other fees and charges for
9 accessories and their installment and for delivery, servicing,
10 repairing or improving the motor vehicle;

11 (2) "Director", the office of the director of the division
12 of finance;

13 (3) "Holder" of a retail installment contract, the retail
14 seller of the motor vehicle under the contract or, if the
15 contract is purchased by a sales finance company or other
16 assignee, the sales finance company or other assignee;

17 (4) "Insurance company", any form of lawfully authorized
18 insurer in this state;

19 (5) "Motor vehicle", any new or used automobile, mobile
20 home, motorcycle, all-terrain vehicle, motorized bicycle, moped,
21 motortricycle, truck, trailer, semitrailer, truck tractor, or bus
22 [having a cash sale price of seven thousand five hundred dollars
23 or less] primarily designed or used to transport persons or
24 property on a public highway, road or street;

25 (6) "Official fees", the fees prescribed by law for filing,
26 recording or otherwise perfecting and releasing or satisfying any

2 title or lien retained or taken by a seller in connection with a
3 retail installment transaction;

4 (7) "Person", an individual, partnership, corporation,
5 association, and any other group however organized;

6 (8) "Principal balance", the cash sale price of the motor
7 vehicle which is the subject matter of the retail installment
8 transaction plus the amounts, if any, included in the sale, if a
9 separate identified charge is made therefor and stated in the
10 contract, for insurance and other benefits, including any amounts
11 paid or to be paid by the seller pursuant to an agreement with
12 the buyer to discharge a security interest, lien, or lease
13 interest on property traded in and official fees, minus the
14 amount of the buyer's down payment in money or goods.

15 Notwithstanding any law to the contrary, any amount actually paid
16 by the seller pursuant to an agreement with the buyer to
17 discharge a security interest, lien or lease on property traded
18 in which was included in a contract prior to August 28, 1999, is
19 valid and legal;

20 (9) "Retail buyer" or "buyer", a person who buys a motor
21 vehicle from a retail seller in a retail installment transaction
22 under a retail installment contract;

23 (10) "Retail installment contract" or "contract", an
24 agreement evidencing a retail installment transaction entered
25 into in this state pursuant to which the title to or a lien upon
26 the motor vehicle, which is the subject matter of the retail

2 installment transaction is retained or taken by the seller from
3 the buyer as security for the buyer's obligation. The term
4 includes a chattel mortgage or a conditional sales contract;

5 (11) "Retail installment transaction", a sale of a motor
6 vehicle by a retail seller to a retail buyer on time under a
7 retail installment contract for a time sale price payable in one
8 or more deferred installments;

9 (12) "Retail seller" or "seller", a person who sells a
10 motor vehicle, not principally for resale, to a retail buyer
11 under a retail installment contract;

12 (13) "Sales finance company", a person engaged, in whole or
13 in part, in the business of purchasing retail installment
14 contracts from one or more sellers. The term includes but is not
15 limited to a bank, trust company, loan and investment company,
16 savings and loan association, financing institution, or
17 registrant pursuant to sections 367.100 to 367.200, RSMo, if so
18 engaged. The term shall not include a person who makes only
19 isolated purchases of retail installment contracts, which
20 purchases are not being made in the course of repeated or
21 successive purchases of retail installment contracts from the
22 same seller;

23 (14) "Time price differential", the amount, however
24 denominated or expressed, as limited by section 365.120, in
25 addition to the principal balance to be paid by the buyer for the
26 privilege of purchasing the motor vehicle on time to be paid for

2 by the buyer in one or more deferred installments;

3 (15) "Time sale price", the total of the cash sale price of
4 the motor vehicle and the amount, if any, included for insurance
5 and other benefits if a separate identified charge is made
6 therefor and the amounts of the official fees and time price
7 differential.

8 365.080. 1. The amount, if any, included in any retail
9 installment transaction for insurance, if a separate identified
10 charge is made for the insurance, which insurance may be
11 purchased by the holder of the contract, shall not exceed the
12 applicable premiums chargeable in accordance with the rates
13 approved by the department of insurance of this state where the
14 rates are required by law to be approved by the department. All
15 insurance shall be written by an insurance company authorized to
16 do business in this state and all policies written in this state
17 shall be countersigned by a duly licensed resident agent
18 authorized to engage in the insurance business in this state,
19 unless otherwise provided by law. A buyer may be required to
20 provide insurance on the motor vehicle at his own cost for the
21 protection of the seller or holder, as well as the buyer, but the
22 insurance shall be limited to insurance against substantial risk
23 of loss, damage or destruction of the motor vehicle. Any other
24 insurance, including insurance providing involuntary unemployment
25 coverage, may be included in a retail installment transaction at
26 the buyer's expense only if contracted for voluntarily by the

2 buyer. If the insurance for which the identified charge is made
3 insures the safety or health of the buyer or his interest in the
4 motor vehicle and is purchased by the holder, it shall be subject
5 to the limitations provided for in the regulations promulgated
6 and issued by the director pursuant to the provision of
7 subsection 1 of section 365.060. The holder shall within thirty
8 days after the execution of the retail installment contract send
9 or cause to be sent to the buyer a policy or certificate of
10 insurance, clearly setting forth the amount of the cost of the
11 policy or certificate of insurance, the kinds of insurance, and,
12 if a policy, all the terms, exceptions, limitations, restrictions
13 and conditions of the contract of insurance, or, if a
14 certificate, a summary of the certificate. The seller shall not
15 decline existing insurance written by an insurance company
16 authorized to do business in this state and the buyer shall have
17 the privilege of purchasing insurance from an agent or broker of
18 his own selection and of selecting his insurance company; except,
19 that the insurance company shall be acceptable to the holder, and
20 further, that the inclusion of the cost of the insurance in the
21 retail installment contract when the buyer selects his agent,
22 broker or company, shall be optional with the seller.

23 2. If any insurance is canceled, or the premium adjusted,
24 any refund of the insurance premium received by the holder shall
25 be credited to the final maturing installments of the contract
26 except to the extent applied toward payment for similar insurance

2 protecting the interests of the buyer and the holder or either of
3 them.

4 3. The amount of any life insurance shall not exceed the
5 amount of the total unpaid balance from time to time; except,
6 that where the buyer's obligation is repayable in payments which
7 are not substantially equal in amount, the insurance may be level
8 term insurance in an amount which shall not exceed by more than
9 five dollars the time balance as determined under subsection 6 of
10 section 365.070.

11 4. Nothing in this chapter shall be construed to prohibit
12 the sale of a deficiency waiver addendum, guaranteed asset
13 protection, extended service contract, or other similar products
14 purchased at the time of sale, as part of a retail sale
15 transaction involving any motor vehicle, or including the cost
16 therefore within a retail installment transaction, provided the
17 requirements of section 365.070 are met.

18 365.100. For contracts entered into on or after September
19 29, 2005, if the contract so provides, the holder thereof may
20 charge, finance, and collect:

21 (1) A charge for late payment on each installment or
22 minimum payment in default for a period of not less than fifteen
23 days in an amount not to exceed five percent of each installment
24 due or the minimum payment due or twenty-five dollars, whichever
25 is less; except that, a minimum charge of ten dollars may be
26 made, or when the installment is for twenty-five dollars or less,

2 a charge for late payment for a period of not less than fifteen
3 days shall not exceed five dollars, provided, however, that a
4 minimum charge of one dollar may be made;

5 (2) Interest on each delinquent payment at a rate which
6 shall not exceed the highest lawful contract rate. In addition
7 to such charge, the contract may provide for the payment of
8 attorney fees not exceeding fifteen percent of the amount due and
9 payable under the contract where the contract is referred for
10 collection to any attorney not a salaried employee of the holder,
11 plus court costs; [and]

12 (3) A dishonored or insufficient funds check fee equal to
13 such fee as provided in section 408.653, RSMo, in addition to
14 fees charged by a bank for each check, draft, order or like
15 instrument which is returned unpaid; and

16 (4) All other reasonable expenses incurred in the
17 origination, servicing, and collection of the amount due under
18 the contract.

19 390.020. As used in this chapter, unless the context
20 clearly requires otherwise, the words and terms mean:

21 (1) "Agricultural commodities in bulk", commodities
22 conforming to the meaning of "commodities in bulk" as defined in
23 this section, which are agricultural, horticultural, viticultural
24 or forest products or any other products which are grown or
25 produced on a farm or in a forest, and which have not undergone
26 processing at any time since movement from the farm or forest, or

2 processed or unprocessed grain, feed, feed ingredients, or forest
3 products;

4 (2) "Certificate", a written document authorizing a common
5 carrier to engage in intrastate commerce and issued under the
6 provisions of this chapter;

7 (3) "Charter service", the transportation of a group of
8 persons who, pursuant to a common purpose and at a fixed charge
9 for the vehicle, have acquired the exclusive use of a
10 passenger-carrying motor vehicle to travel together as a group
11 from a point of origin to a specified destination or for a
12 particular itinerary, either agreed upon in advance or modified
13 by the chartering group after having left the place of origin;

14 (4) "Commercial zone", unless otherwise increased pursuant
15 to the provisions of subdivision (4) of section 390.041, any
16 municipality within this state together with that territory
17 either within or without the state of Missouri, extending one
18 mile beyond the corporate limits of such municipality and one
19 additional mile for each fifty thousand inhabitants or portion
20 thereof; however, any commercial zone of a city not within a
21 county shall extend eighteen miles beyond that city's corporate
22 limits and shall also extend throughout any first class charter
23 county which adjoins that zone;

24 (5) "Commodities in bulk", commodities, which are fungible,
25 flowable, capable of being poured or dumped, tendered for
26 transportation unpackaged, incapable of being counted, but are

2 weighed or measured by volume and which conform to the shape of
3 the vehicle transporting them;

4 (6) "Common carrier", any person which holds itself out to
5 the general public to engage in the transportation by motor
6 vehicle of passengers or property for hire or compensation upon
7 the public highways and airlines engaged in intrastate commerce;

8 (7) "Contract carrier", any person under individual
9 contracts or agreements which engage in transportation by motor
10 vehicles of passenger or property for hire or compensation upon
11 the public highways;

12 (8) "Corporate family", a group of corporations consisting
13 of a parent corporation and all subsidiaries in which the parent
14 corporation owns directly or indirectly a one hundred percent
15 interest;

16 (9) "Division", the division of motor carrier and railroad
17 safety of the department of economic development;

18 (10) "Driveaway operator"[,]:

19 (a) Any motor carrier who moves any commercial motor
20 vehicle or assembled automobile singly under its own power or in
21 any other combination of two or more vehicles under the power of
22 one of said vehicles upon any public highway for the purpose of
23 delivery for sale or for delivery either before or after sale;

24 (b) A person engaged in the business of furnishing drivers
25 and operators for the purpose of transporting vehicles in transit
26 from one place to another by the driveaway or towaway methods; or

2 (c) A person who is lawfully engaged in the business of
3 transporting or delivering vehicles that are not the person's own
4 and vehicles of a type otherwise required to be registered, by
5 the driveaway or towaway methods, from a point of manufacture,
6 assembly or distribution or from the owner of the vehicles to a
7 dealer or sales agent of a manufacturer or to any consignee
8 designated by the shipper or consignor;

9 (11) "Dump truck", any open-top vehicle, including dump
10 trailers, and those trailers commonly referred to as hopper
11 trailers and/or belly dump trailers, that discharges its load by
12 tipping or opening the body in such a manner that the load is
13 ejected or dumped by gravity but does not include tank or other
14 closed-top vehicles, or vehicles that discharge cargo by means of
15 an auger, conveyor belt, air pressure, pump or other mechanical
16 means;

17 (12) "Household goods", personal effects and property used
18 or to be used in a dwelling when a part of the equipment or
19 supply of such dwelling; new or used furniture; store or office
20 furniture or fixtures; equipment of museums, institutions,
21 hospitals and other establishments; and articles, which because
22 of their unusual nature or value require specialized handling and
23 equipment usually employed in moving household goods;

24 (13) "Interstate commerce", commerce between a point in
25 this state and a point outside this state, or between points
26 outside this state when such commerce moves through this state

2 whether such commerce moves wholly by motor vehicle or partly by
3 motor vehicle and partly by any other regulated means of
4 transportation where the commodity does not come to rest or
5 change its identity during the movement;

6 (14) "Intrastate commerce", commerce moving wholly between
7 points within this state, whether such commerce moves wholly by
8 motor vehicle or partly by motor vehicle and partly by any other
9 means of transportation;

10 (15) "Irregular route", the course or line of travel to be
11 used by a motor carrier's vehicle when not restricted to any
12 specific route or routes within the area the motor carrier is
13 authorized to serve;

14 (16) "Less-than-truckload lots", lots of freight, other
15 than a truckload lot, being transported on the motor vehicle at
16 one time;

17 (17) "Mobile home", house trailers, cabin trailers,
18 bungalow trailers, mobile homes and any other transportable
19 building unit designed to be used for residential, commercial,
20 industrial or recreational purposes, including special equipment,
21 wheels, tires, axles, springs, racks, undercarriages and
22 undersupports used or useful in connection with the
23 transportation of mobile homes when transported as part of the
24 transportation of mobile homes;

25 (18) "Motor carrier", any person engaged in the
26 transportation of property or passengers, or both, for

2 compensation or hire, over the public roads of this state by
3 motor vehicle. The term includes both common and contract
4 carriers;

5 (19) "Motor vehicle", any vehicle, truck, truck-tractor,
6 trailer, or semitrailer, motor bus or any self-propelled vehicle
7 used upon the highways of the state in the transportation of
8 property or passengers;

9 (20) "Party", any person admitted as a party to a division
10 proceeding or seeking and entitled as a matter of right to
11 admission to a division proceeding;

12 (21) "Permit", a permit issued under the provisions of this
13 chapter to a contract carrier to engage in intrastate or
14 interstate commerce or to a common carrier to engage in
15 interstate commerce;

16 (22) "Person", any individual or other legal entity,
17 whether such entity is a proprietorship, partnership,
18 corporation, company, association or joint-stock association,
19 including the partners, officers, employees, and agents of the
20 person, as well as any trustees, assignees, receivers, or
21 personal representatives of the person;

22 (23) "Private carrier", any person engaged in the
23 transportation of property or passengers by motor vehicle upon
24 public highways, but not as a common or contract carrier by motor
25 vehicle; and includes any person who transports property by motor
26 vehicle where such transportation is incidental to or in

2 furtherance of his commercial enterprises;

3 (24) "Public highway", every public street, road, highway
4 or thoroughfare of any kind used by the public, whether actually
5 dedicated to the public;

6 (25) "Regular route", a specific and determined course to
7 be traveled by a motor carrier's vehicle rendering service to,
8 from or between various points or localities in this state;

9 (26) "School bus", any motor vehicle while being used
10 solely to transport students to or from school or to transport
11 students to or from any place for educational purposes or school
12 purposes;

13 (27) "Taxicab", any motor vehicle performing a bona fide
14 for hire taxicab service having a capacity of not more than five
15 passengers, exclusive of the driver, and not operated on a
16 regular route or between fixed termini;

17 (28) "Truckload lot", a lot or lots of freight tendered to
18 a carrier by one consignor or one consignee for delivery at the
19 direction of the consignor or consignee with the lot or lots
20 being the only lot or lots transported on the motor vehicle at
21 any one time.

22 390.030. 1. The provisions of this chapter shall not apply
23 to:

24 (1) School buses;

25 (2) Taxicabs;

26 (3) Motor vehicles while being used exclusively to

2 transport;

3 (a) Stocker and feeder livestock from farm to farm, or from
4 market to farm,

5 (b) Farm or dairy products including livestock from a farm
6 or dairy,

7 (c) Agricultural limestone or fertilizer to farms,

8 (d) Property from farm to farm,

9 (e) Raw forest products from farm, or

10 (f) Cotton, cottonseed, and cottonseed hulls;

11 (4) Motor vehicles when operated under contract with the
12 federal government for carrying the United States mail and when
13 on a trip provided in the contract;

14 (5) Motor vehicles used solely in the distribution of
15 newspapers from the publisher to subscribers or distributors;

16 (6) The transportation of passengers or property performed
17 by a carrier pursuant to a contract between the carrier and the
18 state of Missouri or any civil subdivision thereof, where the
19 transportation services are paid directly to the carrier by the
20 state of Missouri or civil subdivision;

21 (7) Freight-carrying motor vehicles duly registered and
22 licensed in conformity with the provisions of chapter 301, RSMo,
23 for a gross weight of six thousand pounds or less;

24 (8) The transportation of passengers or property wholly
25 within a municipality, or between contiguous municipalities, or
26 within a commercial zone as defined in section 390.020, or within

2 a commercial zone established by the division of motor carrier
3 and railroad safety pursuant to the provisions of subdivision
4 (4) of section 390.041; provided, the exemption in this
5 subdivision shall not apply to motor carriers of persons
6 operating to, from or between points located wholly or in part in
7 counties now or hereafter having a population of more than three
8 hundred thousand persons, where such points are not within the
9 same municipality and to motor carriers of commodities in bulk to
10 include liquids, in tank or hopper type vehicles, and in a
11 commercial zone as defined herein or by the division;

12 (9) Street railroads and public utilities other than common
13 carriers as defined in section 386.020, RSMo;

14 (10) Motor vehicles whose operations in the state of
15 Missouri are interstate in character and are limited exclusively
16 to a municipality and its commercial zone;

17 (11) Motor vehicles, commonly known as tow trucks or
18 wreckers, designed and exclusively used in the business of towing
19 or otherwise rendering assistance to abandoned, disabled or
20 wrecked vehicles;

21 (12) Motor vehicles while being used solely by a group of
22 employees to commute to and from their place or places of
23 employment, except that the motor vehicle must be driven by a
24 member of the group.

25 2. Nothing contained in this section shall be deemed to
26 exempt the vehicles of driveaway operators.

2 3. Except for the provisions of subdivision (5) of section
3 390.041, the provisions of this chapter shall not apply to
4 private carriers.

5 4. No agency of state government nor any county or
6 municipality or their agencies shall discriminate against any
7 motor carrier or private carrier or deny any such carrier
8 operating a motor vehicle public access to any building, facility
9 or area owned by or operated for the public unless such
10 discrimination or denial is based solely on reasonable vehicle
11 size or weight considerations. The provisions of this subsection
12 shall only apply in cities not within a county and first class
13 counties with a charter form of government which adjoin any city
14 not within a county.

15 5. Except as provided in subsection 6 of this section, and
16 in subdivision (5) of section 390.041, subsection 6 of section
17 390.063, and section 390.201, the provisions of this chapter
18 shall not apply to motor vehicles operated in intrastate commerce
19 on public highways in the transportation of passengers wholly
20 within the boundaries of the regional taxicab district
21 established in section 67.1802, RSMo, if such vehicles:

22 (1) Are not commercial motor vehicles, as defined in
23 section 390.5 of Title 49, Code of Federal Regulations, or any
24 federal regulation which amends or replaces that section; and

25 (2) Are operated by:

26 (a) A motor carrier for hire, including a common carrier or

2 contract carrier for hire, as those terms are defined in section
3 390.020, except that this subsection shall not apply to any
4 vehicle used by a not-for-profit corporation to transport
5 passengers as authorized by a certificate or permit issued in
6 accordance with section 390.063; or

7 (b) A private carrier, as that term is defined in section
8 390.020, when engaged in the transportation of passengers to or
9 from an airport located within the regional taxicab district.

10 6. Every motor carrier who, on the day next preceding the
11 effective date of this section, is authorized by a certificate or
12 permit issued pursuant to section 390.051, section 390.061, or
13 section 390.081, to transport passengers in intrastate commerce
14 to, from or between any location within the boundaries of the
15 regional taxicab district established in section 67.1802, RSMo,
16 and whose certificate or permit is not then suspended or revoked
17 according to the records of the state highways and transportation
18 commission, shall, beginning on the effective date of this
19 section, be deemed to be licensed, permitted, and authorized by
20 the regional taxicab commission, and the motor carrier's drivers
21 and vehicles shall be deemed to be licensed, permitted, and
22 authorized by the regional taxicab commission, to operate and
23 engage in the transportation of passengers within the regional
24 taxicab district, to the same extent as they were formerly
25 licensed, permitted, and authorized by the highways and
26 transportation commission. With reference to this

2 transportation:

3 (1) The regional taxicab commission shall not restrict,
4 suspend, revoke, cancel, or fail to renew any license or
5 authorization of the motor carrier, or of its motor vehicles or
6 drivers, at any time after the effective date of this section,
7 except to the extent that the motor carrier, vehicle, or driver
8 has violated or failed to comply with uniform requirements
9 enforced by the regional taxicab commission with reference to all
10 similarly situated passenger carriers, vehicles, and drivers
11 providing transportation within the regional taxicab district.
12 Those uniform requirements shall not be inconsistent with any
13 provision of this subsection.

14 (2) Notwithstanding any provision of law to the contrary,
15 motor carriers to whom the provisions of this subsection apply,
16 and their motor vehicles and drivers, shall be exempted from
17 filing with the regional taxicab commission any applications for
18 licenses, permits, or other authorizations, and exempted from the
19 payment of any fees and charges to the regional taxicab district,
20 until after the thirty-first day of December next following the
21 effective date of this section.

22 390.136. 1. No motor carrier, except as provided in
23 section 390.030, shall operate any motor vehicle unless such
24 vehicle shall be accompanied by an annual or seventy-two-hour,
25 regulatory license issued by the [motor carrier and railroad
26 safety division of the department of economic development] state

2 highways and transportation commission; provided that when a
3 motor carrier uses a truck-tractor for pulling trailers or
4 semitrailers, such motor carrier may elect to license either the
5 truck-tractor, trailer or semitrailer. The fee for each such
6 [annual] regulatory license shall be ten dollars per year and
7 shall be due and payable [on or before the last day of February
8 of each calendar year] as provided in this section. Such
9 [annual] license shall be issued [after October first of each
10 year] in such form and shall be used pursuant to such reasonable
11 rules and regulations as [the division of motor carrier and
12 railroad safety may, by general order or otherwise, prescribe]
13 may be prescribed by the commission.

14 2. Any [annual] regulatory license issued to a motor
15 carrier for use in driveaway operations, as defined in this
16 section, shall be issued to such motor carrier without reference
17 to any particular vehicle and may be used interchangeably by the
18 holder thereof on any motor vehicle or combinations thereof
19 moving in driveaway operations under such carrier's property
20 carrier registration, certificate, or permit.

21 3. In case of emergency, temporary, unusual or a peak
22 demand for transportation, additional vehicles as described in
23 subsection 1 of this section may be operated upon issuance [by
24 the division] of a seventy-two-hour license for each vehicle so
25 operated. The license fee for each such additional vehicle shall
26 be the sum of five dollars for each seventy-two consecutive

2 hours, or any portion thereof. Such licenses shall be issued,
3 renewed and staggered in such form and shall be used pursuant to
4 such reasonable rules and regulations as the [division may, by
5 general order or otherwise,] commission may prescribe. No such
6 additional vehicle which has been licensed pursuant to this
7 subsection shall be operated without being accompanied by such
8 license.

9 4. The [division, upon] commission shall collect the
10 applicable license fee prior to the issuance of such license or
11 licenses provided for in this section, and shall [notify the
12 director of revenue, who shall] receive the license fee or fees
13 and immediately deposit the same [with the state treasurer in] to
14 the credit of the state [highway] highways and transportation
15 department fund except as otherwise provided in section 622.095,
16 RSMo, or when an agreement has been negotiated with another
17 jurisdiction whereby prepayment is not required. In such cases,
18 section 622.095, RSMo, if applicable, or the [term] terms of the
19 agreement shall prevail.

20 5. Any person operating as a motor carrier who violates or
21 fails to comply with any of the provisions of this section shall
22 be adjudged guilty of a misdemeanor and, upon conviction thereof,
23 shall be punished by a fine of not more than one hundred dollars.

24 6. The [provisions of this section shall become effective
25 for the 1989 registration year, and the] regulatory license fee
26 provided in this section may be paid at any state weigh station.

2 7. The commission shall prescribe, for every regulatory
3 license issued pursuant to this section, an effective date and an
4 expiration date. Notwithstanding any provision of law to the
5 contrary, the commission may stagger the issuance of licenses
6 pursuant to this section to begin at quarterly intervals during
7 any calendar year. Not later than the expiration date of the
8 current license, or as otherwise prescribed, each motor carrier
9 shall pay the regulatory license fee for each vehicle that the
10 carrier will operate during the next yearly period. The
11 commission may issue partial or over one-year licenses during the
12 transition from an annual license, to accommodate motor carriers
13 in adding vehicles to their operations during the year, to
14 coordinate the dates for a single carrier's licensing of multiple
15 licenses, or for such other reasons as approved by the
16 commission.

17 407.567. 1. If the manufacturer, through its authorized
18 dealer or its agent, cannot conform the new motor vehicle to any
19 applicable express warranty by repairing or correcting any
20 default or condition which impairs the use, market value, or
21 safety of the new motor vehicle to the consumer after a
22 reasonable number of attempts, the manufacturer shall, at its
23 option, either replace the new motor vehicle with a comparable
24 new vehicle acceptable to the consumer, or take title of the
25 vehicle from the consumer and refund to the consumer the full
26 purchase price, including all reasonably incurred collateral

2 charges, less a reasonable allowance for the consumer's use of
3 the vehicle. The subtraction of a reasonable allowance for use
4 shall apply when either a replacement or refund of the new motor
5 vehicle occurs.

6 2. Refunds shall be made to the consumer and lienholder of
7 record, if any, as their interests may appear.

8 3. (1) Upon taking the title to a vehicle under this
9 section, the manufacturer may apply to the department of revenue
10 for a reimbursement equal to any amounts refunded to a consumer
11 for any sales tax, license fees, registration fees, and title
12 fees paid by the consumer as a result of purchasing the vehicle.
13 Upon the receipt of a written request for a refund, accompanied
14 by satisfactory proof that such sales tax and fees on the vehicle
15 were paid when or after the vehicle was purchased and that the
16 manufacturer has refunded such sales tax and fees to the
17 consumer, lienholder, or lessor of the vehicle, the department of
18 revenue shall refund to the manufacturer an amount equal to the
19 amounts refunded to a consumer for such sales tax and fees paid
20 by the consumer as a result of purchasing the vehicle.

21 (2) The manufacturer may, in lieu of applying to the
22 department of revenue for a reimbursement under this subsection,
23 direct the consumer to apply to the department of revenue for a
24 refund of any sales tax, license fees, registration fees, and
25 title fees paid by the consumer as a result of purchasing the
26 vehicle. The manufacturer shall provide the consumer with the

2 documentation required to prove that the consumer paid such sales
3 tax and fees to the manufacturer. Upon the receipt of a written
4 request by the consumer for a refund, accompanied by satisfactory
5 proof that such sales tax and fees on the vehicle were paid when
6 or after the vehicle was purchased, and a written statement from
7 the manufacturer that such sales tax and fees were not refunded
8 to the consumer, lienholder, or lessor of the vehicle, the
9 department of revenue shall refund to the consumer an amount
10 equal to the amounts for such sales tax and fees paid by the
11 consumer as a result of purchasing the vehicle.

12 407.730. As used in sections 407.730 to 407.748, the
13 following terms mean:

14 (1) "Authorized driver":

15 (a) The renter;

16 (b) The renter's spouse if the spouse is a licensed driver
17 and satisfies the car rental company's minimum age requirement;

18 (c) The renter's employee or co-worker if they are engaged
19 in business activity with the person to whom the vehicle is
20 rented, are licensed drivers, and satisfy the rental company's
21 minimum age requirements;

22 (d) Any person who operates the vehicle during an emergency
23 situation; and

24 (e) Any person expressly listed by the car rental company
25 on the renter's contract as an authorized driver;

26 (2) "Blackout date", any date on which an advertised price

2 is totally unavailable to the public;

3 (3) "Car rental company", any person or entity in the
4 business of renting private passenger vehicles to the public;

5 [(2)] (4) "Clear and conspicuous", that the statement,
6 representation or term being disclosed is of such size, color
7 contrast, and audibility and is so presented as to be readily
8 noticed and understood by the person to whom it is being
9 disclosed. All language and terms should be used in accordance
10 with their common or ordinary usage and meaning;

11 [(3)] (5) "Collision damage waiver", any product a consumer
12 purchases from a car rental company in order to waive all or part
13 of his [liability in the event of a collision, other damage to]
14 responsibility for damages, or loss [due to theft] of, a rental
15 vehicle;

16 [(4)] (6) "Limited time availability", that the advertised
17 rental price is only available for a specific period of time or
18 that the price is not available during certain blackout periods;

19 [(5)] (7) "Material restriction", a restriction, limitation
20 or other requirement which significantly affects the price of,
21 use of, or a consumer's financial responsibility for a rental
22 car;

23 [(6)] (8) "Mandatory charge", any charge, fee, or surcharge
24 consumers must generally pay in order to obtain or operate a
25 rental vehicle;

26 (9) "Car rental insurance", products and services that are

2 offered in connection with and incidental to the rental of a
3 motor vehicle under subdivision (10) of subsection 1 of section
4 375.786, RSMo. This definition of optional car rental insurance
5 or any other definition of insurance shall not include collision
6 damage waiver;

7 (10) "Rental agreement", any document or combination of
8 documents, which, when read together and incorporated by
9 reference to each other, relate to and establish the terms and
10 conditions of the rental of a motor vehicle by an individual; or
11 when such a combination of documents is entered into as part of
12 any written master, corporate, group or individual agreement
13 setting forth the terms and conditions governing the use of a
14 rental car rented by a car rental company;

15 (11) "Master rental agreement", those documents used by a
16 car rental company for expedited service to members in a program
17 sponsored by the car rental company in which renters establish a
18 profile and select preferences for rental needs which establish
19 the terms and conditions governing the use of a rental car rented
20 by a car rental company by a participant in a master rental
21 agreement;

22 [(7)] (12) "Advertisement", oral, written, graphic or
23 pictorial statements made in the course of solicitation of
24 business including, without limitation, any statement or
25 representation made in a newspaper, magazine, the car rental
26 company's proprietary web site, or other publication, or

2 contained in any notice, sign, poster, display, circular,
3 pamphlet, or letter which may collectively be called "print
4 advertisements", or on radio or television, which may be referred
5 to as "broadcast commercials".

6 407.735. 1. Any business practices utilized by car rental
7 companies in furtherance of their business of renting vehicles to
8 the public shall be nondeceptive, fair and shall not be
9 unconscionable.

10 2. Any collision damage waiver product offered for sale to
11 the public shall not contain any provisions that are deceptive,
12 unfair or unconscionable. It is deceptive, unfair, and
13 unconscionable to require a consumer to assume absolute liability
14 for damage or loss up to the total value of a rental vehicle
15 regardless of fault as a condition of the rental agreement, and
16 then not include as part of any collision damage waiver product,
17 a waiver of liability for any damage or loss which occurs as a
18 result of the consumer's ordinary negligence, except where:

19 (1) The damage is caused intentionally by an authorized
20 driver or as a result of his willful and wanton misconduct;

21 (2) The damage arises out of the authorized driver's
22 operation of the vehicle while intoxicated or under the influence
23 of any illegal or unauthorized drug;

24 (3) The rental transaction is based on fraudulent
25 information supplied by the renter;

26 (4) The damage arises out of the use of the vehicle while

2 committing or otherwise engaged in a criminal act in which the
3 automobile usage is substantially related to the nature of the
4 criminal activity;

5 (5) The damage arises out of the use of the vehicle to
6 carry persons or property for hire;

7 (6) The damage occurs while the vehicle is operated by a
8 person other than an authorized driver[. For the purposes of
9 this subsection, "authorized driver" means the person to whom the
10 vehicle is rented; the renter's spouse or other family members
11 who are licensed drivers and satisfy the rental company's minimum
12 age requirement; the renter's employer or co-worker if they are
13 engaged in business activity with the person to whom the vehicle
14 is rented, are licensed drivers, and satisfy the rental company's
15 minimum age requirement; any person who operates the vehicle
16 during an emergency situation or while parking the vehicle at a
17 commercial establishment; and any person expressly listed by the
18 rental company on the rental agreement as an authorized driver]
19 as defined in section 407.730;

20 (7) The damage arises out of the use of the vehicle outside
21 of the United States unless such use is specifically authorized
22 by the rental agreement;

23 (8) Towing or pushing anything or if operation of the
24 vehicle on an unpaved road has resulted in damage or loss which
25 is a direct result of the road or driving conditions;

26 (9) Loss due to the theft of the rental vehicle. However,

2 the renter shall be presumed to have no liability for any loss
3 due to theft if (A) an authorized driver has possession of the
4 ignition key furnished by the rental company or an authorized
5 driver establishes that the ignition key furnished by the car
6 rental company was not in the vehicle at the time of the theft,
7 and (B) an authorized driver files an official report of the
8 theft with the police or other law enforcement agency within
9 twenty-four hours of learning of the theft and reasonably
10 cooperates with the car rental company and the police or other
11 law enforcement agency in providing information concerning the
12 theft. The presumption set forth in this paragraph is a
13 presumption affecting the burden of proof which the car rental
14 company may rebut by establishing that an authorized driver
15 committed, or aided and abetted the commission of, the theft.

16 3. Any claim resulting from damage to or loss of a rental
17 vehicle shall be reasonably and rationally related to the actual
18 loss incurred. The car rental company shall not assert or
19 collect any claim for physical or mechanical damage to or loss of
20 a rental vehicle which exceeds: the actual cash value of the
21 vehicle immediately before the loss less any proceeds from the
22 vehicle's disposal after the loss, or the actual cost to repair
23 the damaged vehicle including all discounts or price reductions,
24 whichever is less. Such claim shall be based on an estimate of
25 damage or repair invoice made by an independent appraisal
26 company, an insurance company, or a repair facility that

2 completed or would complete the repairs. A car rental company's
3 charge for loss of use shall not exceed a reasonable estimate of
4 the actual income lost.

5 4. It is a deceptive and unfair practice for a car rental
6 company or employee to knowingly and intentionally misrepresent
7 any material element of a rental agreement transaction [or to
8 fail to disclose to consumers all material facts and restrictions
9 applicable to the rental of a vehicle or in the sale of optional
10 products or services] including the sale of collision damage
11 waiver and car rental insurance. The company shall disclose in
12 the rental agreement the extent of the consumer's liability for
13 the vehicle and applicable mileage limitations and charges. When
14 the consumer elects the collision damage waiver or car rental
15 insurance, the price for collision damage waiver and [applicable
16 mileage limitations and charges] car rental insurance shall
17 appear on the rental agreement. A car rental company shall not
18 require the purchase of collision damage waiver or car rental
19 insurance. No car rental company shall sell to a consumer or
20 offer to sell a consumer a collision damage waiver [product] or
21 car rental insurance as a part of the rental agreement unless the
22 car rental company [first] provides the consumer with the
23 following written notice:

24 [NOTICE: THIS CONTRACT OFFERS, FOR AN ADDITIONAL CHARGE, A
25 COLLISION DAMAGE WAIVER TO COVER YOUR RESPONSIBILITY FOR DAMAGE
26 TO THE VEHICLE. BEFORE YOU DECIDE WHETHER TO PURCHASE THE

2 COLLISION DAMAGE WAIVER PRODUCT, YOU MAY WISH TO DETERMINE
3 WHETHER YOUR OWN VEHICLE INSURANCE AFFORDS YOU COVERAGE FOR
4 DAMAGE TO THE RENTAL VEHICLE AND THE AMOUNT OF THE DEDUCTIBLE
5 UNDER YOUR OWN INSURANCE COVERAGE. THE PURCHASE OF THIS
6 COLLISION DAMAGE WAIVER PRODUCT IS NOT MANDATORY AND MAY BE
7 DECLINED.] COLLISION DAMAGE WAIVER AND CAR RENTAL INSURANCE
8 NOTICE: OUR CONTRACT OFFERS FOR AN ADDITIONAL CHARGE COLLISION
9 DAMAGE AND CAR RENTAL INSURANCE PRODUCTS. BEFORE DECIDING
10 WHETHER TO PURCHASE ANY OF THESE OPTIONAL PRODUCTS, YOU MAY WISH
11 TO DETERMINE WHETHER YOUR PERSONAL INSURANCE OR CREDIT CARD
12 PROVIDES YOU COVERAGE DURING THE RENTAL PERIOD. THE PURCHASE OF
13 ANY OF THESE OPTIONAL PRODUCTS IS NOT REQUIRED TO RENT A VEHICLE.

14 THIS NOTICE REQUIREMENT SHALL BE DEEMED SATISFIED IF THIS
15 WRITTEN NOTICE APPEARS IN MATERIALS FURNISHED TO A CONSUMER
16 DURING THE ENROLLMENT PROCESS INTO A MASTER RENTAL AGREEMENT OR
17 IF PLACED ON THE RENTAL COMPANY'S PROPRIETARY WEB SITE AFTER THE
18 EFFECTIVE DATE OF THIS STATUTE. THIS NOTICE PROVISION IS DEEMED
19 COMPLIED WITH FOR ALL CONSUMERS WHO HAVE PREVIOUSLY ENROLLED INTO
20 A MASTER RENTAL AGREEMENT PRIOR TO THE EFFECTIVE DATE OF THIS
21 STATUTE AND NO FURTHER NOTICE SHALL BE REQUIRED.

22 Such notice shall be made on the face of the rental agreement as
23 part of the written contract[,] and shall be set apart in
24 boldface type and in no smaller print than 10-point type[, and
25 shall include a space for the consumer to acknowledge his receipt

2 of this notice].

3 5. The car rental company shall provide a notice at the
4 rental office in the form of a sign, placard, or brochure that
5 informs the consumer of the following:

6 (1) The availability of collision damage waiver;

7 (2) The availability of car rental insurance;

8 (3) A statement that the purchase of collision damage
9 waiver and/or car rental insurance is not required in order to
10 rent.

11 The following language may be used to comply with the
12 requirements of this section, but shall not be considered the
13 exclusive language that may be used:

14 COLLISION DAMAGE WAIVER AND CAR RENTAL INSURANCE NOTICE:

15 Our contract offers for an additional charge optional
16 products which provide you protection during your rental,
17 including:

18 1. Collision Damage Waiver: You are responsible for all
19 damages to or loss of the rental vehicle. A Collision Damage
20 Waiver will relieve you of responsibility for all or part of the
21 damage to the rental vehicle that may occur during the rental
22 period.

23 2. Personal Accident Insurance: Personal Accident
24 Insurance provides accidental death and accident medical
25 insurance that protects you during the rental period in or out of

2 the rental vehicle and your passengers while in the rental
3 vehicle.

4 3. Personal Effects Coverage: Personal Effects Coverage
5 protects your possessions from loss or damage during the rental
6 period.

7 4. Liability Insurance: Liability Insurance provides
8 protection to cover injuries or death to third parties or damage
9 to a third party's property if you are at fault in an accident
10 with the rental vehicle during the rental period.

11 Before deciding to purchase any of these optional products,
12 you may wish to determine whether your personal insurance or
13 credit card provides you coverage during the rental period.

14 The purchase of any of these products is not required to
15 rent a vehicle.

16 6. Car rental companies shall not place a hold against a
17 consumer's credit limit or charge a consumer's credit card in a
18 deceptive or unfair manner, and without full and complete
19 disclosure of such practice.

20 7. The sole and exclusive remedies for any violation by a
21 car rental company of any provision of sections 407.730 to
22 407.735, or for any conduct, act, or practice prescribed by any
23 provisions of sections 407.730 to 407.735, shall be injunctive
24 relief and monetary damages in an amount not to exceed fifty
25 dollars for each violation. The aggregate amount of monetary
26 damages which may be assessed against a car rental company for

2 violations of any provisions of sections 407.730 to 407.735, or
3 for any conduct, act, or practice prescribed by any provisions of
4 sections 407.730 to 407.735, shall not exceed the sum of ten
5 thousand dollars in the aggregate during any calendar year.
6 These remedies are in lieu of, and supercede, all other remedies
7 provided by this chapter, other Missouri statutes, common law, or
8 equity.

9 407.1200. As used in sections 407.1200 to 407.1227, the
10 following terms shall mean:

11 (1) "Administrator", the person who is responsible for the
12 administration of the service contracts or the service contracts
13 plan and who is responsible for any filings required by sections
14 407.1200 to 407.1227;

15 (2) "Consumer", a natural person who buys other than for
16 purposes of resale any motor vehicle that is distributed in
17 commerce and that is normally used for personal, family, or
18 household purposes and not for business or research purposes;

19 (3) "Director", the director of the department of
20 insurance;

21 (4) "Maintenance agreement", a contract of limited duration
22 that provides for scheduled maintenance only;

23 (5) "Manufacturer", a person that:

24 (a) Manufactures or produces the property and sells the
25 property under its own name or label;

26 (b) Is a wholly owned subsidiary of the person who

2 manufactures or produces the property;

3 (c) Is a corporation which owns one hundred percent of the
4 person who manufactures or produces the property;

5 (d) Does not manufacture or produce the property, but the
6 property is sold under its trade name label;

7 (e) Manufactures or produces the property and the property
8 is sold under the trade name or label of another person; or

9 (f) Does not manufacture or produce the property but,
10 pursuant to a written contract, licenses the use of its trade
11 name or label to another person that sells the property under the
12 licensor's trade name or label;

13 (6) "Mechanical breakdown insurance", a policy, contract,
14 or agreement issued by an authorized insurer that provides for
15 the repair, replacement, or maintenance of a motor vehicle or
16 indemnification for repair, replacement, or service, for the
17 operational or structural failure of a motor vehicle due to a
18 defect in materials or workmanship or to normal wear and tear;

19 (7) "Motor vehicle extended service contract" or "service
20 contract", a contract or agreement for a separately stated
21 consideration or for a specific duration to perform the repair,
22 replacement, or maintenance of a motor vehicle or indemnification
23 for repair, replacement, or maintenance, for the operational or
24 structural failure due to a defect in materials, workmanship, or
25 normal wear and tear, with or without additional provision for
26 incidental payment of indemnity under limited circumstances,

2 including, but not limited to, towing, rental, and emergency road
3 service, but does not include mechanical breakdown insurance or
4 maintenance agreements;

5 (8) "Nonoriginal manufacturer's parts", replacement parts
6 not made for or by the original manufacturer of the property,
7 commonly referred to as "after market parts";

8 (9) "Person", an individual, partnership, corporation,
9 incorporated or unincorporated association, joint stock company,
10 reciprocal, syndicate, or any similar entity or combination of
11 entities acting in concert;

12 (10) "Premium", the consideration paid to an insurer for a
13 reimbursement insurance policy;

14 (11) "Provider", a person who administers, issues, makes,
15 provides, sells, or offers to sell a motor vehicle extended
16 service contract, or who is contractually obligated to provide
17 service under a motor vehicle extended service contract such as
18 sellers, administrators, and other intermediaries;

19 (12) "Provider fee", the consideration paid for a service
20 contract in excess of the premium;

21 (13) "Reimbursement insurance policy", a policy of
22 insurance issued to a provider and pursuant to which the insurer
23 agrees, for the benefit of the service contract holders, to
24 discharge all of the obligations and liabilities of the provider
25 under the terms of the service contracts in the event of
26 nonperformance by the provider. All obligations and liabilities

2 include, but are not limited to, failure of the provider to
3 perform under the service contract and the return of the unearned
4 provider fee in the event of the provider's unwillingness or
5 inability to reimburse the unearned provider fee in the event of
6 termination of a service contract;

7 (14) "Service contract holder" or "contract holder", a
8 person who is the purchaser or holder of a services contract;

9 (15) "Warranty", a warranty made solely by the
10 manufacturer, importer, or seller of property or services without
11 charge, that is not negotiated or separated from the sale of the
12 product and is incidental to the sale of the product, that
13 guarantees indemnity for defective parts, mechanical or
14 electrical breakdown, labor, or other remedial measures, such as
15 repair or replacement of the property or repetition of services.

16 407.1203. 1. Service contracts shall not be issued, sold,
17 or offered for sale in this state unless the administrator or its
18 designee has:

19 (1) Provided a receipt for the purchase of the service
20 contract to the contract holder at the date of purchase;

21 (2) Provided a copy of the service contract to the service
22 contract holder within a reasonable period of time from the date
23 of purchase; and

24 (3) Complied with the provisions of sections 407.1200 to
25 407.1227.

26 2. All administrators of service contracts sold in this

2 state shall file a registration with the director on a form, at a
3 fee and at a frequency prescribed by the director.

4 3. In order to assure the faithful performance of a
5 provider's obligations to its contract holders, each provider who
6 is contractually obligated to provide service under a service
7 contract shall:

8 (1) Insure all service contracts under a reimbursement
9 insurance policy issued by an insurer authorized to transact
10 insurance in this state; or

11 (2) (a) Maintain a funded reserve account for its
12 obligation under its contracts issued and outstanding in this
13 state. The reserves shall not be less than forty percent of
14 gross consideration received, less claims paid, on the sale of
15 the service contract for all in-force contracts. The reserve
16 account shall be subject to examination and review by the
17 director; and

18 (b) Place in trust with the director a financial security
19 deposit, having a value of not less than five percent of the
20 gross consideration received, less claims paid, on the sale of
21 the service contract for all service contracts issued and in
22 force, but not less than twenty-five thousand dollars, consisting
23 of one of the following:

24 a. A surety bond issued by an authorized surety;

25 b. Securities of the type eligible for deposit by
26 authorized insurers in this state;

2 c. Cash;

3 d. A letter of credit issued by a qualified financial
4 institution; or

5 e. Another form of security prescribed by regulations
6 issued by the director; or

7 (3) (a) Maintain a net worth of one hundred million
8 dollars; and

9 (b) Upon request, provide the director with a copy of the
10 provider's or, if the provider's financial statements are
11 consolidated with those of its parent company, the provider's
12 parent company's most recent Form 10-K filed with the Securities
13 and Exchange Commission (SEC) within the last calendar year, or
14 if the company does not file with the SEC, a copy of the
15 company's audited financial statements, which shows a net worth
16 of the provider or its parent company of at least one hundred
17 million dollars. If the provider's parent company's Form 10-K or
18 audited financial statements are filed to meet the provider's
19 financial stability requirement, then the parent company shall
20 agree to guarantee the obligations of the obligor relating to
21 service contracts sold by the provider in this state.

22 4. Provider fees collected on service contracts shall not
23 be subject to premium taxes. Premiums for reimbursement
24 insurance policies shall be subject to applicable premium taxes.

25 5. Except for the registration requirement in subsection 2
26 of this section, persons marketing, selling, or offering to sell

2 service contracts for providers that comply with sections
3 407.1200 to 407.1227 are exempt from this state's licensing
4 requirements.

5 6. Providers complying with the provisions of sections
6 407.1200 to 407.1227 are not required to comply with other
7 provisions of chapters 374 or 375, or any other provisions
8 governing insurance companies, except as specifically provided.

9 407.1206. Reimbursement insurance policies insuring service
10 contracts issued, sold, or offered for sale in this state shall
11 conspicuously state that, upon failure of the provider to perform
12 under the contract, such as failure to return the unearned
13 provider fee, the insurer that issued the policy shall pay on
14 behalf of the provider any sums the provider is legally obligated
15 to pay or shall provide the service which the provider is legally
16 obligated to perform according to the provider's contractual
17 obligations under the service contracts issued or sold by the
18 provider.

19 407.1209. 1. Service contracts issued, sold, or offered
20 for sale in this state shall be written in clear, understandable
21 language and the entire contract shall be printed or typed in
22 easy to read ten point type or larger and conspicuously disclose
23 the requirements in this section, as applicable.

24 2. Service contracts insured under a reimbursement
25 insurance policy pursuant to subsection 3 of section 407.1203
26 shall contain a statement in substantially the following form:

2 "Obligations of the provider under this service contract are
3 guaranteed under a service contract reimbursement insurance
4 policy. If the provider fails to pay or provide service on a
5 claim within sixty days after proof of loss has been filed, the
6 contract holder is entitled to make a claim directly against the
7 insurance company.". A claim against the provider shall also
8 include a claim for return of the unearned provider fee. The
9 service contract shall also conspicuously state the name and
10 address of the insurer.

11 3. Service contracts not insured under a reimbursement
12 insurance policy pursuant to subsection 3 of section 407.1203
13 shall contain a statement in substantially the following form:
14 "Obligations of the provider under this service contract are
15 backed only by the full faith and credit of the provider (issuer)
16 and are not guaranteed under a service contract reimbursement
17 insurance policy.". A claim against the provider shall also
18 include a claim for return of the unearned provider fee. The
19 service contract shall also conspicuously state the name and
20 address of the provider.

21 4. Service contracts shall identify any administrator, the
22 provider obligated to perform the service under the contract, the
23 service contract seller, and the service contract holder to the
24 extent that the name and address of the service contract holder
25 has been furnished by the service contract holder.

26 5. Service contracts shall conspicuously state the total

2 purchase price and the terms under which the service contract is
3 sold. The purchase price is not required to be pre-printed on
4 the service contract and may be negotiated at the time of sale
5 with the service contract holder.

6 6. If prior approval of repair work is required, the
7 service contracts shall conspicuously state the procedure for
8 obtaining prior approval and for making a claim, including a
9 toll-free telephone number for claim service and a procedure for
10 obtaining emergency repairs performed outside of normal business
11 hours.

12 7. Service contracts shall conspicuously state the
13 existence of any deductible amount.

14 8. Service contracts shall specify the merchandise and
15 services to be provided and any limitations, exceptions, and
16 exclusions.

17 9. Service contracts shall state the conditions upon which
18 the use of nonoriginal manufacturer's parts, or substitute
19 service, may be allowed. Conditions stated shall comply with
20 applicable state and federal laws.

21 10. Service contracts shall state any terms, restrictions,
22 or conditions governing the transferability of the service
23 contract.

24 11. Service contracts shall state the terms, restrictions,
25 or conditions governing termination of the service contract by
26 the service contract holder. The provider of the service

2 contract shall mail a written notice to the contract holder
3 within fifteen days of the date of termination.

4 12. Service contracts shall require every provider to
5 permit the service contract holder to return the contract within
6 at least twenty business days of the date of mailing of the
7 service contract or within at least ten days if the service
8 contract is delivered at the time of sale or within a longer time
9 period permitted under the contract. If no claim has been made
10 under the contract, the contract is void and the provider shall
11 refund to the contract holder the full purchase price of the
12 contract. A ten percent penalty per month shall be added to a
13 refund that is not paid within thirty days of return of the
14 contract to the provider. The applicable free-look time periods
15 on service contracts shall only apply to the original service
16 contract purchaser.

17 13. Service contracts shall set forth all of the
18 obligations and duties of the service contract holder, such as
19 the duty to protect against any further damage and the
20 requirement for certain service and maintenance.

21 14. Service contracts shall clearly state whether or not
22 the service contract provides for or excludes consequential
23 damages or preexisting conditions.

24 407.1212. 1. A provider shall not use in its name the
25 words insurance, casualty, guaranty, surety, mutual, or any other
26 words descriptive of the insurance, casualty, guaranty, or surety

2 business; or a name deceptively similar to the name or
3 description of any insurance or surety corporation, or any other
4 provider. This section shall not apply to a company that was
5 using any of the prohibited language in its name prior to August
6 28, 2004. However, a company using the prohibited language in
7 its name shall conspicuously disclose in its service contract the
8 following statement: "This agreement is not an insurance
9 contract."

10 2. A provider or its representative shall not in its
11 service contracts or literature make, permit, or cause to be made
12 any false or misleading statement, or deliberately omit any
13 material statement that would be considered misleading if
14 omitted, in connection with the sale, offer to sell or
15 advertisement of a service contract.

16 3. A person, such as a bank, savings and loan association,
17 lending institution, manufacturer or seller of any product, shall
18 not require the purchase of a service contract as a condition of
19 a loan or a condition for the sale of any property.

20 407.1215. 1. An administrator, provider, or other
21 intermediary shall keep accurate accounts, books, and records
22 concerning transactions regulated by sections 407.1200 to
23 407.1227.

24 2. An administrator's, provider's, or other intermediary's
25 accounts, books, and records shall include:

26 (1) Copies of each type of service contract issued;

2 (2) The name and address of each service contract holder to
3 the extent that the name and address have been furnished by the
4 service contract holder;

5 (3) A list of the provider locations where service
6 contracts are marketed, sold, or offered for sale; and

7 (4) Claims files which shall contain at least the dates,
8 amounts, and description of all receipts, claims, and
9 expenditures related to the service contracts.

10 3. Except as provided in this section, an administrator
11 shall retain all records pertaining to each service contract
12 holder for at least three years after the specified period of
13 coverage has expired.

14 4. An administrator, provider, or other intermediary may
15 keep all records required pursuant to sections 407.1200 to
16 407.1227 on a computer disk or other similar technology. If an
17 administrator, provider, or other intermediary maintains records
18 in other than hard copy, records shall be accessible from a
19 computer terminal available to the director and be capable of
20 duplication to legible hard copy.

21 5. An administrator, provider, or other intermediary
22 discontinuing business in this state shall maintain its records
23 until it furnishes the director satisfactory proof that it has
24 discharged all obligations to contract holders in this state.

25 6. An administrator, provider, or other intermediary shall
26 make all accounts, books, and records concerning transactions

2 regulated pursuant to sections 407.1200 to 407.1227 or other
3 pertinent laws available to the director upon request.

4 407.1218. As applicable, an insurer that issued a
5 reimbursement insurance policy shall not terminate the policy
6 until a notice of termination, in a form and time frame
7 prescribed by the director, has been mailed or delivered to the
8 director. The termination of a reimbursement insurance policy
9 shall not reduce the issuer's responsibility for service
10 contracts issued by providers prior to the date of the
11 termination.

12 407.1221. 1. Providers are considered to be the agent of
13 the insurer that issued the reimbursement insurance policy. In
14 cases where a provider is acting as an administrator and enlists
15 other providers, the provider acting as the administrator shall
16 notify the insurer of the existence and identities of the other
17 providers.

18 2. The provisions of sections 407.1200 to 407.1227 shall
19 not prevent or limit the right of an insurer which issued a
20 reimbursement insurance policy to seek indemnification or
21 subrogation against a provider if the insurer pays or is
22 obligated to pay the service contract holder sums that the
23 provider was obligated to pay pursuant to the provisions of the
24 service contract or under a contractual agreement.

25 407.1224. 1. The director may conduct investigations or
26 examinations of providers, administrators, insurers, or other

2 persons to enforce the provisions of sections 407.1200 to
3 407.1227 and protect service contract holders in this state.

4 2. The director may take action that is necessary or
5 appropriate to enforce the provisions of sections 407.1200 to
6 407.1227 and the director's regulations and orders, and to
7 protect service contract holders in this state.

8 3. The director may order a service contract provider to
9 cease and desist from committing violations of sections 407.1200
10 to 407.1227 or the director's regulations or orders, may issue an
11 order prohibiting a service contract provider from selling or
12 offering for sale service contracts, or may issue an order
13 imposing a civil penalty, or any combination of these, if the
14 provider has violated the provisions of sections 407.1200 to
15 407.1227 or the director's regulations or orders.

16 4. A person aggrieved by an order pursuant to this section
17 may request a hearing before the director. The hearing request
18 shall be filed with the director within twenty days of the date
19 the director's order is effective.

20 5. Pending the hearing and the decision by the director,
21 the director shall suspend the effective date of the order. At
22 the hearing, the burden shall be on the director to show why the
23 order issued pursuant to this section is justified. Such hearing
24 shall be held in accordance with the provisions of chapter 536,
25 RSMo.

26 6. The director may bring an action in the circuit court of

2 Cole county for an injunction or other appropriate relief to
3 enjoin threatened or existing violations of sections 407.1200 to
4 407.1227 or of the director's orders or regulations. An action
5 filed pursuant to this section may also seek restitution on
6 behalf of persons aggrieved by a violation of sections 407.1200
7 to 407.1227 or orders or regulations of the director.

8 7. A person in violation of sections 407.1200 to 407.1227
9 or orders or regulation of the director may be assessed a civil
10 penalty not to exceed one thousand dollars per violation.

11 8. The authority of the director pursuant to this section
12 is in addition to other authority of the director.

13 407.1225. The director may promulgate rules to effectuate
14 sections 407.1200 to 407.1227. Any rule or portion of a rule, as
15 that term is defined in section 536.010, RSMo, that is created
16 under the authority delegated in this section shall become
17 effective only if it complies with and is subject to all of the
18 provisions of chapter 536, RSMo, and, if applicable, section
19 536.028, RSMo. This section and chapter 536, RSMo, are
20 nonseverable and if any of the powers vested with the general
21 assembly pursuant to chapter 536, RSMo, to review, to delay the
22 effective date, or to disapprove and annul a rule are
23 subsequently held unconstitutional, then the grant of rulemaking
24 authority and any rule proposed or adopted after August 28, 2004,
25 shall be invalid and void.

26 407.1227. 1. The provisions of sections 407.1200 to

2 407.1224 shall not apply to:

3 (1) Warranties;

4 (2) Maintenance agreements;

5 (3) Commercial transactions; and

6 (4) Service contracts sold or offered for sale to persons
7 other than consumers.

8 2. Manufacturer's contracts on the manufacturer's products
9 need only comply with the provisions of sections 407.1209,
10 407.1212, and 407.1224.

11 408.140. 1. No further or other charge or amount
12 whatsoever shall be directly or indirectly charged, contracted
13 for or received for interest, service charges or other fees as an
14 incident to any such extension of credit except as provided and
15 regulated by sections 367.100 to 367.200, RSMo, and except:

16 (1) On loans for thirty days or longer which are other than
17 "open-end credit" as such term is defined in the federal Consumer
18 Credit Protection Act and regulations thereunder, a fee, not to
19 exceed five percent of the principal amount loaned not to exceed
20 seventy-five dollars may be charged by the lender; however, no
21 such fee shall be permitted on any extension, refinance,
22 restructure or renewal of any such loan, unless any investigation
23 is made on the application to extend, refinance, restructure or
24 renew the loan;

25 (2) The lawful fees actually and necessarily paid out by
26 the lender to any public officer for filing, recording, or

2 releasing in any public office any instrument securing the loan,
3 which fees may be collected when the loan is made or at any time
4 thereafter; however, premiums for insurance in lieu of perfecting
5 a security interest required by the lender may be charged if the
6 premium does not exceed the fees which would otherwise be
7 payable;

8 (3) If the contract so provides, a charge for late payment
9 on each installment or minimum payment in default for a period of
10 not less than fifteen days in an amount not to exceed five
11 percent of each installment due or the minimum payment due or
12 fifteen dollars, whichever is greater, not to exceed fifty
13 dollars; except that, a minimum charge of ten dollars may be
14 made. If the contract so provides, a charge for late payment on
15 each twenty-five dollars or less installment in default for a
16 period of not less than fifteen days shall not exceed five
17 dollars;

18 (4) If the contract so provides, a charge for late payment
19 for a single payment note in default for a period of not less
20 than fifteen days in an amount not to exceed five percent of the
21 payment due; provided that, the late charge for a single payment
22 note shall not exceed fifty dollars;

23 (5) Charges or premiums for insurance written in connection
24 with any loan against loss of or damage to property or against
25 liability arising out of ownership or use of property as provided
26 in section 367.170, RSMo; however, notwithstanding any other

2 provision of law, with the consent of the borrower, such
3 insurance may cover property all or part of which is pledged as
4 security for the loan, and charges or premiums for insurance
5 providing life, health, accident, or involuntary unemployment
6 coverage;

7 (6) Towing costs and expenses of retaking, holding,
8 preparing for sale, and selling any personal property in
9 accordance with section 400.9, RSMo;

10 7. Charges assessed by any institution for processing a
11 refused instrument plus a handling fee of not more than
12 twenty-five dollars;

13 [(7)] (8) If the contract or promissory note, signed by the
14 borrower, provides for attorney fees, and if it is necessary to
15 bring suit, such attorney fees may not exceed fifteen percent of
16 the amount due and payable under such contract or promissory
17 note, together with any court costs assessed. The attorney fees
18 shall only be applicable where the contract or promissory note is
19 referred for collection to an attorney, and is not handled by a
20 salaried employee of the holder of the contract;

21 [(8)] (9) Provided the debtor agrees in writing, the lender
22 may collect a fee in advance for allowing the debtor to defer up
23 to three monthly loan payments, so long as the fee is no more
24 than the lesser of fifty dollars or ten percent of the loan
25 payments deferred, no extensions are made until the first loan
26 payment is collected and no more than one deferral in a

2 twelve-month period is agreed to and collected on any one loan;
3 this subdivision applies to nonprecomputed loans only and does
4 not affect any other subdivision;

5 [(9)] (10) If the open-end credit contract is tied to a
6 transaction account in a depository institution, such account is
7 in the institution's assets and such contract provides for loans
8 of thirty-one days or longer which are "open-end credit", as such
9 term is defined in the federal Consumer Credit Protection Act and
10 regulations thereunder, the creditor may charge a credit advance
11 fee of the lesser of twenty-five dollars or five percent of the
12 credit advanced from time to time from the line of credit; such
13 credit advance fee may be added to the open-end credit
14 outstanding along with any interest, and shall not be considered
15 the unlawful compounding of interest as that term is defined in
16 section 408.120.

17 2. Other provisions of law to the contrary notwithstanding,
18 an open-end credit contract under which a credit card is issued
19 by a company, financial institution, savings and loan or other
20 credit issuing company whose credit card operations are located
21 in Missouri may charge an annual fee, provided that no finance
22 charge shall be assessed on new purchases other than cash
23 advances if such purchases are paid for within twenty-five days
24 of the date of the periodic statement therefor.

25 3. Notwithstanding any other provision of law to the
26 contrary, in addition to charges allowed pursuant to section

2 408.100, an open-end credit contract provided by a company,
3 financial institution, savings and loan or other credit issuing
4 company which is regulated pursuant to this chapter may charge an
5 annual fee not to exceed fifty dollars.

6 577.054. 1. After a period of not less than ten years, an
7 individual who has pleaded guilty or has been convicted for a
8 first alcohol-related driving offense which is a misdemeanor or a
9 county or city ordinance violation and which is not a conviction
10 for driving a commercial motor vehicle while under the influence
11 of alcohol and who since such date has not been convicted of any
12 other alcohol-related driving offense may apply to the court in
13 which he or she pled guilty or was sentenced for an order to
14 expunge from all official records all recordations of his or her
15 arrest, plea, trial or conviction. If the court determines,
16 after hearing, that such person has not been convicted of any
17 alcohol-related driving offense in the ten years prior to the
18 date of the application for expungement, and has no other
19 alcohol-related enforcement contacts as defined in section
20 302.525, RSMo, during that ten-year period, the court shall enter
21 an order of expungement. The effect of such order shall be to
22 restore such person to the status he or she occupied prior to
23 such arrest, plea or conviction and as if such event had never
24 taken place. No person as to whom such order has been entered
25 shall be held thereafter under any provision of any law to be
26 guilty of perjury or otherwise giving a false statement by reason

2 of his or her failure to recite or acknowledge such arrest, plea,
3 trial, conviction or expungement in response to any inquiry made
4 of him or her for any purpose whatsoever and no such inquiry
5 shall be made for information relating to an expungement under
6 this section. A person shall only be entitled to one expungement
7 pursuant to this section. Nothing contained in this section
8 shall prevent the director from maintaining such records as to
9 ensure that an individual receives only one expungement pursuant
10 to this section for the purpose of informing the proper
11 authorities of the contents of any record maintained pursuant to
12 this section.

13 2. The provisions of this section shall not apply to any
14 individual who has been issued a commercial driver's license or
15 is required to possess a commercial driver's license issued by
16 this state or any other state.

17 577.080. 1. A person commits the crime of abandoning a
18 motor vehicle or trailer if he abandons any motor vehicle or
19 trailer on the right-of-way of any public road or state highway
20 or on or in any of the waters in this state or on the banks of
21 any stream, or on any land or water owned, operated or leased by
22 the state, any board, department, agency or commission thereof,
23 or any political subdivision thereof or on any land or water
24 owned, operated or leased by the federal government or on any
25 private real property owned by another without his consent.

26 2. For purposes of this section, the last owner of record

2 of a motor vehicle or trailer found abandoned and not shown to be
3 transferred pursuant to sections 301.196 and 301.197, RSMo, shall
4 be deemed prima facie to have been the owner of such motor
5 vehicle or trailer at the time it was abandoned and to have been
6 the person who abandoned the motor vehicle or trailer or caused
7 or procured its abandonment. The registered owner of the
8 abandoned motor vehicle or trailer shall not be subject to the
9 penalties provided by this section if the motor vehicle or
10 trailer was in the care, custody, or control of another person at
11 the time of the violation. In such instance, the owner shall
12 submit such evidence in an affidavit permitted by the court
13 setting forth the name, address, and other pertinent information
14 of the person who leased, rented, or otherwise had care, custody,
15 or control of the motor vehicle or trailer at the time of the
16 alleged violation. The affidavit submitted pursuant to this
17 subsection shall be admissible in a court proceeding adjudicating
18 the alleged violation and shall raise a rebuttable presumption
19 that the person identified in the affidavit was in actual control
20 of the motor vehicle or trailer. In such case, the court has the
21 authority to terminate the prosecution of the summons issued to
22 the owner and issue a summons to the person identified in the
23 affidavit as the operator. If the motor vehicle or trailer is
24 alleged to have been stolen, the owner of the motor vehicle or
25 trailer shall submit proof that a police report was filed in a
26 timely manner indicating that the vehicle was stolen at the time

2 of the alleged violation.

3 3. Abandoning a motor vehicle or trailer is a class A
4 misdemeanor.

5 4. Any person convicted pursuant to this section shall be
6 civilly liable for all reasonable towing, storage, and
7 administrative costs associated with the abandonment of the motor
8 vehicle or trailer. Any reasonable towing, storage, and
9 administrative costs in excess of the value of the abandoned
10 motor vehicle or trailer that exist at the time the motor vehicle
11 is transferred pursuant to section 304.156, RSMo, shall remain
12 the liability of the person convicted pursuant to this section so
13 long as the towing company, as defined in chapter 304, RSMo,
14 provided the title owner and lienholders, as ascertained by the
15 department of revenue records, a notice within the timeframe and
16 in the form as described in subsection 1 of section 304.156,
17 RSMo.

18 622.095. 1. In addition to its other powers, the [division
19 of motor carrier and railroad safety] state highways and
20 transportation commission may negotiate and enter into fair and
21 equitable cooperative agreements or contracts with other states,
22 the District of Columbia, territories and possessions of the
23 United States, foreign countries, and any of their officials,
24 agents or instrumentalities, to promote cooperative action and
25 mutual assistance between the participating jurisdictions with
26 regard to the uniform administration and registration, through a

2 single base jurisdiction for each registrant, of [interstate
3 commerce commission] Federal Motor Carrier Safety Administration
4 operating authority and exempt operations by motor vehicles
5 operated in interstate commerce. Notwithstanding any other
6 provision of law to the contrary, and in accordance with the
7 provisions of such agreements or contracts between participating
8 jurisdictions, the [division] commission may:

9 (1) Delegate to other participating jurisdictions the
10 authority and responsibility to collect and pay over [to the
11 division] statutory registration, administration or license fees;
12 to receive, approve and maintain the required proof of public
13 liability insurance coverage; to receive, process, maintain and
14 transmit registration information and documentation; to issue
15 evidence of proper registration in lieu of [interstate]
16 certificates, licenses, or permits [under section 390.071, RSMo;
17 to] which the commission may issue motor vehicle licenses or
18 identifiers in lieu of [annual] regulatory licenses under section
19 390.136, RSMo; and to suspend or revoke any credential, approval,
20 registration, certificate, permit, license, or identifier
21 referred to in this section, as agents on behalf of the
22 [division] commission with regard to motor vehicle operations by
23 persons having a base jurisdiction other than this state;

24 (2) Assume the authority and responsibility on behalf of
25 other jurisdictions participating in such agreements or contracts
26 to collect and direct the department of revenue to pay over to

2 the appropriate jurisdictions statutory registration,
3 administration or license fees, and to perform all other
4 activities described in subdivision (1) of this subsection, on
5 its own behalf or as an agent on behalf of other participating
6 jurisdictions, with regard to motor vehicle operations in
7 interstate commerce by persons having this state as their base
8 jurisdiction;

9 (3) Establish or modify dates for the payment of fees and
10 the issuance of annual motor vehicle licenses or identifiers in
11 conformity with such agreements or contracts, notwithstanding any
12 provisions of section 390.136, RSMo, to the contrary; and

13 (4) Modify, cancel or terminate any of the agreements or
14 contracts.

15 2. Notwithstanding the provisions of section 390.136, RSMo,
16 statutory registration, administration or license fees collected
17 by the [division] commission on behalf of other jurisdictions
18 under such agreements or contracts are hereby designated as
19 "nonstate funds" within the meaning of section 15, article IV,
20 Constitution of Missouri, and shall be immediately transmitted to
21 the department of revenue of the state for deposit to the credit
22 of a special fund which is hereby created and designated as the
23 "Base State Registration Fund". The [division] commission shall
24 [not less frequently than once each month] direct the payment of,
25 and the director of revenue shall pay, the fees so collected to
26 the appropriate other jurisdictions. All income derived from the

2 investment of the base state registration fund by the director of
3 revenue shall be credited to the [highway] state highways and
4 transportation department fund.

5 3. "Base jurisdiction", as used in this section, means the
6 jurisdiction participating in such agreements or contracts where
7 the registrant has its principal place of business.

8 4. Every person who has properly registered his or her
9 interstate [commerce commission] operating authority or exempt
10 operations with his or her base jurisdiction and maintains such
11 registration in force in accordance with such agreements or
12 contracts is authorized to operate in interstate commerce within
13 this state any motor vehicle which is accompanied by a valid
14 annual license or identifier issued by his base jurisdiction in
15 accordance with such agreements or contracts, notwithstanding any
16 provision of section 390.071, 390.126 or 390.136, RSMo, or rules
17 of the [division] commission to the contrary.

18 5. Notwithstanding any provision of law to the contrary,
19 the commission may stagger and prorate the payment and collection
20 of license fees pursuant to this section for the purposes of:

21 (1) Coordinating the issuance of regulatory licenses under
22 this section with issuance of other motor carrier credentials;
23 and

24 (2) Complying with any federal law or regulation.

25 643.315. 1. Except as provided in sections 643.300 to
26 643.355, all motor vehicles which are domiciled, registered or

2 primarily operated in an area for which the commission has
3 established a motor vehicle emissions inspection program pursuant
4 to sections 643.300 to 643.355, which may include all motor
5 vehicles owned by residents of a county of the first
6 classification without a charter form of government with a
7 population of less than one hundred thousand inhabitants
8 according to the most recent decennial census who have chosen to
9 participate in such a program in lieu of the provisions of
10 section 307.366, RSMo, shall be inspected and approved prior to
11 sale or transfer. In addition, any such vehicle manufactured as
12 an even-numbered model year vehicle shall be inspected and
13 approved under the emissions inspection program established
14 pursuant to sections 643.300 to 643.355 in each even-numbered
15 calendar year and any such vehicle manufactured as an
16 odd-numbered model year vehicle shall be inspected and approved
17 under the emissions inspection program established pursuant to
18 sections 643.300 to 643.355 in each odd-numbered calendar year.
19 All motor vehicles subject to the inspection requirements of
20 sections 643.300 to 643.355 shall display a valid emissions
21 inspection sticker, and when applicable, a valid emissions
22 inspection certificate shall be presented at the time of
23 registration or registration renewal of such motor vehicle.

24 2. No emission standard established by the commission for a
25 given make and model year shall exceed the lesser of the
26 following:

2 (1) The emission standard for that vehicle model year as
3 established by the United States Environmental Protection Agency;
4 or

5 (2) The emission standard for that vehicle make and model
6 year as established by the vehicle manufacturer.

7 3. The inspection requirement of subsection 1 of this
8 section shall apply to all motor vehicles except:

9 (1) Motor vehicles with a manufacturer's gross vehicle
10 weight rating in excess of eight thousand five hundred pounds;

11 (2) Motorcycles and motortricycles if such vehicles are
12 exempted from the motor vehicle emissions inspection under
13 federal regulation and approved by the commission by rule;

14 (3) Model year vehicles manufactured twenty-six years or
15 more prior to [1971] the current model year;

16 (4) Vehicles which are powered exclusively by electric or
17 hydrogen power or by fuels other than gasoline which are exempted
18 from the motor vehicle emissions inspection under federal
19 regulation and approved by the commission by rule;

20 (5) Motor vehicles registered in an area subject to the
21 inspection requirements of sections 643.300 to 643.355 which are
22 domiciled and operated exclusively in an area of the state not
23 subject to the inspection requirements of sections 643.300 to
24 643.355, but only if the owner of such vehicle presents to the
25 department an affidavit that the vehicle will be operated
26 exclusively in an area of the state not subject to the inspection

2 requirements of sections 643.300 to 643.355 for the next
3 twenty-four months, and the owner applies for and receives a
4 waiver which shall be presented at the time of registration or
5 registration renewal;

6 (6) New and unused motor vehicles, of model years of the
7 current calendar year and of any calendar year within two years
8 of such calendar year, which have an odometer reading of less
9 than six thousand miles at the time of original sale by a motor
10 vehicle manufacturer or licensed motor vehicle dealer to the
11 first user; and

12 (7) Historic motor vehicles registered pursuant to section
13 301.131, RSMo.

14 4. The commission may, by rule, allow inspection
15 reciprocity with other states having equivalent or more stringent
16 testing and waiver requirements than those established pursuant
17 to sections 643.300 to 643.355.

18 5. (1) At the time of sale, a licensed motor vehicle
19 dealer, as defined in section 301.550, RSMo, may choose to sell a
20 motor vehicle subject to the inspection requirements of sections
21 643.300 to 643.355 either:

22 (a) With prior inspection and approval as provided in
23 subdivision (2) of this subsection; or

24 (b) Without prior inspection and approval as provided in
25 subdivision (3) of this subsection.

26 (2) If the dealer chooses to sell the vehicle with prior

2 inspection and approval, the dealer shall disclose, in writing,
3 prior to sale, whether the vehicle obtained approval by meeting
4 the emissions standards established pursuant to sections 643.300
5 to 643.355 or by obtaining a waiver pursuant to section 643.335.
6 A vehicle sold pursuant to this subdivision by a licensed motor
7 vehicle dealer shall be inspected and approved within the one
8 hundred twenty days immediately preceding the date of sale, and,
9 for the purpose of registration of such vehicle, such inspection
10 shall be considered timely.

11 (3) If the dealer chooses to sell the vehicle without prior
12 inspection and approval, the purchaser may return the vehicle
13 within ten days of the date of purchase, provided that the
14 vehicle has no more than one thousand additional miles since the
15 time of sale, if the vehicle fails, upon inspection, to meet the
16 emissions standards specified by the commission and the dealer
17 shall have the vehicle inspected and approved without the option
18 for a waiver of the emissions standard and return the vehicle to
19 the purchaser with a valid emissions certificate and sticker
20 within five working days or the purchaser and dealer may enter
21 into any other mutually acceptable agreement. If the dealer
22 chooses to sell the vehicle without prior inspection and
23 approval, the dealer shall disclose conspicuously on the sales
24 contract and bill of sale that the purchaser has the option to
25 return the vehicle within ten days, provided that the vehicle has
26 no more than one thousand additional miles since the time of

2 sale, to have the dealer repair the vehicle and provide an
3 emissions certificate and sticker within five working days if the
4 vehicle fails, upon inspection, to meet the emissions standards
5 established by the commission, or enter into any mutually
6 acceptable agreement with the dealer. A violation of this
7 subdivision shall be an unlawful practice as defined in section
8 407.020, RSMo. No emissions inspection shall be required
9 pursuant to sections 643.300 to 643.360 for the sale of any motor
10 vehicle which may be sold without a certificate of inspection and
11 approval, as provided pursuant to subsection 2 of section
12 307.380, RSMo.

13 700.320. 1. The owner of any new or used manufactured
14 home, as defined in section 700.010, shall make application to
15 the director of revenue for an official certificate of title to
16 such manufactured home in the manner prescribed by law for the
17 acquisition of certificates of title to motor vehicles, and the
18 rules promulgated pursuant thereto. All fees required by section
19 301.190, RSMo, for the titling of motor vehicles and all
20 penalties provided by law for the failure to title motor vehicles
21 shall apply to persons required to make application for an
22 official certificate of title by this subsection. In case there
23 is any duplication in serial numbers assigned any manufactured
24 homes, or no serial number has been assigned by the manufacturer,
25 the director shall assign the serial numbers for the manufactured
26 homes involved.

2 2. At the time the owner of any new manufactured home, as
3 defined in section 700.010, which was acquired in a transaction
4 subject to sales tax under the Missouri sales tax law makes
5 application to the director of revenue for an official
6 certificate of title for such manufactured home, he shall present
7 to the director of revenue evidence satisfactory to the director
8 of revenue showing the purchase price exclusive of any charge
9 incident to the extension of credit paid by or charged to the
10 applicant in the acquisition of the manufactured home, or that no
11 sales tax was incurred in its acquisition, and if sales tax was
12 incurred in its acquisition, the applicant shall pay or cause to
13 be paid to the director of revenue the sales tax provided by the
14 Missouri sales tax law in addition to the registration fees now
15 or hereafter required according to law, and the director of
16 revenue shall not issue a certificate of title for any new
17 manufactured home subject to sales tax as provided in the
18 Missouri sales tax law until the tax levied for the sale of the
19 same under sections 144.010 to 144.510, RSMo, has been paid as
20 provided in this section. As used in this subsection, the term
21 "purchase price" shall mean the total amount of the contract
22 price agreed upon between the seller and the applicant in the
23 acquisition of the new manufactured home regardless of the medium
24 of payment therefor. In the event that the purchase price is
25 unknown or undisclosed, or that the evidence thereof is not
26 satisfactory to the director of revenue, the same shall be fixed

2 by appraisement by the director. The director of the department
3 of revenue shall endorse upon the official certificate of title
4 issued by him upon such application an entry showing that such
5 sales tax has been paid or that the manufactured home represented
6 by the certificate is exempt from sales tax and state the ground
7 for such exemption.

8 3. A certificate of title for a manufactured home issued in
9 the names of two or more persons that does not show on the face
10 of the certificate that the persons hold their interest in the
11 manufactured home as tenants in common, on death of one of the
12 named persons, may be transferred to the surviving owner or
13 owners. On proof of death of one of the persons in whose names
14 the certificate was issued, surrender of the outstanding
15 certificate of title, and on application and payment of the fee
16 for an original certificate of title, the director of revenue
17 shall issue a new certificate of title for the manufactured home
18 to the surviving owner or owners; and the current valid
19 certificate of number shall be so transferred.

20 4. A certificate of title for a manufactured home issued in
21 the names of two or more persons that shows on its face that the
22 persons hold their interest in the manufactured home as tenants
23 in common, on death of one of the named persons, may be
24 transferred by the director of revenue on application by the
25 surviving owners and the personal representative or successors of
26 the deceased owner. Upon being presented proof of death of one

2 of the persons in whose names the certificate of title was
3 issued, surrender of the outstanding certificate of title, and on
4 application and payment of the fee for an original certificate of
5 title, the director of revenue shall issue a new certificate of
6 title for the manufactured home to the surviving owners and
7 personal representative or successors of the deceased owner; and
8 the current valid certificate of number shall be so transferred.

9 Section 1. 1. A sole owner of a manufactured home, and
10 multiple owners of a manufactured home who hold their interest as
11 joint tenants with right of survivorship or as tenants by the
12 entirety, on application and payment of the fee required for an
13 original certificate of ownership, may request the director of
14 revenue to issue a certificate of ownership for the manufactured
15 home in beneficiary form which includes a directive to the
16 director of revenue to transfer the certificate of ownership on
17 death of the sole owner or on death of all multiple owners to one
18 beneficiary or to two or more beneficiaries as joint tenants with
19 right of survivorship or as tenants by the entirety named on the
20 face of the certificate. The directive to the director of
21 revenue shall also permit the beneficiary or beneficiaries to
22 make one reassignment of the original certificate of ownership
23 upon the death of the owner to another owner without transferring
24 the certificate to the beneficiary or beneficiaries' name.

25 2. A certificate of ownership in beneficiary form may not
26 be issued to persons who hold their interest in a manufactured

2 home as tenants in common.

3 3. A certificate of ownership issued in beneficiary form
4 shall include after the name of the owner, or after the names of
5 multiple owners, the words "transfer on death to" or the
6 abbreviation "TOD" followed by the name of the beneficiary or
7 beneficiaries.

8 4. (1) During the lifetime of a sole owner and during the
9 lifetime of all multiple owners, the signature or consent of the
10 beneficiary or beneficiaries shall not be required for any
11 transaction relating to the manufactured home for which a
12 certificate of ownership in beneficiary form has been issued.

13 (2) A certificate of ownership in beneficiary form may be
14 revoked or the beneficiary or beneficiaries changed at any time
15 before the death of a sole owner or surviving multiple owner only
16 by the following methods:

17 (a) By a sale of the manufactured home with proper
18 assignment and delivery of the certificate of ownership to
19 another person; or

20 (b) By filing an application to reissue the certificate of
21 ownership with no designation of a beneficiary or with the
22 designation of a different beneficiary or beneficiaries with the
23 director of revenue in proper form and accompanied by the payment
24 of the fee for an original certificate of ownership.

25 (3) The beneficiary's or beneficiaries' interest in the
26 manufactured homes at death of the owner or surviving owner shall

2 be subject to any contract of sale, assignment of ownership or
3 security interest to which the owner or owners of the
4 manufactured home were subject during their lifetime.

5 (4) The designation of a beneficiary or beneficiaries in a
6 certificate of ownership issued in beneficiary form may not be
7 changed or revoked by a will, any other instrument, or a change
8 in circumstances, or otherwise be changed or revoked except as
9 provided by subdivision (2) of this subsection.

10 5. (1) On proof of death of one of the owners of two or
11 more multiple owners, or of a sole owner, surrender of the
12 outstanding certificate of ownership, and on application and
13 payment of the fee for an original certificate of ownership, the
14 director of revenue shall issue a new certificate of ownership
15 for the manufactured home to the surviving owner or owners or, if
16 none, to the surviving beneficiary or beneficiaries, subject to
17 any outstanding security interest; and the current valid
18 certificate of number shall be so transferred. If the surviving
19 beneficiary or beneficiaries makes a request of the director of
20 revenue, the director may allow the beneficiary or beneficiaries
21 to make one assignment of title.

22 (2) The director of revenue may rely on a death certificate
23 or record or report that constitutes prima facie proof or
24 evidence of death under subdivisions (1) and (2) of section
25 472.290, RSMo.

26 (3) The transfer of a manufactured home at death pursuant

2 to this section is not to be considered as testamentary, or to be
3 subject to the requirements of section 473.087, RSMo, or section
4 474.320, RSMo.

5 [390.340. Notwithstanding any
6 provisions of section 390.136, to the
7 contrary, beginning with the first calendar
8 year after August 28, 1996, the annual
9 licenses required pursuant to section
10 390.136, with reference to motor vehicles
11 operated by motor carriers shall be effective
12 from January first to December thirty-first
13 of the year for which they are issued, and
14 the annual license fees for each calendar
15 year shall be due and payable on or before
16 the thirty-first day of December in the year
17 immediately preceding the year for which they
18 are issued. The division shall begin issuing
19 the annual licenses on August first of each
20 year for the succeeding calendar year, but
21 this shall not preclude the division from
22 continuing to issue the current year's
23 licenses as needed for the remainder of the
24 current calendar year.]

25 [622.618. Notwithstanding any
26 provisions of section 390.136, RSMo, to the
27 contrary, beginning with the first calendar
28 year after August 28, 1996, the annual
29 licenses required pursuant to section
30 390.136, RSMo, with reference to motor
31 vehicles operated by motor carriers shall be
32 effective from January first to December
33 thirty-first of the year for which they are
34 issued, and the annual license fees for each
35 calendar year shall be due and payable on or
36 before the thirty-first day of December in
37 the year immediately preceding the year for
38 which they are issued. The division shall
39 begin issuing the annual licenses on August
40 first of each year for the succeeding
41 calendar year, but this shall not preclude
42 the division from continuing to issue the
43 current year's licenses as needed for the
44 remainder of the current calendar year.]

45 Section B. Because immediate action is necessary to deter

2 the commission of fraud in the obtaining of driver's licenses in
3 this state, the repeal and reenactment of section 302.230 of
4 section A of this act and the enactment of section 302.233 of
5 section A of this act is deemed necessary for the immediate
6 preservation of the public health, welfare, peace and safety, and
7 is hereby declared to be an emergency act within the meaning of
8 the constitution, and the repeal and reenactment of section
9 302.230 of section A of this act and the enactment of section
10 302.233 of section A of this act shall be in full force and
11 effect upon its passage and approval.

12 Section C. The repeal and reenactment of sections 21.795,
13 67.1808, 301.132, 301.144, and 301.190, and the enactment of
14 sections 67.1813, 301.134, 301.3032, 301.3079, 301.3098,
15 301.3106, 301.3122, 301.3124, 301.3125, 301.3126, 301.3128,
16 301.3129, 301.3130, 301.3131, 301.3132, 301.3133, 301.3137,
17 301.3139, 301.3142, 301.3143, 301.3144, 301.3146, 301.3147,
18 301.3150, 301.3152, 301.3154, 301.3155, 301.3999, 304.155,
19 304.156, and 304.157 of section A of this act shall become
20 effective January 1, 2005.

21 Section D. The repeal and reenactment of sections 365.020,
22 365.080, and 365.100 of section A of this act shall become
23 effective August 28, 2005.

24 Section E. The repeal and reenactment of sections 302.225,
25 302.272, 302.302, 302.309, 302.700, 302.725, 302.740, 302.755,
26 302.756, 302.760, and 577.054, and the enactment of sections

2 302.273, 302.345, 302.347, 302.727, and 365.100 of section A of
3 this act shall become effective September 30, 2005.

4 Section F. The repeal and reenactment of sections 301.280
5 and 577.080 of section A of this act shall become effective
6 January 1, 2006.

7 Section G. The repeal and reenactment of sections 301.055,
8 301.057, 301.058, and 301.130, and the enactment of sections
9 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215,
10 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227 of section A
11 of this act shall become effective January 1, 2007.